



PROPOSITION



REFERENCE GUIDE

IMPORTANT NOTICE

Purpose of Guide. This California Auto Dealer Proposition 65 Reference Guide has been authored by the California New Car Dealers Association for use by its Members. Its purpose is to assist California vehicle dealers with Proposition 65 legal compliance in each department of the dealership.

Not Legal Advice. This publication is not intended, nor should it be received, as legal advice or a substitute for legal advice. It is intended as a source of guidance to California vehicle dealers and as an aid in recognizing and dealing with legal issues. The law is subject to constant change and there may have been developments since this publication was last published or revised (March 2026). This publication should not under any circumstances be considered as a substitute for consultation with your attorney.

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Update History:

March 2026:

Section III. Regulatory Updates. Clarified requirements for Short-form warnings to include black and white sign parameters and inclusion of endpoint.

Section VII. Parts & Online Sales - Consumer Product Exposure. Added definition of "passenger or off-highway motor vehicle part" and clarified section applies to passenger or off-highway motor vehicle parts and their online sales.

Technical and grammatical errors were also corrected throughout.

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I. Introduction

This Proposition 65 Reference Guide provides California New Car Dealers Association (CNCDA) members with guidance and best practices to comply with California's Proposition 65 requirements as administered by the California Office of Environmental Health Hazard Assessment (OEHHA). The guide covers the regulatory background of Proposition 65, includes regulatory updates to the rule including effective dates and what enforcement and penalization looks like, includes a dealership compliance checklist, and lays out department by department requirements and sample language to ensure compliance. This guide is neither legal advice nor a comprehensive guide meant to cover every iteration of a dealership site thus dealers should consult legal counsel or environmental health and safety experts for site-specific or nuanced questions.

II. Proposition 65 Background

- Enacted in 1986 as the Safe Drinking Water & Toxic Enforcement Act¹, Proposition 65 mandates warning disclosures for exposures to listed chemicals which are known to cause cancer, birth defects, and/or other reproductive harm.
- OEHHA maintains the chemical list and safe harbor warning standards.
- Businesses must issue a **“clear and reasonable”** warning before any known, intentional exposure to a listed chemical—through product labels, signage, or postings.
- If exposures are below de minimus levels ("safe harbor numbers"), no warning is required—but environmental testing is necessary to confirm such low exposure.
- Many businesses choose to warn proactively, given the prevalence of over 900 chemicals in everyday products and environments.

III. Regulatory Updates

- August 30, 2016: Office of Administrative Law (OAL) approved the regulations promulgated by OEHHA amending Title 27, Article 6, Clear and Reasonable Warnings, of the California Code of Regulations.²
- August 30, 2018: OEHHA's Clear and Reasonable Warnings rule became fully effective, including “tailored” signage.³
- November 26, 2024: OAL approved amendments to Prop 65 aimed to make the “short-form” clear and reasonable warnings more informative for consumers.⁴

¹ California Health and Safety Code §§ 25249.5-25249.14

² 27 CCR § 25601

³ 27 CCR § 25603; [OEHHA Final Statement of Reasons: “Clear and Reasonable Warnings”](#)

⁴ OEHHA Proposition 65: Clear and Reasonable Warnings Regulatory Material ([click here](#))

- Effective January 1, 2025: Short-form warnings now must:
 - Name at least one specific chemical per endpoint;
 - Include “**WARNING**” in all caps and bold;
 - Reference OEHHA’s website; and
 - Include yellow triangle (or black-and-white if no yellow on sign).
- Dealerships have until January 1, 2028, to fully adopt the new warnings.⁵
- Products labeled with older short-form warnings before January 1, 2028, can still be sold.
- A point-of-sale sign may be utilized in lieu of individual product warnings, provided certain parameters are met. See [Section VII](#) for more details.
- Required language must be exact to qualify for safe harbor.
- Multilingual versions required where material in other languages is present (Spanish, Chinese, Tagalog, etc.). “One-size-fits-all” signs are **not** acceptable.⁶
- Compliance with Prop 65 is continuous, and businesses should stay updated on new listings and changes by monitoring OEHHA notices.

