

CALIFORNIA CUSTOMERS: PROP 65

Proposition 65 is a unique California law that requires businesses to include a warning on any products that contain quantifiable amounts of over 800 possible chemicals, many of which are naturally occurring.

Some botanicals (even those grown and processed organically) contain low levels of lead which is often naturally occurring, and our botanical products are well below FDA's current tolerable intake levels (and many times less than the amount shown to cause harm in adults). See below for more information regarding Prop 65 labeling.

Why do I have a Prop 65 warning on my herbal products?

Proposition 65 is a unique California law that requires businesses to include a warning on any products that contain quantifiable amounts of over 800 possible chemicals, many of which are naturally occurring. We assure you that our products are safe and we thoroughly test all of them to comply with federal and industry standards for safety. Because of the unique nature of this state-specific law which only applies to California, we are obliged to place a Prop 65 warning on all products which are shipped to that state. This warning is the same one that is found throughout hotels, gas stations, airports, golf courses, public parks, and other public buildings found throughout the state.

Please be assured that all of the products offered by Bighorn Botanicals, Inc. easily fall within federally mandated safety levels for lead, and we have food safety controls in place utilizing up-to-date testing technologies and the assistance of third party laboratories.

What is California Proposition 65?

Proposition 65 was passed in 1986 with the intention of increasing accountability and preventing people and companies from dumping toxic material in California waters. It is known as "The Safe Drinking Water and Toxic Enforcement Act of 1986," and it enforces the idea that people have the right to know about the presence of dangerous chemicals in their food and water. On this basic level, it is a well-spirited law which we enthusiastically support. However, in practice it is misleading and inconsistent, creating a culture of endless warnings and resource-draining lawsuits.

Chemicals recognized by the State of California to contain carcinogens or cause reproductive harm are subject to the requirements of Prop 65 and one of the most cited chemicals is lead, which naturally occurs in soil, water, and the ocean. According to Prop 65 the content of lead has particularly stringent regulations, requiring a warning if its presence exceeds 0.5 micrograms in any given product per day. This is nearly 1,000

times lower than the amount known to cause reproductive harm according to the federal government.

How is Prop 65 enforced?

Prop 65 is enforced entirely by way of civil lawsuits brought about by organizations seeking monetary gain in the form of a settlement, and rarely (if ever) is action ever brought by the state's attorney general.

This form of litigation puts businesses in a defensive position, forcing them to comply, regardless of the safety of their products. Indeed, Prop 65 warning signs appear all over California, on restaurants, apartment buildings, gas stations, banks, and anywhere else that could theoretically be in violation. Because there is no penalty for over-posting, businesses place warnings as a measure to ensure the safety of their commodities. This results in an ocean of vague and faulty information, hiding shady business practices while vilifying the compliant.

Are there exceptions for chemicals that occur naturally?

If a company can prove that a chemical naturally occurs in its products, it is exempt from Prop 65. As an example, the American daily average for black pepper consumption contains 10 times the "safe harbor" level of safrole, a naturally occurring chemical listed under Prop 65 as a carcinogen. But because it is naturally occurring, companies have not yet been required to warn the public about black pepper.

The presence of lead is a bit more complex. Over the past century, industrial change in the United States and in the developing world has created an increase in the amount of lead distributed across the environment. The use of leaded gasoline and the burning of coal and other fossil fuels have damaged the environment, spreading the pollutant into the atmosphere. In turn, this lead has been redistributed in rainwater, our oceans, and through soil seepage where it is absorbed by plant life.

What do you do to ensure that your herbs are safe?

Certificates of Analysis are available for all of our botanicals. These certificates include details about all of our safety and quality testing, including whether the herb has been tested for lead. As previously stated, we never sell products with lead content higher than three parts per million.