

CALIFORNIA PROPOSITION 65

Prop 65 Compliance for Cosmetic Powders

System-Based Compliance. Not Just Testing.

Presented by: Prop65Compliance.com

Compliance Management by Consultare Inc. Group

Powered by SystemsBuilder.pro



5,000+

NOVs in 2025

~38%

PC + Cosmetics

Why This Matters

Cosmetic powders sit at the top of California's enforcement stack — Prop 65, AB 2762, AB 496, and active mass-tort litigation, with no federal floor.



⚠️ 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

Talc & Asbestos



Enforcement Is Aggressive

Personal care & cosmetics is one of the top three Prop 65 enforcement categories — over 5,000 NOVs filed in 2025 alone.



Penalties Are Real

Civil penalties run up to \$2,500 per violation per day — plus AB 2762 enforcement, mass-tort exposure, and California Safe Cosmetics Program delisting.



Cited by Name

Johnson & Johnson faces 11,000+ talc-asbestos lawsuits; an October 2025 LA County jury awarded \$966 million for a single wrongful-death claim.



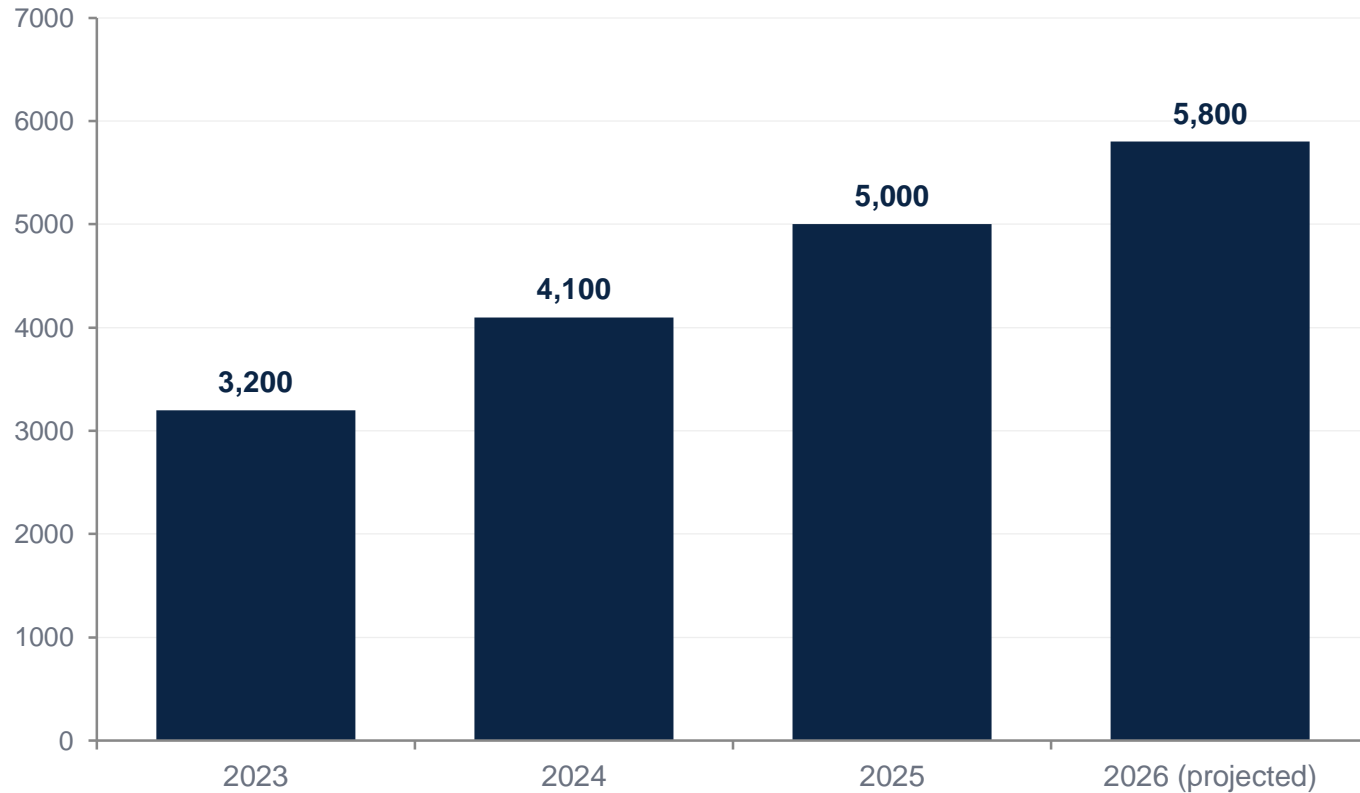
Documentation Is Your Defense

Without a compliance system, most cosmetic brands settle. A defensible record is what separates a quick close-out from a nine-figure verdict.

Cosmetic Powder Risk Vectors

Four converging regulatory pressures — and the federal floor just got weaker.

Annual Prop 65 NOVs Issued