IV. Enforcement & Penalties

- Enforced by California Attorney General, district attorneys (for cities with a population over 750k), city attorneys, or *private enforcers*.
- No proof of harm required; a 60-day notice is mandatory before private actions; public agencies can act immediately.
- Penalties up to **\$2,500 per violation per day**⁷, plus injunctive relief.
- Settlements often totaling tens of millions⁸
 - In 2022 over 800 Prop 65 related settlements totaled over \$26M
 - By 2024 that number grew to over 1,300 settlements totaling over \$101M.⁹
- No cure period (except a few limited exceptions). Dealers receiving 60-day notice should consult counsel immediately.

⁵ 27 CCR § 25603(c)

⁶ <https://oehha.ca.gov/media/downloads/cnr/art6businessqa.pdf>

⁷ <https://oehha.ca.gov/proposition-65/general-info/proposition-65-plain-language>

⁸ <https://oag.ca.gov/sites/all/files/agweb/pdfs/prop65/2016-summary-settlements.pdf>

⁹ Cal Chamber Article: [Proposition 65 CalChamber Backs Legislative, Regulatory, Judicial Efforts to Restore Law’s Original Intent](#)

V. Dealer Compliance Checklist

Area	Required Warning
Parts Department	Consumer Product Exposure (Sec. VII)
Online Store	Consumer Product Exposure (Sec. VII)
Showroom Entrance	Environmental Exposure (Sec. VIII)
Lot Entrance	Environmental Exposure (Sec. VIII)
Parts Entrance	Environmental Exposure (Sec. VIII)
Breakroom/Staff Areas	Occupational Exposure (Sec. IX)
Customer Area / Vending	Food & Beverage Exposure (Sec. X)
All Vehicles	Vehicle Exposure Stickers (Sec. XI)
Enclosed Garage	Parking Facility Exposure (Sec. XII)
Repair Bay/Drive	Vehicle Repair Exposure (Sec. XIII)
Repair Orders Back	Vehicle Repair Exposure (Sec. XIII)
Smoking Area(s)	Smoking Area Exposure (Sec. XIV)

VI. “Clear & Reasonable” Warning Essentials

As noted above, businesses must issue a “clear and reasonable” warning before any known, intentional exposure to a listed chemical—through product labels, signage, or postings. Clear and reasonable warnings must name **at least one** listed chemical (“phthalates,” “benzene,” etc.) and must be prominent: readable, conspicuous, likely to be understood under normal usage. A dual chemical warning is required when there are multiple chemicals present that are known to cause cancer and birth defects. Where one chemical present in the area is known to cause cancer and birth defects and exposure is possible, a single chemical warning is sufficient for safe harbor.

Long-Form Example (dual chemical):



CA WARNING: This product can expose you to lead and phthalates, which is known to the State of California to cause cancer and birth defects or reproductive harm. For more information go to www.p65warnings.ca.gov.

Short-Form Example (single chemical):



CA WARNING: Cancer risk and reproductive harm from exposure to phthalates. See www.P65Warnings.ca.gov.

VII. Parts & Online Sales – Consumer Product Exposure

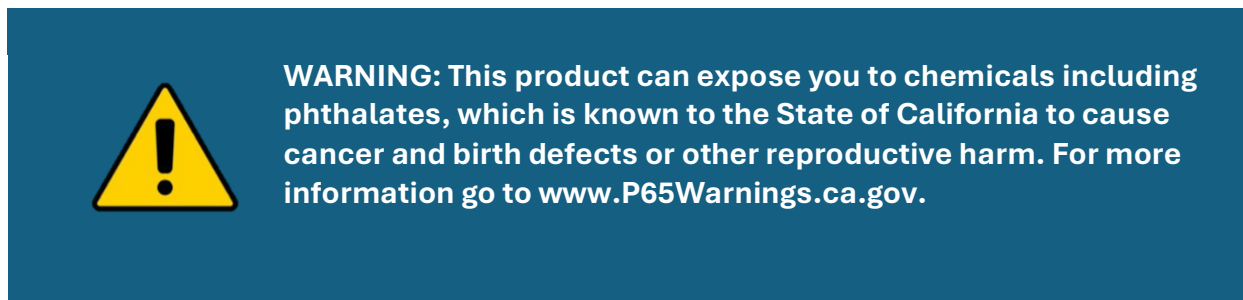
Dealers must ensure all sold parts/products carry compliant warnings prior to exposure to the product.¹⁰ Options include:

