

Proposition 65 resource updated for member compliance

05/31/2017

Well ahead of the compliance deadline, [CDA has updated its Proposition 65 resources](#) to include the dental-specific notice that many dental practices (as well as dental schools and laboratories) will need to post at the entrance of the dental office by Aug. 30, 2018, unless the practice chooses instead to provide a warning with an informed consent form to be signed by the patient prior to exposure.

The new notice, made available in 16 languages, replaces the three separate notices — for Bisphenol A (BPA), dental amalgam (and other restorative materials) and nitrous oxide — that dental practices formerly posted to comply with Proposition 65, known as the Safe Drinking Water and Toxic Enforcement Act. Since 2003, CDA has provided its member dentists with a specific court-approved notice for dental amalgam and other restorative materials. CDA then began providing a notice for nitrous oxide, which was added to the list of chemicals a few years later, and then a third notice for BPA when that chemical was added to the list in April 2015.

[As previously reported on cda.org](#) and in the November CDA *Update*, posting one notice in lieu of three notices satisfies a requirement that takes effect Aug. 30, 2018, as part of a [regulation adopted last fall](#) by the California EPA's Office of Environmental Health Hazard Assessment. The regulation amends the Proposition 65 required notices as well as the methods by which dental practices provide the notices. Specifically, under the new regulation, dental practices, schools and laboratories must comply by the August date with one of two provisions:

- Post one notice (in lieu of three) “at all public points of entry to the dental office or in each location within the office where an exposure is reasonably likely to occur;” or
- Provide a warning with an informed consent form or as part of an informed consent form signed by the patient prior to exposure.

Dental practices may choose to provide the warnings via both the posted notice and informed consent. The notice will direct patients and employees to a website, oehha.ca.gov/proposition-65, for more information about the specific chemicals.

Proposition 65, which passed by voter initiative in 1986, requires businesses with 10 or more employees to provide “clear and reasonable warning” if a product or business location may expose employees or consumers to a chemical known to the state to cause cancer or reproductive toxicity. The OEHHA relies on expert scientific panels to develop what is now a list of more than 800 chemicals that require warning notices. The governor is required to publish the list at least once a year. Either the Attorney General or private parties can enforce the warning requirement through litigation.

To allow for a reasonable transition period, dental practices may comply with either the current regulation or the provisions of the new regulation until it takes effect in August 2018. However, with the single dental-specific notice now available to CDA members, CDA Practice Support has removed the three separate older notices from the CDA website.

In addition to including the new dental-specific notice, CDA's updated Proposition 65 resources include two FAQs — one for patients and one for dentists.

[Find the updated resource](#) on the CDA Practice Support website.