

## **Dealer Bulletin**

### **California Proposition 65 Warning Requirements**

On August 30, 2016, California passed regulations amending the Proposition 65 warning requirements with a two-year implementation period. These regulations established new Safe Harbor warning requirements. Businesses are required to provide a "clear and reasonable" warning before exposing anyone to a listed chemical. The new regulations provide methods of transmission and language deemed to be compliant with the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65). These warnings can be given in several ways, such as product labeling and posting signs.

On June 15, 2016, GM Customer Care and Aftersales issued Dealer Bulletin GCUS-9-2323 entitled, "California Proposition 65" recommending that service centers display Proposition 65 Warnings. In light of the 2016 regulatory amendments, GM is providing updated recommended warning language to be displayed in the vehicle repair facility, at the service counter and parts sales counters as well as suggested information for internet sales. See Attachments 1-3. See also GM Bulletin 18-06 California Proposition 65 Warning Requirements about the necessity for Proposition 65 Warning language to be on a label attached to the front window on the driver's side of the vehicle.

GM Dealers in California should seek their own legal representation and trade associations for guidance for this, as well as any other Proposition 65 warning requirements.

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#### Service Parts Sales Counter Warning

Dealer Bulletin GCUS-9-2323 entitled “California Proposition 65”, dated June 15, 2016, recommended that service centers display warnings at point of sale for aftermarket and service products. In light of the August 30, 2016 revisions to the warning regulations, GM recommends the following warnings as good faith compliance. Please see § 25603 Consumer Product Exposure Warnings–Content, section (a)(1). This warning should be at least as large and conspicuous as other warnings. If other signage at the service center or facility is provided for the public in a language other than English, the warning must be provided in both English and that language.

 **WARNING**

Contact with motor vehicles and motor vehicle parts and products such as batteries, bearings, bushings, and other parts can expose you to chemicals, including phthalates, lead and nickel, which are known to the State of California to cause cancer and birth defects or other reproductive harm. Service vehicles in a well-ventilated area, wear gloves and wash your hands frequently when servicing your vehicle. For more information go to [www.P65Warnings.ca.gov](http://www.P65Warnings.ca.gov) and [www.p65warnings.ca.gov/passenger-vehicle](http://www.p65warnings.ca.gov/passenger-vehicle).

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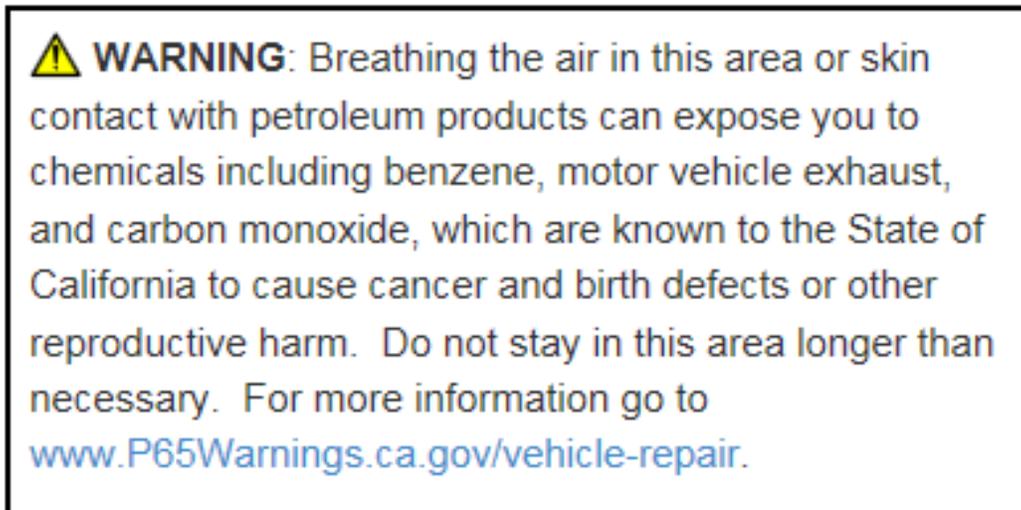
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#### Vehicle Repair Facility Warning

Vehicle-repair facilities can expose people to chemicals when motor vehicles are being serviced or repaired. Some of these chemicals at vehicle-repair facilities are on the Proposition 65 list because they can cause cancer and/or birth defects or other reproductive harm. In light of the August 30, 2016 revisions to the warning regulations, GM recommends the following warning be placed in the dealership as good faith compliance. The warning must be printed in no smaller than 32-point type and be enclosed in a box. If other signage at the vehicle-repair facility is provided for the public in a language other than English, the warning must be provided in both English and that language. Visit [www.P65Warnings.ca.gov/vehicle-repair](http://www.P65Warnings.ca.gov/vehicle-repair) for more information.



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Internet Sales Warning

If a dealer sells products via the internet, the new regulations also require conspicuous Proposition 65 notice to be given on the sales webpage. Please see § 25602. Consumer Product Exposure Warnings - Methods of Transmission, Section (b). If other internet warnings are provided in a language other than English, the warning must be provided in both English and that language.

(b) For internet purchases, a warning that complies with the content requirements of Section 25603(a) must also be provided by including either the warning or a clearly marked hyperlink using the word **“WARNING”** on the product display page, or by otherwise prominently displaying the warning to the purchaser prior to completing the purchase. If warning is provided using the short-form warning label content pursuant to Section 25602(a)(4), the warning provided on the website may use the same content. For purposes of this subarticle, a warning is not prominently displayed if the purchaser must search for it in the general content of the website.

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