



October 28th, 2019

TO: BERCOMAC DEALERS

Re: Proposition 65 – Bercomac Compliance Plan

Dear Dealer,

In order to comply with California's Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65), Bercomac has implemented the requirements of "Proposition 65" **Bercomac Compliance Plan** effective immediately.

If you sell or ship any Berco's products or parts to California's citizen, we need you to take the following actions:

1. Please order appropriate labels at NO COST from us. Warning labels will be available from November 1st, 2019 and be shipped upon request.
2. Place warning labels on products as per instructions provided and as outlined in the Compliance Plan below.
3. Display a warning graphic or text that must be visible prior to completing an online sale, i.e. on the consumer product information page of your retail website.
4. Read all aspects of the Proposition 65 **Bercomac Dealer Compliance Plan**.
5. Update business procedures as necessary in order to comply with the law.

Proposition 65 provides California consumers – including all Bercomac products purchasers, with information prior to purchase, regarding their potential exposure to certain chemicals that the State of California has identified as causing cancer or reproductive harm.

Page 1 of 3



877-772-3726 / 418-422-2252 / Fax: 800-430-2252 / 418-422-2200



www.bercomac.com / cs@bercomac.com





PROPOSITION 65 – BERCOMAC COMPLIANCE PLAN

Bercomac is providing warning labels to its dealers and requires them to relay the necessary warnings to California consumers if any transaction is planned between them.

Effective immediately, each Bercomac dealer will be responsible for affixing the appropriate warning labels on each item prior to making any retail sales to California consumers through any authorized sales channel including in-person and online.

Bercomac is asking you to comply with the following process:

1. Reception of warning labels: Bercomac is providing to its dealers, free of charge, with Proposition 65 warning labels and directions on how to apply these warning labels.
2. Reordering Warning labels: Dealers requiring additional Proposition Warning labels should place and order with us following the regular process. For parts, use SKU number 109704 (qty of 24) and for products, use SKU number 109737 (qty of 2). All additional warning labels will also be provided at no cost to dealers.
3. Dealer responsibility for in-store sales: All dealers are required and held responsible for placing the Proposition 65 Warning labels provided on each item prior to making any in-store retail sales to California's citizen.
4. Affixing of Warning labels: The Warning labels should be placed in such way as to ensure consumers receive the warning prior to exposure. The label must be on the item AND on its exterior packaging; it must avoid covering any safety decals or brand logos.
5. Online sales: Proposition 65 also applies to products sold online to California consumers and requires that the Proposition 65 Warning graphics should be visible on the consumer product information page prior to completing the online sale. The Proposition 65 Warning must also be placed on that product before it ships to a California consumer.





THE IMPORTANCE OF COMPLIANCE

Compliance with Proposition 65 is mandatory by State law and must be taken seriously. All parties involved in the selling and logistics channels shall comply with all Federal, State and Local laws and regulations that apply to their operations and shall also respect all laws and regulations pertaining to the protection of the environment, which includes Proposition 65.

Failure to comply with Proposition 65 could result in claims by the State of California or other plaintiff's attorney. Penalties for violating Proposition 65 by failing to provide Warning can be as high as \$2500 per violation per day. For more information, please refer to: www.p65warnings.ca.gov

As an authorized Bercomac dealer, we trust that you will comply with Proposition 65 requirements and with the Proposition 65 **Bercomac Compliance Plan** as they may be amended from time to time.

Please note that Proposition 65 also includes requirements for occupational and environmental exposure warnings. We suggest that you seek legal advice for details and to determine whether the regulation may otherwise affect your business.

Best Regards,

Sylvie Vachon,
V-P Marketing, Bercomac Limitée

Updated: September 1st, 2020

Page 3 of 3

Bercomac Limitée, 92, Fortin N., Adstock, Qc, Canada G0N 1S0



877-772-3728 / 418-422-2252 / Fax: 800-430-2252 / 418-422-2200



www.bercomac.com / cs@bercomac.com

