



Proposition 65 and Laboratory Chemicals: Preserving the “Out-of-State Manufacturer Exemption” for Workplace Chemical Products

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Presenter biography

Bob Schuda is a partner in the Dentons US Environmental Department, is located in California, and has focused on Environmental, Societal and Corporate Governance (ESG) issues for more than 25 years. During that time, Bob has enhanced client performance as stewards of nature and the environment through providing legal advice in the areas of compliance with clean air, soil, and water laws; hazardous waste generation, minimization and cleanup; environmental planning and historic preservation; due diligence in real estate transactions; manufacturing and registering products making pesticidal claims; growing clean and healthy food crops while preserving natural resources; and providing warnings to consumers where required related to ingredients in consumer products. This representation extends to the courtroom and to matters in front of environmental regulatory agencies.



Bob also provides advice in the area of California’s Transparency in Supply Chains Act, which requires disclosure of certain actions taken to combat slavery and human trafficking in the supply chain. Bob is particularly skilled at identifying efficiencies and in developing favorable outcomes in complex matters.

Presentation abstract

In January and February 2020, Notices of Violation/Notices of Intent to Sue under Proposition 65 were served on companies located in Wilmington, Delaware; Manchester, New Hampshire; Waltham, Massachusetts; Monmouth, New Jersey; and Seoul, South Korea. Each Notice alleged that the sale of laboratory chemicals advertised on the recipients’ websites was in violation of Proposition 65 because, among other reasons, their labels did not include Proposition 65 warnings. These “workplace” chemicals, however, are subject to the federal OSHA and California Hazard Communication Standard and are manufactured outside of the State of California, and thus are exempt from Proposition 65. Correspondence among the Notice recipients and the Office of the Attorney General and a preliminary ruling in the case point to the need for chemical manufacturers to be vigilant in protecting this exemption by insisting that it be observed whenever Proposition 65 Notices and lawsuits involving workplace chemicals are filed.