

CALIFORNIA PROPOSITION 65

# Prop 65 Compliance

## *for Cookies*



System-Based Compliance. Not Just Testing.

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Presented by: **Prop65Compliance.com**

Compliance Management by Consultare Inc. Group

Powered by *SystemsBuilder.pro*

**5,000+**

NOVs in 2025

**~38%**

Food Share

# Why This Matters

California Prop 65 applies to all baked goods — and cookies trigger TWO Prop 65 chemicals at once.



## ⚠️ WARNING

*This product can expose you to chemicals known to the State of California to cause cancer, birth defects, or other reproductive harm.*

— P65Warnings.ca.gov

**Artisan ≠ Exempt**



### Enforcement Is Aggressive

California requires warnings for exposure to listed chemicals — enforcement is driven by private lawsuits ('bounty hunters').



### Penalties Are Real

Non-compliance leads to financial penalties, legal costs, relabeling, and product removal from shelves.



### Applies to All Cookies

No exemption for chocolate chip, sandwich, shortbread, biscotti, gluten-free, or 'clean-label' cookies — domestic or imported.



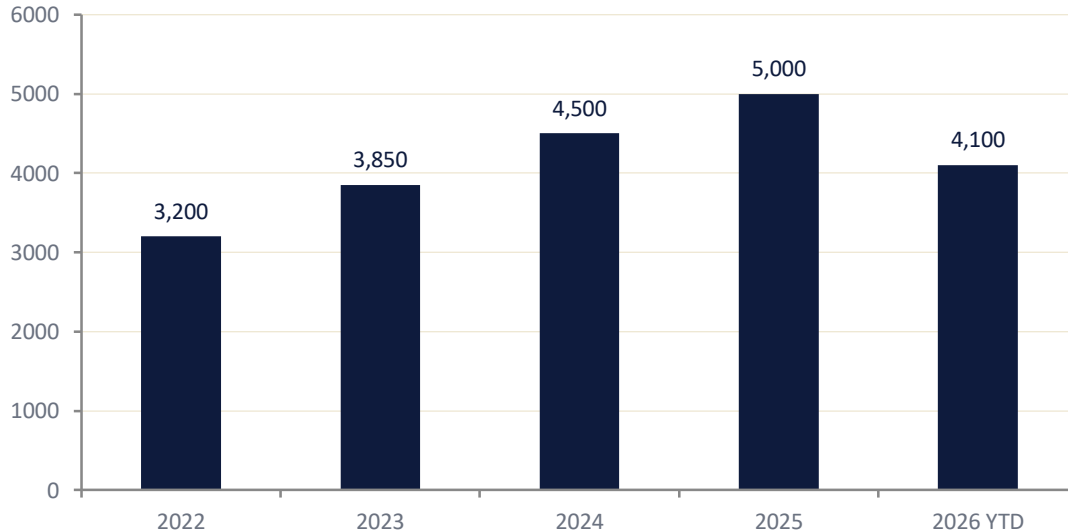
### Documentation Is Your Defense

Without a compliance system, most companies settle. A defensible record is what ends threats cheaply.

# Prop 65 Enforcement Trends (2024–2026)

Enforcement is increasing, not slowing down.

Annual Prop 65 NOVs Issued



Source: OAG 60-Day Notice database; industry-category tallies.

~38%

Food & Supplements

Largest single category of Prop 65 enforcement in 2025.

~\$86M

2026 Settlements

Record enforcement activity — majority paid to attorneys.

**Cookies  
Under Fire**

Acrylamide + Chocolate Lead

Major bakery brands have settled acrylamide cases for years — chocolate-cookie makers face added lead & cadmium exposure.

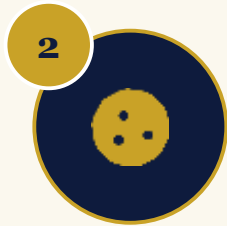
# Why Cookies Are at Risk

*Acrylamide forms during baking; lead & cadmium ride in with chocolate — every cookie is exposed twice.*



## Ingredients

Flour & starches contain asparagine — the precursor that becomes acrylamide during baking.



## Chocolate & Cocoa

Cocoa solids carry lead & cadmium absorbed during fermentation, drying, and from soil.



## Baking

Acrylamide forms above ~248°F via the Maillard reaction — darker, crispier cookies = higher levels.



## Daily Exposure

Acrylamide MADL is just 0.2 µg/day — a single cookie can exceed it without averaging defenses.