- **On-Product Labels:** Short-form warnings are permitted provided the warning text is at least 6-point font and no smaller than the largest product information text.
- **Point-of-Sale Warnings for passenger or off-highway motor vehicle parts:** Dealers may post product specific warnings on a posted sign, shelf tag, or shelf sign at each point of display of the product as a substitute for individual product warnings.
 - “Passenger or off-highway motor vehicle part” means any part offered for sale or transferred to a consumer for installation in or service on a passenger or off-highway motor vehicle but shall not include packaged service chemicals, tires, parts containing asbestos, carpeting, upholstery including fillings and coverings, textiles, or fabrics.
 - Requirements:
 - Must be prominent and conspicuous so it is likely to be seen, read, and understood by a shopper under normal conditions;
 - Must contain the required language and symbol (yellow triangle with an exclamation point (black and white allowed if no yellow is used elsewhere));
 - Must be 5x5 inches in size and contain 20-point font.

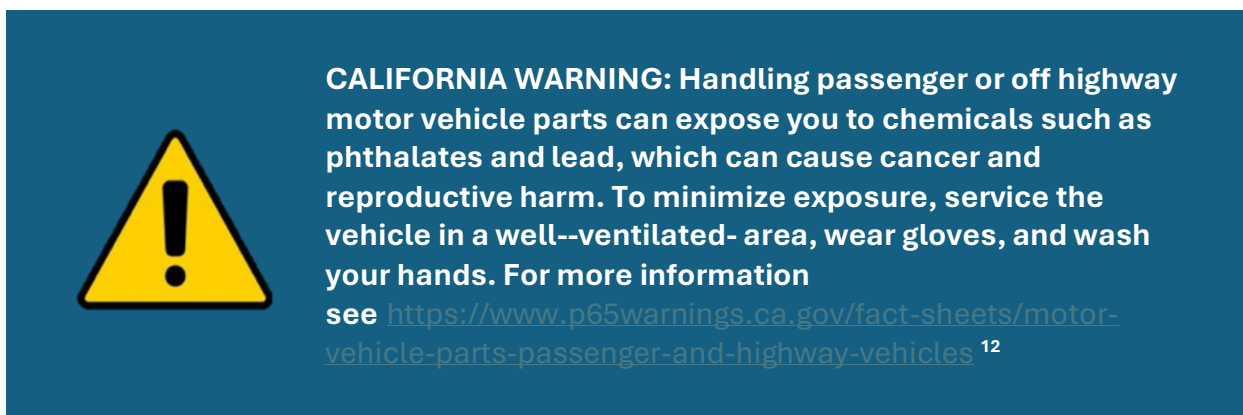
¹⁰ 27 CCR § 25600.2

- Must be in multilingual formats when other languages are used.
- When products are sold online, safe harbor requires electronic warnings meeting the statutory requirements at point of purchase.¹¹
- Warnings must be in multilingual formats when other languages are used on other signage.
- Website warnings must be clearly visible or hyperlinked with “WARNING”.

