



USTMA RESPONSE TO QUESTIONS REGARDING COMPLIANCE OF PASSENGER AND LIGHT TRUCK TIRES WITH PROPOSITION 65

Companies involved in the passenger and light truck tire supply chain have requested advice from tire manufacturing companies concerning the compliance of both passenger and light truck tires with the California Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly called Proposition 65 or Prop 65).

Prop 65 was initially passed in 1986. This year, however, there has been renewed interest in Prop 65 because August 30, 2018 is the effective date for several changes to the Prop 65 compliance regulations governing the recommended language, formatting, and other warning label and online requirements. However, these regulatory changes did not change the conditions that trigger a need for a Proposition 65 warning --- the average daily exposure level to a Prop 65 listed chemical during the use of the product must still exceed the Safe Harbor Exposure level (see further discussion below) for Prop 65 warning requirements to apply.

USTMA members have long been dedicated to ensuring compliance with Prop 65. USTMA and USTMA members continue to monitor all Prop 65 regulatory developments, the relevant scientific literature, and any relevant data that is gathered to ensure refinement of the tire industry's evaluation of compliance over time.

Overview

California Proposition 65 requires a warning label on products sold or distributed in California if the product contains one or more of the carcinogenic chemicals or reproductive toxicants on California's official list of Proposition 65 chemicals that result in an average daily exposure level that exceeds the safe harbor exposure level. For most chemicals, the safe harbor exposure level is determined by the California Office of Environment Health Hazard Assessment (OEHHA).

The mere presence of a chemical known to the State to be a carcinogen or reproductive toxicant does not require a warning label. Rather, the average daily exposure to the Proposition 65 listed chemicals in the product must exceed the Proposition 65 safe harbor exposure level for that chemical to require a warning.

USTMA Analysis

USTMA members have evaluated the average daily exposure levels of chemicals included on the Prop 65 list. Exposure is not measured by concentration of a chemical in a tire, but by whether the chemical leaves the tire and is ingested, inhaled or dermally absorbed at a frequency and in amounts during a day that exceed the safe harbor exposure level. The USTMA and its members have concluded that there is no requirement for placing a Proposition 65 warning on passenger or light truck tires based on the cumulative information available to tire manufacturers on the composition of tires, other available sampling, relevant exposure assumptions, daily exposure calculations, and expert advice. USTMA will, as it has done in the past, continue its monitoring and update its evaluation, as appropriate.