**Artisan & 'small-batch' claims do not eliminate acrylamide or chocolate-metal exposure.**

*Acrylamide is on the Prop 65 list (cancer + reproductive); lead & cadmium in chocolate are documented Prop 65 targets — bakery enforcement is established and ongoing.*

# Business Impact of Non-Compliance

*A Prop 65 action hits the balance sheet long before a verdict.*



## 60-Day Notice of Violation

Plaintiff's attorney files with the AG; clock starts immediately on response.



## Settlement Exposure

Typical settlements \$20K–\$100K+ per action — plus attorney fees.



## Relabeling & Reformulation

Product pulled, warning labels added, ingredient sourcing reviewed.



## Retail & Distributor Pressure

Buyers demand evidence of compliance before reinstatement or renewal.

*Most companies settle — not because they're guilty, but because their documentation is weak.*

WHAT

# Why Prop65Compliance.com

*Compliance-focused. Not a law firm. System-based — not one-time testing.*



## Compliance-Focused

We don't litigate — we build the system that prevents litigation.



## System-Based Approach

Testing alone doesn't protect you. A documented program does.



## Managed by Consultare Inc. Group

Operational oversight from a dedicated compliance management team.



## Built on SystemsBuilder.pro

Artifact-based system, document control, and AI-assisted workflows.



OUR PROMISE

*We build and manage  
your defensible  
compliance system.*

So when a 60-day notice arrives,  
you already have the answers.

WHAT

# What We Deliver

*An end-to-end Prop 65 compliance program — not a one-time report.*



**Product Risk  
Assessment**



**Chemical Testing  
Oversight**



**Exposure  
Evaluation**



**Compliance  
Determination**



**Warning Label  
Strategy**



**Supplier  
Compliance Program**



**Documentation  
System**



**Ongoing  
Monitoring**

*Each component is documented, traceable, and audit-ready.*

# Core Technical Components

*The compliance stack underneath every determination we issue.*



## Acrylamide & Heavy-Metal Testing

Oversight of acrylamide in finished cookies plus lead, cadmium & arsenic in chocolate, cocoa & ingredients at ISO 17025 labs.



## Exposure vs MADL Evaluation

Serving-size, daily-exposure, and averaging calculations against the 0.2 µg/day acrylamide MADL and 0.5 µg/day lead MADL for each SKU.



## Supplier COA Verification

Incoming flour, chocolate, cocoa & ingredient Certificates of Analysis cross-checked against Prop 65 screening thresholds.



## Batch-Level Compliance Review

Every batch is logged, reviewed, and tied to a compliance determination on file — including bake-color and time deviations.



## Warning Label Determination

Clear 'warn vs no-warn' logic for both acrylamide AND heavy metals — defensible against private enforcement.

# Supply-Chain Compliance Control

*Prevent the issue upstream — before it reaches your label.*



## Supplier Attestation

Certifications collected from flour, chocolate, cocoa & ingredient suppliers — including chocolate origin.



## Bake Process Mapping

Time, temperature & color targets logged — acrylamide is a process variable, not just an ingredient one.



## COA & Threshold Verification

Every batch COA verified for acrylamide, lead & cadmium against Prop 65 screening thresholds.



## Corrective Action (SCAR)

Recipe, supplier & bake-process corrective actions logged, verified, and closed out.

*Prevent exposure issues before they reach the consumer — and the courtroom.*

# The SystemsBuilder Approach

*Artifact-based compliance — pay for structure, not repetition.*

ARTIFACTS vs RECORDS



*You pay for the structure — not the records.*

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*Build once. Use forever.*

Example:

ARTIFACT (you pay)

## Testing Program

One document that defines how all testing is conducted, reviewed, and documented.



*Generates unlimited*

RECORDS (no added cost)

## Unlimited Lot Test Results

Every lot tested fills out the same framework — no new artifact needed.

→ *Scalable, predictable, cost-efficient.*

# How It Works

*A three-phase program. Setup once. Monitor continuously.*

## 01 STEP Setup

- Product intake & scoping
- Risk identification by category
- Testing plan creation
- Documentation structure

## 02 STEP Implementation

- Lab coordination (ISO 17025)
- Exposure & MADL calculations
- Compliance determination
- Warning-label decisions

## 03 STEP Monitoring

- Monthly compliance oversight
- Lot & batch review
- Trend analysis
- Audit-ready reporting

# Setup Pricing — One-Time Investment

*Build your defensible Prop 65 compliance system.*

## COMPLIANCE SYSTEM SETUP

# \$1,500

*up to 3 finished products*

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## + \$150

each additional finished product

*One-time investment to build your system.*

## SETUP INCLUDES

- ✓ Risk assessment
- ✓ Testing program design
- ✓ Exposure evaluation framework
- ✓ Documentation system setup
- ✓ Compliance determination structure

