

## **Zappos' California Proposition 65 Vendor Policy**

Proposition 65 (Prop 65) is a CA law that regulates the sale of products containing potentially hazardous chemicals to California consumers. Specifically, Prop 65 requires businesses to provide potential customers with a "clear and reasonable" warning prior to making a purchase that a product could expose CA consumers to any of the roughly 975 carcinogens or reproductive toxins.

This policy describes your obligation(s) to provide us with Proposition 65 warnings and how those warnings will be displayed. Background information on Proposition 65 and how it applies to you is also provided below for your convenience.

### **How to provide us with Proposition 65 warnings for your products**

For all existing and new product listings, you have an obligation to determine if the product requires a Proposition 65 warning and provide the warning as required by California law. If your existing listing contains a Proposition 65 warning, you need to update the listing no later than August 15, 2018. (See below for examples of permissible warnings under the new regulations). For any listings that you do not update by August 15, 2018, you agree no warnings are required for those listings and we may remove any existing warnings for that listing.

If your product listing requires a Proposition 65 warning, then you must provide us with the updated warning as follows:

#### **New/existing product listings**

- Include the Proposition 65 warning during New Item Setup process on the VSSC forms.
  - o California Proposition 65 Warning Type (Column CC)
  - o California Proposition 65 Chemical Name(s) (Columns CD and CE)
  - o Example:

CC	CD	CE
REQUIRED (if applicable)	CONDITIONALLY REQUIRED	OPTIONAL
Furniture	Lead	Lead
Chemical	Toluene	Toluene diisocyanate

In the rare case that a court requires you to provide a specific Proposition 65 warning for your product that is not listed on the VSSC forms, then you must email [New Item Setup](#) to provide us with such warning.

If you are not the manufacturer of the product you are listing, you must provide us with any Proposition 65 warning you have received from the manufacturer of the product.

You may not provide us with a Prop 65 warning in any other way (for example, by phone) and you may not provide us with any warning materials such as labels, labeling, shelf signs, or tags to display with your product unless we otherwise instruct you in writing.

#### **California Proposition 65 Warning Types, as applicable**

- Chemical
- Food
- Furniture
- On Product Cancer
- On Product Reproductive
- On Product Combined Cancer and Reproductive
- Alcoholic Beverage
- Raw Wood
- Passenger or Off-road Vehicle
- Recreational Vessel
- Diesel Engine

If you select a Food, Furniture, or Chemical Warning Type, then you must also select at least one Chemical Name. You may not select more than five Chemical Names.

California Proposition 65 Warning Type	Warning that will be Displayed
Chemical	<p><u>For exposures to chemicals that cause cancer:</u></p> <p><b>⚠️ WARNING</b> This product can expose you to chemicals including [name of one or more chemicals], which is [are] known to the State of California to cause cancer. For more information go to <a href="http://www.P65Warnings.ca.gov">www.P65Warnings.ca.gov</a>.</p> <p><u>For exposures to chemicals that cause reproductive toxicity:</u></p> <p><b>⚠️ WARNING</b> This product can expose you to chemicals including [name of one or more chemicals], which is [are] known to the State of California to cause birth defects or other reproductive harm. For more information go to <a href="http://www.P65Warnings.ca.gov">www.P65Warnings.ca.gov</a>.</p> <p><u>For exposures to different chemicals that cause cancer and reproductive toxicity:</u></p> <p><b>⚠️ WARNING</b> This product can expose you to chemicals including [name of one or more chemicals], which is [are] known to the State of California to cause cancer, and [name of one or more chemicals], which is [are] known to the State of California to cause birth defects or other reproductive harm. For more information go to <a href="http://www.P65Warnings.ca.gov">www.P65Warnings.ca.gov</a>.</p> <p><u>For exposures to chemicals that cause both cancer and reproductive toxicity:</u></p> <p><b>⚠️ WARNING</b> This product can expose you to chemicals including [name of one or more chemicals], which is [are] known to the State of California to cause cancer and birth defects or other reproductive harm. For more information go to <a href="http://www.P65Warnings.ca.gov">www.P65Warnings.ca.gov</a>.</p>
Food	<p><b>⚠️ WARNING</b> -- Consuming this product can expose you to chemicals including [name of one or more chemicals], which is [are] known to the State of California to cause cancer and [name of one or more chemicals], which is [are] known to the State of California to cause birth defects or other reproductive harm. For more information go to <a href="http://www.P65Warnings.ca.gov/food">www.P65Warnings.ca.gov/food</a></p>
Furniture	<p><b>⚠️ WARNING</b> -- This product can expose you to chemicals including [name of one or more chemicals known to cause cancer, name of one or more chemicals known to cause reproductive toxicity, or name of one or more chemicals known to cause both cancer and birth defects or other reproductive harm], which is [are] known to the State of California to cause cancer or birth defects or other reproductive harm. For more information go to <a href="http://www.P65Warnings.ca.gov/furniture">www.P65Warnings.ca.gov/furniture</a>.</p>

