



LUMBER ASSOCIATION OF CALIFORNIA & NEVADA

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E-mail: lacn@lumberassociation.org Date: October 15, 2010

Retail Lumber Dealers IMPORTANT ALERT!

California Proposition 65 "Wood Dust" Warnings

In December, 2009, "Wood Dust" was added to the California Proposition 65 list as "a substance known to the State of California to cause cancer." Wood dust was added despite arguments that the definition was vague, wood dust was already covered in state and federal OSHA regulations and that the science used in making the determination was questionable. Nevertheless, wood dust is now on the list and the warning requirement goes into effect as of December 18, 2010.

The lumber and wood products industry is directly affected by this new law, from producers, manufacturers and wholesalers through retail dealers. California Health & Safety Code 25249.6 states no person in the course of doing business shall knowingly and intentionally expose an individual to wood dust without first providing a clear and reasonable warning.

The language in Proposition 65, passed by the voters in 1986, is exceedingly vague. Warning sign language and placement is not defined for anything other than the alcoholic beverage industry. Other businesses have to cope with vague and often capricious interpretations of providing reasonable warning. Adding to the difficulty of complying with Proposition 65 is a provision that allows any individual "acting in the public interest" to enforce Proposition 65 by filing a lawsuit against a business alleged to be in violation of this law. These are usually from lawyers and law firms who file such actions as their main course of business.

The Lumber Association of California & Nevada (LACN) and the Western Wood Products Association (WWPA) have consulted with the California Attorney General's office and the California Office of Environmental Health Hazard Assessment to determine a reasonable manner of compliance on the warnings.

Agreement has been reached on recommended warning sign language and placement of signage in businesses. Both LACN and WWPA will undertake education and notification programs for the wood products industry. In return, the Attorney General's office has agreed that if this program is followed by a business, it is their opinion this will satisfy the "clear and reasonable warning" requirement of the statute. While no one can prevent an action being filed by a third party, this program should assist in influencing dismissal of any action and deter such lawsuits.

LACN will provide the following:

- Ready-to-post warning signs (3 signs included per package and recommended per location, multiple locations see pricing below)
- Recommendations for appropriate placement in business
- Recommendations for other posting locations and customer notifications
- Periodic educational and compliance information, reports and website data
- Monitoring and data base of businesses participating
- Coordination with other wood products industry organizations and individual firms

COST: Includes shipping and sales tax

\$45 LACN retail lumber dealers \$ _____

Additional locations @ \$20 each # _____ \$ _____

(Non-member orders must be prepaid)

\$165 Non-Member retail lumber dealers \$ _____

Additional locations @ \$60 each # _____ \$ _____

Total: \$ _____

WARNING
Drilling, sawing, sanding or machining wood products generates wood dust, a substance known to the State of California to cause cancer. Avoid inhaling wood dust or use a dust mask or other safeguards for personal protection.
CALIFORNIA HEALTH AND SAFETY CODE SECTION 25249.6

Name: _____ Company: _____

Address/City/State/Zip: _____

Email: _____ Phone: _____ Fax: _____

INVOICE US (Non-member orders must be prepaid) CHECK ENCLOSED FOR \$ _____
 MasterCard Visa American Express Discover

Card Number: _____ CCV-CSC#: _____ Expiration Date: _____

Name on Card: _____ Authorized \$ to Charge: _____ Date: _____

If company card - Company Name: _____ Cardholders Signature: _____

This information is designed for general educational purposes and is not intended to serve as legal, health or medical information. Legal and medical questions should be referred to appropriate professionals.
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