

In 1986, California passed Proposition 65, it was called “Safe Drinking Water and Toxic Enforcement Act”. After 32 years it has resulted in a well-intentioned, but poorly-written and executed law. The intent was clear, to help keep California residents safe from dangerous chemicals (including dumping toxic waste into California waters). What started as a good idea, with a list of 30 chemicals has ballooned to over 850 substances, and has created a huge problem with lawsuit abuse, extortion, misleading labels, and ultimately ineffective reform.

It is well documented that ***this law has been abused by for-profit law firms*** and individuals who rake in millions upon millions of dollars in settlements (\$17.4 million in 2013 alone) with little to no benefit for Californians. Many of the natural foods companies that find themselves under attack are forced to include this scary warning on their products:

⚠ **WARNING:** Consuming this product can expose you to chemicals including lead which are known to the State of California to cause cancer and birth defects or other reproductive harm. For more information go to www.P65Warnings.ca.gov/food.

Please be aware that each of our products fall within the federally mandated safety levels for naturally occurring trace minerals. Each of our products is regulated, and regularly tested. Each product is manufactured at cGMP certified labs. We are compliant with all national standards established by the FDA and USDA.

You'll find the warning on food products, in dentist office, on fishing poles, airplanes, in coffee shops, restaurants, gas stations, baby bibs, and if you look close enough, just about everywhere in California. There are so many businesses and products fall under the requirements, there is no real way for consumers to know if there is danger. How is this helping to keep consumers safe?

<https://www.p65warnings.ca.gov/fact-sheets>

The Crystal Star products you have seen this warning on contain minuscule amounts of these substances. They are naturally occurring in the soil, when below the established standards are perfectly safe to consume.

We believe in the worldwide established safety levels set by the EPA, FDA, EU, and WHO for lead, cadmium, mercury, and arsenic (the four most common heavy metals found supplements). In fact, our products fall **well below these nationally and internationally recognized safety levels**. But Prop 65 standards are set at levels that are often impossible to reach with plant-based foods that naturally (and harmlessly) absorb these heavy metals from the soil. Prop 65 requires warning labels if the product exposes more than 0.5 micrograms per day, **a quantity that is one thousand times lower than the amount know to cause cancer or birth defects.**

Often these levels are 1,000 times lower than what is considered normal “safe” levels – creating standards that realistically can’t be met.

The truth is, **there is no proof** that products carrying this warning cause cancer or birth defects.

California’s Office of Environmental Health Hazard Assessment clearly states:

“A Proposition 65 warning does not necessarily mean a product is in violation of any product-safety standards or requirements.”

And according to the American Cancer Society:

There is no distinction drawn between substances naturally found in soil and crops, and the chemicals found in something like airplane exhaust fumes, diesel exhaust, or industrial paint.

According to Prop 65, consuming herbal supplements poses the same health risks as ingesting or inhaling flakes of lead paint because they both contain a certain amount of the same chemical.

This results in foods which naturally and beneficially contain heavy metal minerals being treated the same as industrialized product like deasil fuel, cigarettes, batteries, or paint. Of course, it is dangerous and unhealthy to consume the toxic chemicals, but there is a HUGE difference when it comes to heavy metal minerals that are organically absorbed in plants.

Heavy Metal Minerals

Minerals like iron, calcium, lead, and cadmium are found in soil across the globe. Lead is an element that is found in in almost all soil. The minerals make their way into many of the crops we eat through root uptake as they grow. This is how the plant gets nourishment to grow to provide us with numerous health benefits when we eat them. When grown in soil with low lead content (500 ppm) spinach and radishes can have lead levels that exceed (3 ppm) and beans, and carrots can exceed (6 ppm). These minerals are integrated into the fibers of the plant, and organically bound to them. When we eat these plants, our body uses, absorbs, and disposes of these substances very differently than if we accidentally ingest flakes of lead paint.

Considering the miniscule amounts of these heavy metals found in food products, it is our belief they pose no risk at **these naturally occurring** concentration levels.

However, the chemicals found in industrial products like mercury, paint and batteries are mined and concentrated heavy metals, and if these chemicals end up in food, air, or water, they are very dangerous. They are not bound to an organic, living plant, and are toxic. **This is not what is found in food. The distinction is between the two is significant.**

Is Prop 65 helping?