If your product has one of the following on-product warnings printed on or affixed to the product or its container or wrapper, then you must select one of the following Warning Types:

California Proposition 65 Warning Type	Warning that will be Displayed
On Product Cancer	<p><b>⚠️ WARNING:</b> Cancer – <a href="http://www.P65Warnings.ca.gov">www.P65Warnings.ca.gov</a></p>
On Product Reproductive	<p><b>⚠️ WARNING:</b> Reproductive Harm – <a href="http://www.P65Warnings.ca.gov">www.P65Warnings.ca.gov</a></p>
On Product Combined Cancer and Reproductive	<p><b>⚠️ WARNING:</b> Cancer and Reproductive Harm – <a href="http://www.P65Warnings.ca.gov">www.P65Warnings.ca.gov</a></p>

If your product is an Alcoholic Beverage, Raw Wood, a Passenger or Off-road Vehicle, a Recreational Vessel or includes a Diesel Engine, then you must select the relevant Warning Type:

California Proposition 65 Warning Type	Warning that will be Displayed
Alcoholic Beverage	 <b>WARNING</b> -- Drinking distilled spirits, beer, coolers, wine and other alcoholic beverages may increase cancer risk, and, during pregnancy, can cause birth defects. For more information go to <a href="http://www.P65Warnings.ca.gov/alcohol">www.P65Warnings.ca.gov/alcohol</a> .
Raw Wood	 <b>WARNING</b> -- Drilling, sawing, sanding or machining wood products can expose you to wood dust, a substance known to the State of California to cause cancer. Avoid inhaling wood dust or use a dust mask or other safeguards for personal protection. For more information go to <a href="http://www.P65Warnings.ca.gov/wood">www.P65Warnings.ca.gov/wood</a> .
Passenger or Off-road Vehicle	 <b>WARNING</b> -- Operating, servicing and maintaining a passenger vehicle or off-road vehicle can expose you to chemicals including engine exhaust, carbon monoxide, phthalates, and lead, which are known to the State of California to cause cancer and birth defects or other reproductive harm. To minimize exposure, avoid breathing exhaust, do not idle the engine except as necessary, service your vehicle in a well-ventilated area and wear gloves or wash your hands frequently when servicing your vehicle. For more information go to <a href="http://www.P65Warnings.ca.gov/passenger-vehicle">www.P65Warnings.ca.gov/passenger-vehicle</a> .
Recreational Vessel	 <b>WARNING</b> -- Operating, servicing and maintaining a recreational marine vessel can expose you to chemicals including engine exhaust, carbon monoxide, phthalates, and lead, which are known to the State of California to cause cancer and birth defects or other reproductive harm. To minimize exposure, avoid breathing exhaust, service your vessel in a well-ventilated area and wear gloves or wash your hands frequently when servicing this vessel. For more information go to <a href="http://www.P65Warnings.ca.gov/marine">www.P65Warnings.ca.gov/marine</a> .
Diesel Engine	 <b>WARNING</b> -- Breathing diesel engine exhaust exposes you to chemicals known to the State of California to cause cancer and birth defects or other reproductive harm. <ul style="list-style-type: none"><li>• Always start and operate the engine in a well-ventilated area.</li><li>• If in an enclosed area, vent the exhaust to the outside.</li><li>• Do not modify or tamper with the exhaust system.</li><li>• Do not idle the engine except as necessary.</li></ul> For more information go to <a href="http://www.P65Warnings.ca.gov/diesel">www.P65Warnings.ca.gov/diesel</a> .

For additional background on which Warning Types applies for what products, see <https://www.p65warnings.ca.gov/sample-warnings-and-translations-businesses>.

If you have questions, you should contact [Vendor Support](#).

#### Background on Proposition 65

Proposition 65, officially the Safe Drinking Water and Toxic Enforcement Act of 1986, is a law that requires warnings be provided to California consumers when they will be exposed to chemicals identified by California as causing cancer or reproductive toxicity. The warnings are intended to help California consumers make informed decisions about their exposures to these chemicals from the products they use. The California Office of Environmental Health Hazard Assessment (OEHHA) administers the Proposition 65 program and publishes the listed chemicals, which includes more than 850 chemicals. In August 2016, OEHHA adopted new regulations, effective on August 30, 2018, which change the information required in Proposition 65 warnings.

#### **Additional Information about Proposition 65**

For background on the new Proposition 65 warnings, see <https://www.p65warnings.ca.gov/new-proposition-65-warnings>.

Proposition 65 and its regulations are posted at <https://oehha.ca.gov/proposition-65/law/proposition-65-law-and-regulations>.

For a side-by-side comparison of the current and new regulations, see <https://oehha.ca.gov/media/downloads/crnr/side-sidearticle6.pdf>.

Contact your Zappos/6pm Buyer if you have any further questions.