Sample on-Product Label:



Sample Point-of-Sale sign:



VIII. Showroom, Lot, Parts Entrance – Environmental Exposure Signage

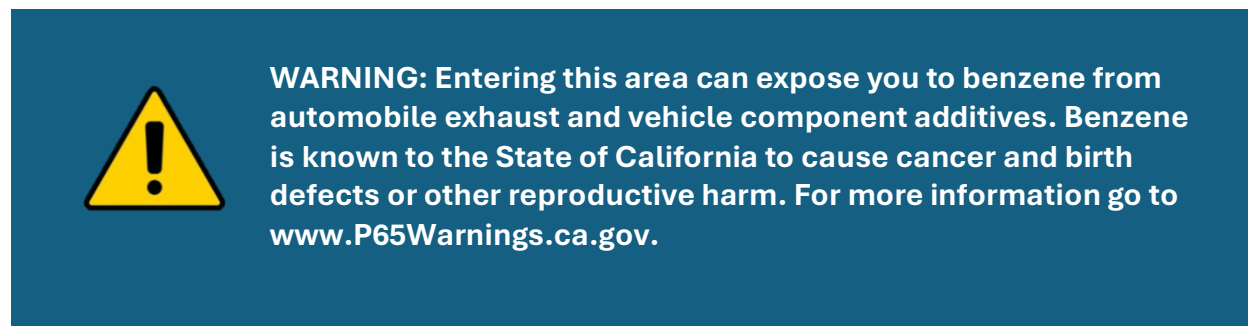
Post signage at each public entrance. Signage must clearly identify one or more sources of exposure, be provided in a conspicuous manner, and provided in such a way as to make it likely to be seen, read, and understood by any ordinary individual in the course of normal

¹¹ NOTE: remember the consumer must be warned prior to exposure. To ensure that warning takes place for a product ordered online, best practice is to include a Prop 65 warning on the website prior to purchase. The text requirements are the same as they would be if the consumer purchased the product in person.

¹² Prop 65 signage may lead with “WARNING”, “CALIFORNIA WARNING”, or “CA WARNING”

daily activity. The warning must be in 72-point font. If other signs are multilingual, each corresponding language version of the Prop 65 sign is required.

Sample Environmental Exposure Sign (Showroom, Lot, Parts):

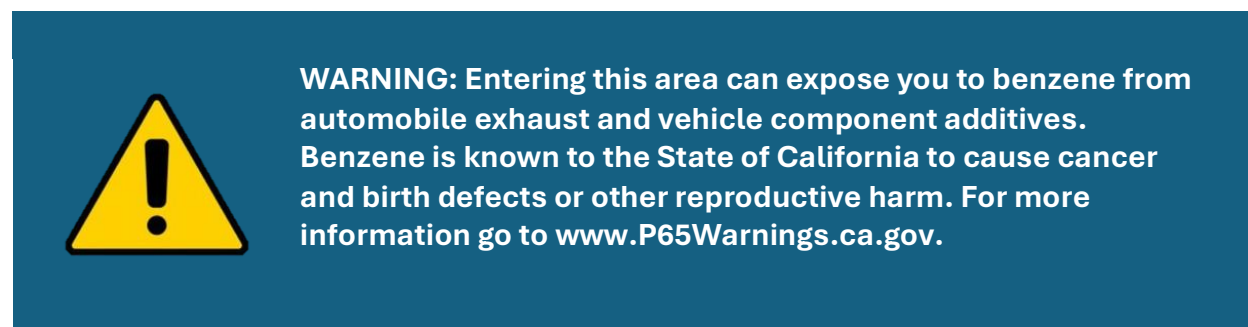


Dual chemical version: same structure but “including benzene and toluene...”

IX. Employee Areas – Occupational Exposure Signage

Dealerships with hazardous chemicals must also have a written Hazard Communication Program under OSHA, SDS availability, training, and clearly posted warnings accessible to employees (e.g., breakrooms). Signage must clearly identify one or more sources of exposure, be provided in a conspicuous manner, and provided in such a way as to make it likely to be seen, read, and understood by any ordinary individual in the course of normal daily activity. The warning must be in 72-point font. If signs are multilingual, each corresponding language version of the Prop 65 is required.¹³

Sample Occupational Exposure Sign:



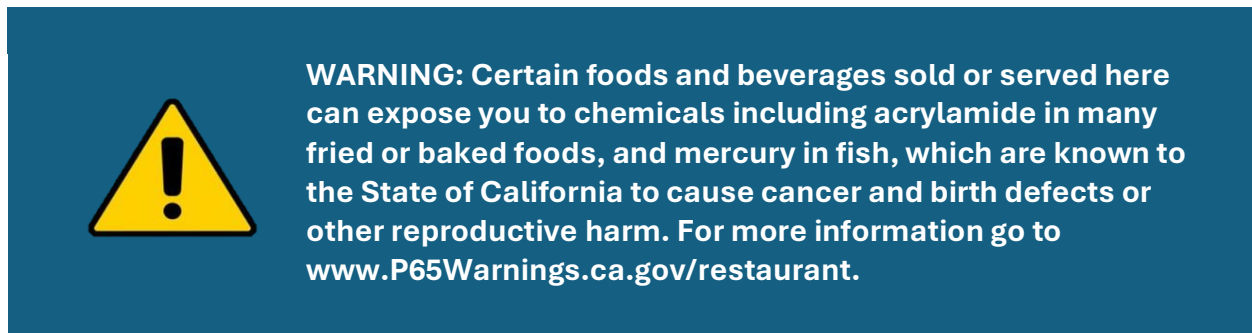
Dual chemical version: same structure but “including benzene and toluene...”

¹³ 27 CCR §§ 25603 & 25606; 15 U.S.C. § 2601; 29 CFR § 1910.1200

X. Waiting Areas and Vending Machine Food & Beverage Exposure Signage

If food/beverages are available (even free), post 8½×11" signs with 28-point or larger font at customer area entrances and on or near vending machines. Signage must be conspicuous, and likely to be seen, read, and understood by a customer consuming the food or beverage offered. Sign must be in all languages used on other signs in the dealership.

Sample Food & Beverage Exposure Sign:



Dealers may also post smaller notices (5"×5", 20-point font) at point-of-service of the food or beverage.

XI. Vehicle Exposure Signage

Manufacturers must supply, and dealers must affix OEHHA-approved Prop 65 stickers to all new, used, or loaner vehicles—unless the manufacturer has assumed responsibility by contract. The warning must be affixed to the driver-side window or mirror/hang-tag, if the vehicle does not have a driver-side window.¹⁴ It is recommended the text of the warning be at least 12-point font.

¹⁴ In the rare occurrence a vehicle does not have a driver-side window or a rear-view mirror, the warning must be placed in another prominent location.

Sample Vehicle Exposure Label:



WARNING: Operating, servicing, and maintaining a passenger vehicle or off-highway motor 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 www.P65Warnings.ca.gov/passenger-vehicle.

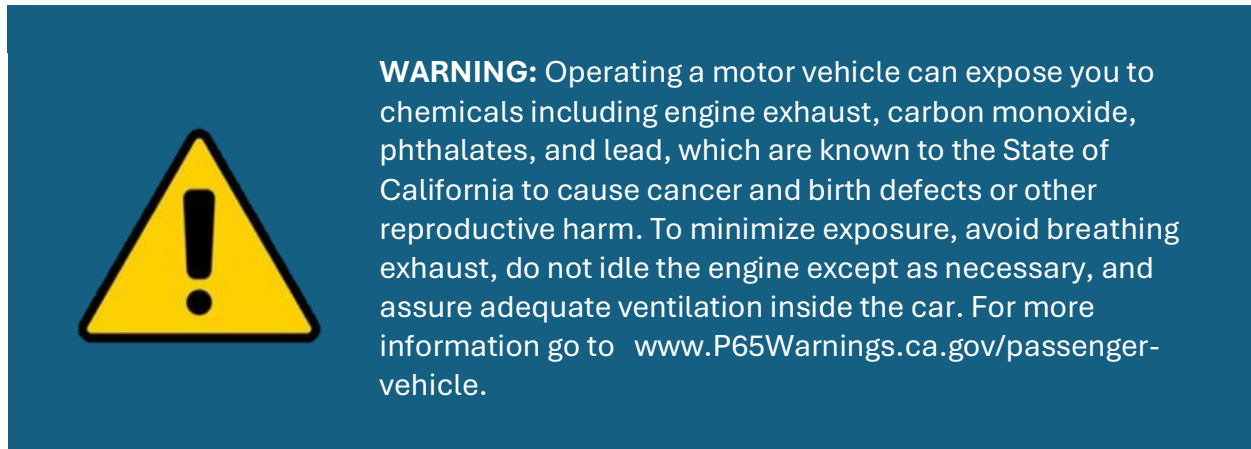
Rental Vehicles¹⁵:

Safe harbor options specifically for rental vehicles include employing one of the following:

- Printing the warning in the rental contract
 - Warning text must be no less than 6-point font and no smaller than the largest font size used for other consumer information.
- Providing warning text on a hang-tag
 - Recommended no less than 12-point font)
- Posting the warning on a sign in no smaller than 22-point font, posted at the counter or similar area of the rental facility where rental transactions occur, where it will be likely to be seen, read, and understood by the renter during the process of renting the vehicle.
- Providing the warning in an electronic rental contract.
- Providing the warning in a confirmation email that is sent to the renter's email address.
- Providing the warning through a clearly marked hyperlink using the word "WARNING" on the online reservation page, or by otherwise prominently displaying the warning to the renter prior to completing the online reservation.
- The warning should contain specific rental language and be provided in all languages used in the transaction.

¹⁵ 27 CCR § 25607.36

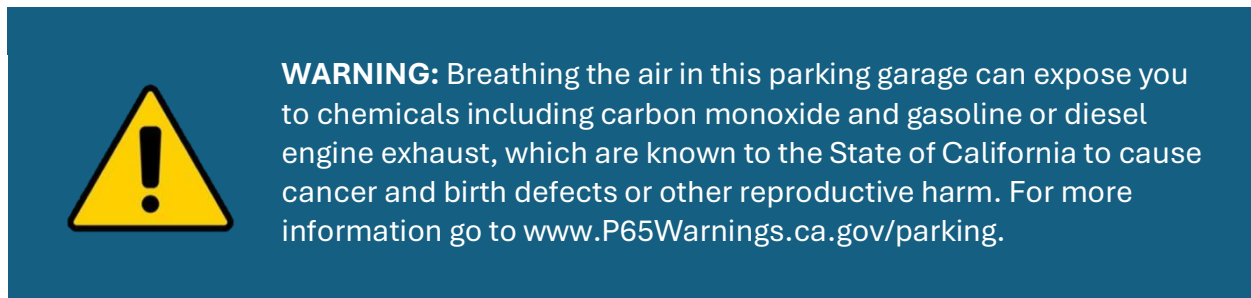
Sample Rental Vehicle Exposure Warning:



XII. Enclosed Parking Facility Exposure Signage

Enclosed parking facilities storing vehicles must have 20"×20" signs with 72-point font at any entrance posted conspicuously and readable.¹⁶

Sample Enclosed Parking Facility Exposure Sign:

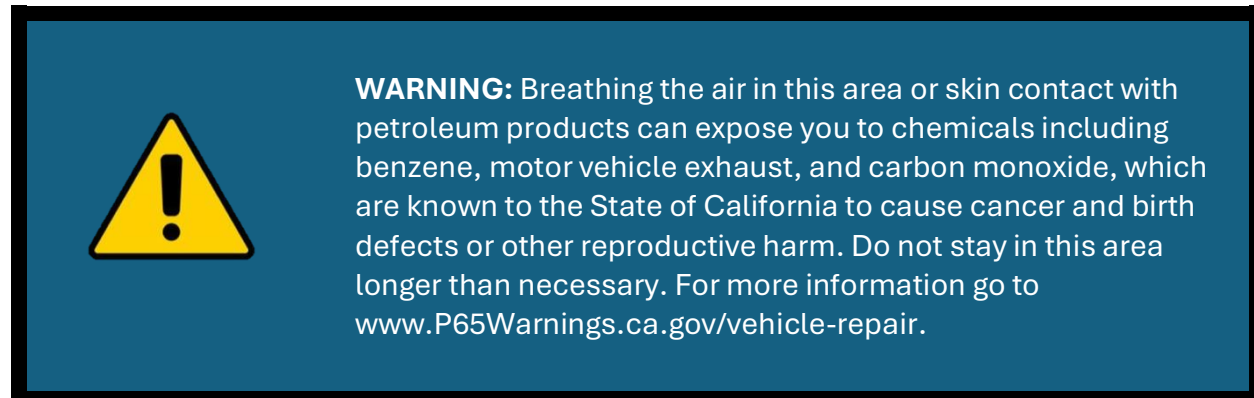


XIII. Service Drive Exposure Signage

To fall under the safe harbor for the dealership service drive, signage must be posted at each public entrance. The sign must be in at least 32-point font, boxed, conspicuous, and provided in all languages used on other signs in the dealership.¹⁷

¹⁶ 27 CCR §§ 25603, 25607.20, and 25607.21

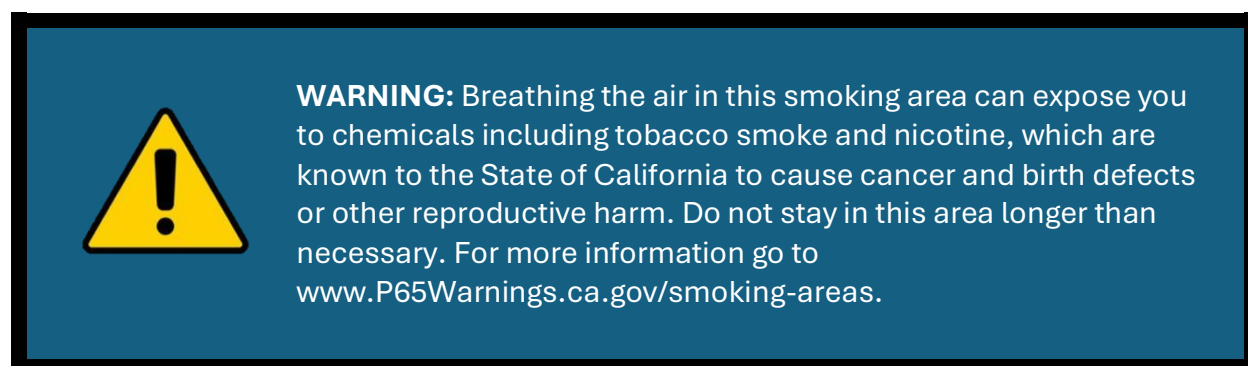
¹⁷ 27 CCR §§ 25603, 25607.26, and 25607.27

Sample Service Drive Exposure Sign:

Dealers can also include similar warnings on the back of repair orders for additional protection and are encouraged to post vehicle parts-specific Prop 65 warning signs at the points-of-sale in the service department, as best practice. See [Section VII](#) for specific requirements of this sign.

XIV. Designated Smoking Area Exposure Signage

If dealerships offer a designated smoking area(s) for use by employees and/or customers, a Prop 65 warning sign must be posted at the entrance to and within the designated smoking area. The sign must be 8½” x11” inches in size with no smaller than 22-point font. The warning must also be enclosed in a box and must mirror the language in the example below.¹⁸

Sample Designated Smoking Area Exposure Sign:

¹⁸ 27 CCR §§ 25603, 25607.28, and 25607.29

XV. Final Notes & Best Practices

- Use **exact safe-harbor language**, fonts, symbols, and size requirements.
- Conduct **periodic review** to ensure all signage and warnings remain current, intact, and posted where required.
- Maintain **documentation** (photos, logs, HAZCOM program, training records).
- Obtain written agreements with part manufacturers confirming that compliant warnings are provided.
- Engage counsel or compliance specialists when receiving enforcement notices or if environmental testing indicates risk.