# Monthly Monitoring — Ongoing Oversight

*Continuous compliance. Keep your system alive.*

## ONGOING COMPLIANCE OVERSIGHT

# \$500

*per month — up to 7 finished products*

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## + \$50 / month

per additional finished product

*Keeps you continuously compliant.*

## MONITORING INCLUDES

- ✓ Lot / batch test review
- ✓ Compliance verification
- ✓ Monthly reporting
- ✓ Trend analysis

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*Cancel anytime. No long-term contracts.*

# Testing Monitoring Fees

*Per-event oversight — pay only when your product is tested.*

# \$35

## per testing monitoring event

*Per lot / batch — covers lab-report review, threshold comparison, compliance determination & documentation update.*

### WHAT THE \$35 COVERS

- ✓ Lab report review
- ✓ Threshold comparison vs MADL
- ✓ Compliance determination
- ✓ Documentation update

### IMPORTANT — LAB FEE EXCLUSION

**Laboratory testing fees are NOT included.**

Testing is conducted by independent ISO 17025 accredited laboratories.

All lab costs are billed directly to the client by the laboratory.

*We provide oversight and compliance review — not laboratory testing services.*

*Pay only for actual testing events • No markup on lab fees • Independent results ensure defensibility*

# What You Receive

*Every client gets a defensible, audit-ready document package.*



## Lot Compliance Review Reports

Per-lot review with pass/fail determination, threshold comparison, and reviewer sign-off.



## Monthly Summary Reports

Rolling snapshot of all testing events, compliance status, and open action items.



## Compliance Monitoring Logs

Date-stamped log of every decision made — the backbone of defensibility.



## Supplier Tracking Records

Attestations, COAs, risk ratings, and corrective actions by supplier.



## Audit-Ready Documentation

Packaged for OAG inquiries, retailer audits, and legal counsel on 24-hour notice.

# Built for Defensibility

*Documentation is the difference between a quick close-out and a six-figure settlement.*



## Documented Due Diligence

Every decision has a record, a reviewer, and a date.



## Verified Lab Testing

ISO 17025 independent results — no conflicts of interest.



## Traceable Decisions

Supplier → material → lot → determination — fully linked.



## Structured System

Not ad-hoc — a real management system reviewers recognize.

*Critical for lawsuits • Retail audits • Regulatory inquiries*

# DIY Option — SystemsBuilder.pro

*Prefer to manage it yourself? The same artifact library, à la carte.*

COMMUNITY LIBRARY

**\$1**






*per artifact*

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Build your own system on your own terms.

***SystemsBuilder.pro***

## ACCESS THE FULL LIBRARY

-  Prop 65 Programs
-  Policies
-  Procedures (SOPs)
-  Forms (Artifacts)
-  Logs & Templates

# Managed Service vs. DIY

*Same system. Different execution — you choose who drives.*

## MANAGED SERVICE

*by Consultare Inc. Group*

- ✓ Hands-off compliance execution
- ✓ Expert-managed monitoring
- ✓ Monthly reporting delivered

*Best for: growing brands without in-house QA capacity*

## DIY (SystemsBuilder)

*at SystemsBuilder.pro*

- ✓ Self-managed execution
- ✓ \$1-per-artifact library access
- ✓ Internal team runs the program

*Best for: teams with existing compliance capability*

*Same system. Same artifacts. Same defensibility. — You choose who operates it.*

# Your Risk Profile

*Every one of these factors increases your exposure — independently.*



## #1 ENFORCEMENT TARGET

### Food Category

Food & supplements = largest Prop 65 enforcement category in 2025.



## TOP LITIGATION DRIVER

### Acrylamide + Heavy Metals

Bakery acrylamide cases have been litigated for years; the 2022 chocolate lead/cadmium findings expanded targets to include cookies.



## NATURAL EXPOSURE RISK

### Cookies

Acrylamide forms naturally during baking; chocolate ingredients add lead & cadmium — risks compound, they don't substitute.



## STRICT ENVIRONMENT

### California

Most aggressive private-enforcement regime in the United States.

*⚠ Your product is already in a high-risk category — even if you've done nothing wrong.*

CALL TO ACTION

# Don't wait for a 60-Day Notice.

*Start your Prop 65 compliance system today.*



## MANAGED COMPLIANCE

**Let us manage it for you.**

- ✓ End-to-end Prop 65 system setup
- ✓ Ongoing monitoring & oversight
- ✓ Audit-ready documentation
- ✓ Expert-managed execution



## DIY LIBRARY

**Build it yourself.**

- ✓ \$1-per-artifact library access
- ✓ Community programs & policies
- ✓ Forms, logs & templates
- ✓ Run it your way, in-house

*“Build it yourself — or let us manage it for you.”*