



NEIMAN REED
L U M B E R C O .

Proposition 65

On December 18, 2009, wood dust was added to the California Proposition 65 list as a substance known to the State of California to cause cancer. Wood products will expose individuals to wood dust when drilled, sawed, sanded, machined, or otherwise handled in a manner that will produce wood dust.

According to California Health and Safety Code Section 25249.6 as of December 18, 2010 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 warning requirement applies to any person employing ten or more employees who manufactures, produces, sells, distributes, or otherwise transfers a wood product into the stream of commerce in California.

We have been consulting with representatives of the California Attorney General's Office who indicated that, in their view, distributors of wood products have a duty to inform retail customers of the warning requirement and to take reasonable steps to ensure their retail customers are properly providing the warning to the ultimate purchaser of the wood products. Representatives of the California Attorney General's Office have informed us that that the following warning, if properly displayed at the retail outlet satisfies the clear and reasonable warning requirement of the statute.

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.*

This warning should be displayed at the retail point of the sales or display of the wood products so the purchaser of the wood products will see it.

A copy of the ready-to-post warning sign is included.

To comply with your duties under Proposition 65, you must provide a copy of the warning sign along with an explanatory letter to all your retail customers in California to inform them of their duties under Proposition 65, and you must make reasonable efforts to ensure that retailers are properly posting the warning sign. For that purpose we have enclosed a sample letter you can send to your retail customers in California to inform them of their duties under the statute.

The Attorney General has advised us to send out a copy of this letter on a yearly basis or to obtain confirmation verbally or in writing that you are continuing to provide the Proposition 65 warning.

In addition to sending the retail letter and warning sign to your customers, you may also choose to include a warning on any invoices for the wood products as additional warning to your customers. If you choose to provide an invoice warning in addition to the customer letter and sign, the following language can be used:

According to California Health and Safety Code Section 25249.6 as of December 18, 2010, by purchasing this product you have a duty to inform your retail customers that they must provide a clear and reasonable warning to any customer who purchases wood products, and you must take reasonable steps to ensure that the warning is properly posted at the retail outlet. The following warning should be posted at points of sale or points of display of the wood products in California retail outlets so the ultimate purchaser of the wood products will see it.

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.*

Copies of the ready-to-post warning signs are available from the Lumber Association of California & Nevada. As a distributor, you have a duty to notify the retailers of the wood products of the Proposition 65 warning requirements and to confirm that they will provide the warning as required by the law. www.lumberassociation.org 916-235-7490