

What Are These Warnings That I'm Seeing?

You may have noticed the following warning or a similar one associated with our products and with other products purchased from other manufacturers and distributors.

WARNING: This product contains a chemical known to the State of California to cause cancer and birth defects or other reproductive harm.

This warning is appearing now because of a California law passed in 1986. You will hear it called Proposition 65, but its formal name is the Safe Drinking Water and Toxic Enforcement Act.

Proposition 65 requires warnings to be placed on product packaging or on the products that contain any of the 800 plus chemicals considered by the California Air Resources Board to cause cancer or reproductive toxicity. Since the law was passed, California has added chemicals to and deleted chemicals from the list. Many of the elements listed are common everyday items.

Any company that operates in California, sells products in California, or manufactures or distributes products that may be sold in California is subject to complying with Proposition 65 requirements.

We are proactively including the warning to meet the Proposition 65 requirements. There are penalties for not complying with Proposition 65, and failure to include the warning may result in a civil penalty of \$2500 per day.

The warning used is one that is considered to comply with Proposition 65 consumer warning requirements.

Proposition 65 – Frequently Asked Questions

What is California Proposition 65?

Proposition 65, formally known as the Safe Drinking Water and Toxic Enforcement Act, is a California law passed in 1986. Proposition 65 requires California to keep a list of chemicals known to state regulators to cause cancer or reproductive toxicity. Since 1986, California has added chemicals to the list but also deleted chemicals from the list after additional review. Today the Proposition 65 chemical list has grown to include approximately 800 different chemicals, including some chemicals contained in everyday products.

Who enforces Proposition 65?

Proposition 65 is enforced by the California Attorney General's Office and district and city attorneys. Proposition 65 lawsuits can also be brought by private attorneys seeking civil penalties, injunctive relief, and attorney fees.

What is a Proposition 65 warning?

Warnings are placed on products distributed in California that contain a listed chemical. A warning must be given for listed chemicals if exposure poses a "significant risk" of cancer or is above a level observed to cause birth defects or reproductive harm. For chemicals listed as causing cancer, the "significant risk level" means an individual would have a greater than one in

100,000 chance of developing cancer if exposed to the chemical over a 70-year lifetime. For chemicals listed as causing birth defects or reproductive harm, the level of exposure is that which has been shown to pose harm to humans or laboratory animals.

Why don't all distributors of exercise equipment provide warnings on their products?

We cannot control what our competitors do, but we can make sure that our products comply with the requirements of Proposition 65. We have not changed our products to add listed chemicals. We are proactively applying the warning label to meet Proposition 65 requirements, as the number of private attorney lawsuits increases and litigation becomes more costly.

Why are all products labeled instead of only those that are sold in California?

Our products are distributed nationwide. It would be very difficult and costly to determine which products will ultimately be bought, sold, or brought into California. Therefore, to be sure that we are in compliance with Proposition 65 requirements, we are including the warning with all of our products.

For more information about California Proposition 65, go to the website of the California Office of Environmental Health Hazard Assessment: <http://www.oehha.ca.gov/prop65.html>