

**Re: California's New Proposition 65 Warning Requirements
Information & Expectations for Lowe's Private Brand Vendor Partners**

Dear Lowe's Private Brand Vendor Partner:

In late 2016, California adopted new regulations relating to the Safe Drinking Water and Toxic Enforcement Act of 1986 – also known as “Proposition 65.” The Act and its new regulations update warning requirements for consumer products sold to customers in California that contain certain chemicals.

Lowe's Private Brand Creative Services is providing you with this letter to point you to available resources about the implementation of the required warnings for your products. The new warning requirements can be used today, but are mandatory for all packaging and products manufactured after August 30, 2018. It is expected that all new Private Brand packaging and collateral, as well as updates to existing packaging and collateral, initiated after the receipt of this letter will comply with the regulations, proactively conforming to the new standards.

Lowe's Private Brand Creative Services understands that you may have questions about how the new regulations impact your Lowe's Private Brand packaging and collateral. The attached FAQ provides some additional information and resources for you to utilize.

Please make sure that this communication is passed on to the appropriate representative(s) in your company should you, as the recipient of this communication, not be responsible for packaging compliance or product analysis.

It is important to note that Private Brand Creative Services cannot directly answer any questions or provide legal advice regarding compliance with Proposition 65 or any regulations. Detailed questions about compliance should be directed to your company's product compliance, quality assurance or legal personnel.

Thank you for your support and attention to this matter.

Lowe's Private Brand Creative Services

Frequently Asked Questions

Where can I find additional information about Proposition 65?

- Summary of Proposition 65 requirements:
<http://oehha.ca.gov/proposition-65/general-info/proposition-65-plain-language>
- Information on new Proposition 65 warning requirements (also known as the clear and reasonable notice requirements) adopted in 2016 rulemaking:
<http://oehha.ca.gov/proposition-65/crnrr/notice-adoption-article-6-clear-and-reasonable-warnings>
- Information about chemicals and substances regulated by Proposition 65:
<http://oehha.ca.gov/proposition-65/proposition-65-list>
- Links to the statutory and regulatory text for Proposition 65:
<http://oehha.ca.gov/proposition-65/law/proposition-65-law-and-regulations>

What are the next steps a Vendor Partner needs to take?

Warning Identification:

- The Vendor Partner will need to review all of their Private Brand products and identify which product categories require a warning consistent with the new Proposition 65 requirements.
- Note that the packaging itself can contain chemicals that trigger a Proposition 65 warning. The Vendor Partner will need to identify if there are any chemicals in their Private Brand packaging and collateral that would trigger a Proposition 65 warning and add warnings to the packaging as necessary.
- The warning requirements have changed from the prior regulations and the format and content requirements for all Proposition 65 warnings have been updated. Therefore, in addition to checking whether warnings are required on products without a current Proposition 65 notice, warnings on existing products will also need to be re-evaluated.
- For example, the new regulations require specific, tailored warnings on a number of products including furniture and certain raw wood products. In addition, the State takes the position that warnings are required on products that may not themselves contain a listed chemical but where exposure to listed chemicals could result from any “reasonably foreseeable use” of the product.

- In addition, the Vendor Partner will need to know which chemicals in their packaging and/or products trigger which specific warning(s) according to Proposition 65 regulations.
 - Information about the chemicals and substances regulated by Proposition 65 is available at:
<http://oehha.ca.gov/proposition-65/proposition-65-list>

Updating Packaging for Identified Products:

- After all packaging and/or products that require Proposition 65 warnings have been identified by the Vendor Partner, it is the Vendor Partner's responsibility to ensure all packaging for said products is updated to comply with the new Proposition 65 warning requirements.
- In addition, all existing Private Brand packaging and collateral that carries current Proposition 65 regulatory language should be updated to conform to the new standards.
- The Vendor Partner can contact their Lowe's Certified Printer to update previously released or approved packaging artwork as necessary *prior to print production*.
- The Vendor Partner will need to identify for the Certified Printer those pieces of packaging artwork that need to be updated and which warning(s) need to be applied to said artwork.
- The Certified Printer can update the packaging to include the required Proposition 65 warning(s).
- If there are charges associated with changes to packaging artwork, the Vendor Partner will be charged directly by the Certified Printer. Lowe's is not responsible for the costs of updating packaging artwork.
- Please note that there are both "short form" and "long form" versions of the Proposition 65 warnings. Please evaluate which form works best for your Private Brand product and packaging consistent with the new regulatory requirements. Note that the warnings will need to be translated into all languages used to provide consumer information on the packaging.

Will Lowe's post in-store signage to comply with Proposition 65 for my products?

- Lowe's will not post in-store signage or notices displaying warnings for your products in our California stores. As such, you should not provide Lowe's with proposed warning signs or notices designed or contemplated to be posted in Lowe's stores in lieu of an on-product warning.

I currently see some in-store signage. Can this be used for my products?

- Lowe's will be updating our current Proposition 65 notices in California stores. These notices relate to Lowe's operation of its premises and are for Lowe's adherence to Proposition 65 regulations only. These are not to be confused with vendor expectations for on-product warnings

Who should I contact if I have any questions?

- Questions about this letter can be directed to Lowe's Authorized Agent at LoweMerchandisingOps@lowes.com. Only Lowe's Authorized Agent may respond to questions about Proposition 65. Lowe's Private Brand Creative Services will not answer questions or provide counsel or guidance on Proposition 65.
- Vendor Partners should consult their product compliance, quality assurance or legal personnel if there are any questions concerning the applicability of requirements necessary for adherence to Proposition 65 for their products.

Links for additional information:

- Information on Proposition 65 translations:
<https://www.p65warnings.ca.gov/warning-translations-businesses>
- Information on cancer warnings and wire and cord notification requirements:
<https://www.cancer.org/cancer/cancer-causes/general-info/cancer-warning-labels-based-on-californias-proposition-65.html>
- Information on wood products:
<https://www.wwpa.org/resources/california-prop-65-wood-dust>