Prop 65 does not offer a solution or clarity to the risk level. Prop 65 doesn't limit the amount of "cancer-causing" chemicals that can be put in a product, just that the warning be carried if levels are exceeded. It also doesn't mandate disclosing which chemicals are in the product. On the list of over 850 carcinogens, **some have even been declared safe by the FDA and other government bodies.** Regarding food, Prop 65 makes no distinction between natural or completely artificial products. There is no distinction between naturally occurring or manufactured chemicals.

Prop 65 is hurting lawful natural food companies that are in compliance. The leading reason behind the hundreds of lawsuits is that Prop 65 has a provision that allows lawyers and individuals to bring suits by claiming it's "in the public interest," without needing proof of any benefit to the public interest. Placing the full burden on the manufacturer. These law firms don't even have to prove that they have been injured in any way by whatever violation of the Prop 65 they are claiming.

These suits are very expensive and can be devastating to many small businesses that produce safe, law-abiding products. If a company can afford it, they nearly always settle out of court, with a large percentage of the settlement money going to the law firm, some going to the individual who brought the case and the balance going to the state.

In 2013, businesses paid \$17.4 million in Proposition 65 settlement payments. Of that total, a whopping 73% (\$12.7 million) went to attorney's fees. In 2012, businesses paid roughly \$22.5 million in settlements.

Between 2000 and 2010, businesses paid more than **\$142 million** to Proposition 65 cases—a figure that does not include the amount paid from cases that went to trial. Almost **\$90**

million, or 68%, of that settlement money went to **attorney's fees**. Of all the suits filed claiming a violation of Prop 65, and with all the money involved to settle them, only 15% were suits brought by the state of California. This means that the clear majority were simply profit-seeking attorneys.

So, our only option for now is to abide by the law and do our best to inform customers.

Prop 65 is a failed attempt to keep Californians healthy, safe, and away from dangerous chemicals. It has led to relentless pursuit by profit seeking lawyers. Hundreds of respectable, law-abiding natural food product manufacturers have been harmed by these lawsuits, with little or no benefit to the people Prop 65 is supposed to protect. Prop 65 is a good idea that has gone bad.

Some foods contain chemicals on the Proposition 65 list.

Food is essential to life and good health. However, many foods contain substances, such as saturated fats, salt, and sugar, that should be consumed in moderation. Similarly, some foods contain Proposition 65 chemicals. This does not mean that these foods should never be eaten. But interested consumers can decide what and how often to eat certain foods if they wish to reduce their exposure to these chemicals.

The Proposition 65 listed chemicals commonly found in such foods are:

- **Acrylamide** is formed mostly on the surface of plant-based foods when they are browned during frying, roasting, grilling, or baking. In general, the browner the surface, the higher the level of acrylamide.
 - Acrylamide levels can vary among different kinds of foods and even among different brands of the same kind of food. Many foods have low levels of acrylamide that do not pose a significant cancer risk and do not require a warning. A warning for acrylamide on a food product suggests that regular consumption of the food over time can pose a greater cancer risk than consumption of foods with lower acrylamide levels.
- **Arsenic (Inorganic)** is a naturally occurring chemical element in the Earth's crust.
 - Some plant crops, such as rice, can absorb arsenic. When grown in soil with elevated arsenic levels, the amount of arsenic in rice can be elevated.
 - Some herbal medicines from India and China may contain arsenic.
 - Some edible seaweed (especially hijiki, a short, black noodle-like seaweed) can absorb arsenic from water.
- **Bisphenol A (BPA)** This chemical is used in some coatings for cans, jar lids, and bottle caps. It is also used in some polycarbonate plastic bottles and other food-contact items. However, the use of BPA in these items is decreasing.
 - BPA can leach into food or beverages from BPA-based linings in metal food and drink cans, jar lids, and bottle caps.
- **Cadmium** is a metal found in certain fish, shellfish, and organ meats. Some leafy vegetables, like spinach grown in cadmium-rich soils, take up cadmium.
- **DEHP** is a type of phthalate added to many plastics to make them flexible and can be gradually released into certain foods and beverages from plastic food packaging.
- **Lead** is a metal found in some dietary supplements, certain balsamic vinegars, some imported spices such as turmeric. In the past, some imported candies such as some products containing chili and tamarind, have had significant amounts of lead.
- **Mercury** is a metal that can accumulate in certain types of fish and seafood.
 - Fish that tend to have the highest levels of mercury include: King mackerel, shark, tilefish (from the Gulf of Mexico), swordfish, marlin, bigeye tuna, bluefin tuna, and orange roughy.
 - Some dietary supplements and traditional medicines may contain mercury.