



**STOCKCAP VISIPAK GRIPWORKS**

August 28, 2018

## **RE: Changes in Sinclair & Rush Product Labeling and Packaging**

Recent changes in the law in the State of California are causing Sinclair & Rush to make changes to the way we label and package some of our products. Our products have not changed, nor has the safety of using our products. However, the only way to prevent lawsuits relating to any of our products that are sold at retail in California is to make the changes. The type and reason for the changes are discussed below.

We are writing to you now, because effective **August 30, 2018**, the labeling requirements of Prop 65 that apply to products sold in California will be changing.

We are proactively changing our labeling and packaging. You may wish to do the same. To determine how Prop 65 will affect you or your products, you may wish to conduct your own investigation into Prop 65. As a place for you to start, we provide the following information: <http://www.oehha.ca.gov/prop65.html>.

According to Prop 65, a warning label must be provided to California residents if your product is sold at retail in California and:

- a) one or more Prop 65 chemicals is in your product; AND
- b) individuals coming into contact with the product can be exposed to the chemical above a level that is so low as to pose no significant risk of cancer or birth defects, or other reproductive harm

The agency that regulates Prop 65 in California has published certain tables of exposure limits that are per se below the level where a warning is needed. Those published levels are known as "safe harbor" levels. According to Prop 65, when no safe harbor levels have been published, those subject to Prop 65 are responsible for demonstrating the safe use of a listed substance. The California Prop 65 list is a living document and as such new chemicals are added or removed from the list regularly.

Prior to August 30, 2018 applicable products sold by Sinclair & Rush, Inc. contained the following Prop 65 warning verbiage:

**WARNING. THIS PRODUCT CONTAINS A CHEMICAL KNOWN TO THE STATE OF CALIFORNIA TO CAUSE CANCER, OR BIRTH DEFECTS OR OTHER REPRODUCTIVE HARM.**

As a result of the change in the law effective as of August 30, 2018, and to be proactive in responding to it, applicable Sinclair & Rush, Inc. products will display and follow the new Prop 65 label and packaging requirements and state:



WARNING: This product can expose you to chemicals including DI(2-ETHYLHEXYL) PHTHALATE which is known to the State of California to cause cancer and birth defects or other reproductive harm and DIISONONYL PHTHALATE which is known to the State of California to cause cancer. For more information go to [www.p65warnings.ca.gov](http://www.p65warnings.ca.gov)

This language is required under the law and we have no flexibility in its wording. If you choose to label your product or packaging, you should confirm the proper wording applicable to you.

Should you wish to learn more about Prop 65, one resource on is the California Office of Environmental Health Hazard Assessment's own website: <http://www.oehha.ca.gov/prop65.html>.

AS LONG AS YOU FOLLOW THE LETTER OF LAW AS TO PROP 65 AND LABEL YOUR PRODUCT ACCORDINGLY WITH PROP 65 APPROVED LABELING YOUR PRODUCT WILL BE COMPLIANT WITH CALIFORNIA PROP 65.

Sinclair & Rush is not providing legal advice, and is not suggesting that you should rely on Sinclair & Rush to assess your legal rights and obligations. We do recommend that if you have any questions related to your products and the potential legal issues as they relate to California Proposition 65, that you seek advice from your legal advisors.

If you would like more information about the specific products you purchase from Sinclair & Rush, you may request a Material Safety Data Sheet form at any time by emailing your request to [mgeorgevitch@sinclair-rush.com](mailto:mgeorgevitch@sinclair-rush.com).

The following excerpt explains more about Prop 65 and we hope you find it helpful.

Sincerely,

Sinclair & Rush Compliance Team

DETAILS:

## California Prop 65

While we cannot provide our customers with legal advice, Sinclair & Rush, has assembled the below information for our customers as a starting point for any investigation our customers may wish to undertake concerning California Prop 65.

### **What is Prop 65?**

The Safe Drinking Water and Toxic Environment Act of 1986 is also known as Proposition 65 or Prop 65 for short. While there is no abbreviated way to capture the full text and implications of the law, one of the aspects of Prop 65 is that it requires anyone doing business in California, or placing a product into the stream of commerce for sale in California, to label the product if human exposure to a listed substance in the product is expected to be at a level above a safe level for any Prop 65 substance in the product.

**Since a Prop 65 chemical is present in the Sinclair & Rush product I purchased, do I need to place a label on any product of mine that includes or incorporates the Sinclair & Rush product.** Generally, a product warning is needed if the following three criteria are met:

- The product containing a Prop 65 chemical is sold in California, and
- The product is sold after the Prop 65 chemical is listed and effective, and
- Exposure to the Prop 65 chemical is above a safe level

### **How do I determine if consumer exposure is above a safe level?**

While an attorney experienced in Prop 65 matters is the best source of advice, business wanting to investigate on their own whether a consumer will be exposed above a safe level need at least three pieces of information: 1) whether a consumer would have contact with the portion of the product that contains the Prop 65 chemical (that contact could come from dermally contacting the chemical, ingesting the chemical, inhaling the chemical or otherwise); 2) what level of exposure would result from the consumer contact with the Prop 65 chemical, and 3) against what standard will the consumer contact be measured. These steps can be simplified if there is a published "safe harbor" exposure limit.

### **What if there is no published "safe harbor" level?**

Absent a published safe harbor level, Prop 65 places the responsibility for demonstrating the safety of a Prop 65 chemical with individuals and businesses, not OEHHA. To demonstrate safety, a business must measure the amount of any Prop 65 chemical present in any aspect of its product and then conduct product specific testing to estimate the level of exposure to consumers and the safety of consumers under that level of exposure under a variety of potential conditions.

### **How do I know what the Prop 65 chemical level is in a Sinclair & Rush product?**

The level of chemicals varies depending on the specific Sinclair & Rush product purchased. Outside testing at a third party lab at the expense of the customer would be required to determine specific levels.

### **What is next for my business?**

If you have additional questions about Prop 65, the ACC has published an excellent presentation on the topic available through this web address: : <http://www.oehha.ca.gov/prop65.html>.

Likewise you may contact us via email at [corporate@sinclair-rush.com](mailto:corporate@sinclair-rush.com) for further assistance.