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

11,000+

Talc Lawsuits

Johnson & Johnson alone faces 11,000+ talc-asbestos lawsuits; October 2025 LA County jury awarded \$966M for one death.

AB 2762

California Mandate

Toxic-Free Cosmetics Act bans 13 ingredients (incl. PFAS) effective Jan 2025; AB 496 adds 26 more by Jan 2027.

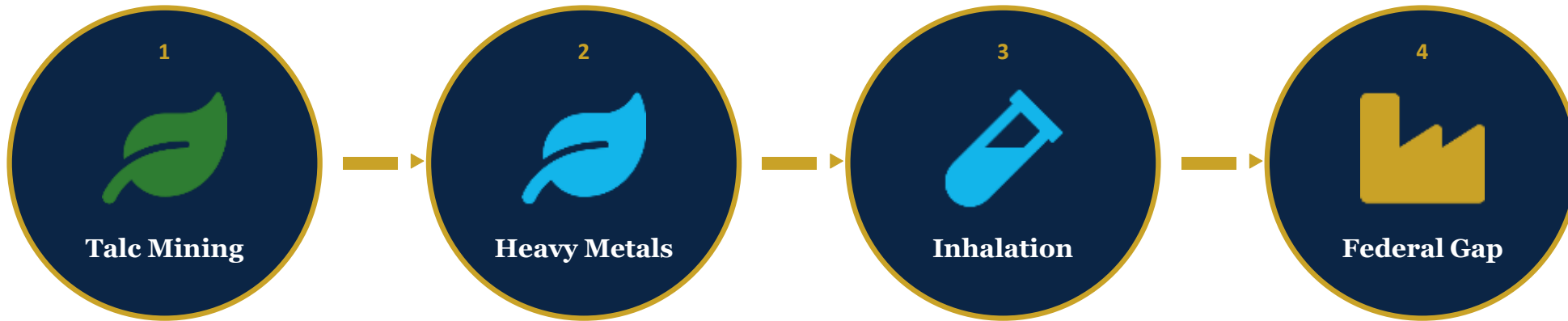
Federal Pullback

FDA Withdrew Talc Rule

FDA officially withdrew its asbestos-in-talc testing rule on Nov 28, 2025 — leaving California as the only enforcement framework with teeth.

Why Cosmetic Powders Are at Risk

Cosmetic powders combine the most-litigated ingredient in personal care (talc) with the most-exposed application route (inhalation).



Talc is mined alongside asbestos veins — geological co-occurrence drives contamination

Mineral pigments (iron oxides, mica) routinely carry trace lead, arsenic & cadmium

Loose powders airborne during application — inhalation route adds to skin exposure

FDA withdrew its proposed talc-asbestos testing rule (Nov 2025) — California is the only test



‘Cosmetic-grade’ talc does NOT exempt brands from Prop 65.

Lead MADL is 0.5 µg/day; asbestos has no safe-harbor level under Prop 65. A loose powder applied daily creates both dermal AND inhalation exposure pathways — each with separate liability.

