

UPDATED: CALIFORNIA PROPOSITION 65 Walmart Requirements

TO: All Suppliers

DATE: December 19, 2018

ACTION REQUIRED: Review this document and comply with its terms and all legal and Walmart requirements

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PURPOSE: This toolbox supersedes our October 5, 2017 communication and is being sent to: (1) remind suppliers about the changes to California's Proposition 65 ("Prop 65") that became effective on August 30, 2018; (2) remind suppliers about Walmart Inc.'s ("Walmart") expectation that suppliers comply with the new regulations; and (3) inform suppliers of the only acceptable means for communicating with Walmart regarding all Prop 65 matters.

COVERED ITEMS: All products requiring Prop 65 warnings sold in a physical store/club in California or sold online to California residents.

CHANGES TO CALIFORNIA PROPOSITION 65:

On August 30, 2016, California's Office of Environmental Health Hazard Analysis (OEHHA) approved the adoption of a revised Article 6 of Prop 65. This revision established requirements for providing "clear and reasonable" warnings. On August 1, 2017, OEHHA issued [specific guidance](#) regarding the safe-harbor warnings for Prop 65:

- The new regulations regarding safe-harbor warnings were effective August 30, 2018 and applies to products manufactured after that date. Products manufactured prior to August 30, 2018, may comply with either the old or new rules.
- All products manufactured on or after August 30, 2018 that could be distributed in California must have the appropriate Prop 65 warning, if required. It is the supplier's responsibility to determine whether their products require Prop 65 warnings. An example of the new warning can be viewed in the ["How Do the New Warnings Compare to the Current Warnings?"](#) section of California's OEHHA Prop 65 webpage.

WALMART'S POSITION ON PROP 65 COMPLIANCE:

1. No Point-of-Sale Signs Allowed

Although the law allows for product-specific point-of-sale signs in lieu of on-product/on-package labeling, Walmart **does not** allow suppliers the option to provide in-store/in-club Prop 65 signage.

This means that if a Prop 65 warning is required, the product must have the appropriate on-product/packaging Prop 65 warning.

2. No Double-Slot of Products

Walmart cannot double-slot products in our distribution centers. This means any product that could be distributed in California must be compliant with Prop 65 and that surrounding states may receive product with the required Prop 65 warning language.

3. Upload of Online Warnings Required

Suppliers who provide products to Walmart.com, Samsclub.com, Jet.com and all other Walmart Inc. subsidiaries with online websites must upload online warnings for products sold in California.

- **Walmart.com** – Suppliers must go to the Supplier Center (<https://Supplier.walmart.com>) and update their warning in the Prop 65 field and/or upload new images of warnings complying with the new Prop 65 requirements for products sold in California. For questions about this process, contact eCommerce Compliance at Compliancec_DL@wal-mart.com.
- **Jet.com, Moosejaw, Shoes.com, Hayneedle, Modcloth, Bonobos and all other Walmart Inc. subsidiaries with online websites** – Suppliers can contact Compliancec_DL@wal-mart.com for questions about this process.
- **Samsclub.com** – Suppliers who provide products to Sam's Club that are displayed on Samsclub.com must complete and return the attached spreadsheet to Prop65Comp@samsclub.com.



Prop 65 Chemical
list.xlsx

COMMUNICATIONS TO WALMART: All previous Prop 65-related communications sent by suppliers to Walmart (excluding communications regarding the upload of online warnings for Samsclubs.com) **must be resubmitted** to CaliforniaProp65@walmart.com. This inbox is the only recipient authorized by Walmart to receive Prop 65 communications. Any and all communications attempting to transfer the obligation to warn to Walmart with point of sale signs are affirmatively and expressly rejected.

DISCLAIMER: Walmart does not provide legal advice to suppliers, so suppliers should seek their own legal counsel on how to comply with all laws and regulations applicable to their product.

QUESTIONS OR COMMENTS: Submit questions or comments to the following contacts:

- Food & Beverage Suppliers: foodlabe54@wal-mart.com
- General Merchandise, Consumables, and Eyewear Suppliers: gmcomply@walmart.com
- OTC Drug, Vitamin, Dietary Supplement, & Medical Device Suppliers: HWSCSAFETY@wal-mart.com

Walmart 



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