Business Impact of Non-Compliance

Prop 65 + AB 2762 + mass tort — three balance-sheet hits, each with its own clock.



60-Day Notice of Violation

Plaintiff’s attorney files with the AG; personal care is a top-three enforcement category.



Mass-Tort Exposure

Talc-asbestos verdicts have hit \$4.69B (Missouri) and \$966M (LA County) — far beyond Prop 65 settlement ranges.



Banned-Ingredient Reformulation

AB 2762 and AB 496 force reformulation, not just relabeling — 39 ingredients banned outright by 2027.



Retail Delisting

Sephora, Ulta, and major retailers require AB 2762 attestation; California Safe Cosmetics Program flagged 173 products in 2025 alone.

Most brands settle — not because their products are unsafe — but because their documentation can’t prove they aren’t.

Why Prop65Compliance.com

Compliance-focused. Built for the multi-statute cosmetics stack — not one-time COAs.



Compliance-Focused

We don't litigate — we build the Prop 65 + AB 2762 system that prevents litigation.



System-Based Approach

Testing alone doesn't protect you when a federal rule gets withdrawn. 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 We Deliver

An end-to-end Prop 65 + AB 2762 cosmetics 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.



Asbestos & Metals Testing

PLM + TEM analysis for asbestos in talc-bearing powders; ICP-MS for Lead (MADL 0.5 µg/day), Cadmium, Arsenic & Mercury in mineral pigments.



Dermal + Inhalation Exposure

Application-frequency, surface-area, and inhalable-fraction modeling to determine warning duty under Prop 65.



Banned-Ingredient Screening

AB 2762 (13 ingredients, 2025) + AB 496 (26 more by 2027) ingredient screening, supplier attestations, and reformulation tracking.



Batch-Level Compliance Review

Every lot is logged, reviewed, and tied to a compliance determination on file.



Warning Label Determination

Clear 'warn vs no-warn' logic for talc, lead, asbestos & TiO2 — documented and defensible against private enforcement.

Supply-Chain Compliance Control

Prevent the issue at the mine — before it reaches your formula.



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.

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 Batch 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/IEC 17025)
- Exposure & MADL calculations
- Banned-ingredient screening
- Warning & reformulation decisions

03 STEP Monitoring

- Monthly compliance oversight
- Batch & lot 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

+ \$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

+ \$50 / month

per additional finished product

Keeps you continuously compliant.

MONITORING INCLUDES



Batch / lot test review



Compliance verification



Monthly reporting



Trend analysis

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.



Batch 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, mass-tort discovery, and legal counsel on 24-hour notice.

Built for Defensibility

Documentation is the difference between a quick close-out and a nine-figure verdict.



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 → batch → determination — fully linked.



Structured System

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

Critical for lawsuits • Retail audits • Regulatory inquiries

OPTION

DIY Option — SystemsBuilder.pro

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



COMMUNITY LIBRARY

\$1
per artifact

Build your own system on your own terms.

SystemsBuilder.pro

ACCESS THE FULL LIBRARY



Cosmetics 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.

TOP-3 NOV CATEGORY



Personal Care

Personal care & cosmetics is consistently one of the top three Prop 65 enforcement categories — over 5,000 NOVs filed in 2025.

MASS TORT DRIVER



Talc + Asbestos

Johnson & Johnson alone faces 11,000+ active lawsuits; recent verdicts have hit \$966M (LA, 2025) and \$4.69B (Missouri).

MULTI-STATUTE RISK



Cosmetic Powders

Prop 65 + AB 2762 + AB 496 + mass tort + withdrawn FDA rule — five vectors stacked on the most-litigated category in personal care.

STRICT ENVIRONMENT



California

Most aggressive consumer-protection regime in the U.S. — and the only meaningful test framework after the FDA pulled back.



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 + AB 2762 compliance system today.



MANAGED COMPLIANCE

Let us manage it for you.

- End-to-end Prop 65 + AB 2762 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.”

Prop65Compliance.com • [SystemsBuilder.pro](#)