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**FILED BY FAX**  
 ALAMEDA COUNTY  
 November 06, 2020  
 CLERK OF  
 THE SUPERIOR COURT  
 By Cheryl Clark, Deputy  
 CASE NUMBER:  
 RG20079464

8 Attorneys for Plaintiff,  
 9 The Chemical Toxin Working Group, Inc.

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
 11 **COUNTY OF ALAMEDA**

12 THE CHEMICAL TOXIN WORKING  
 13 GROUP, INC.,

CASE NO.

14 Plaintiff,

**COMPLAINT FOR INJUNCTIVE  
 RELIEF AND CIVIL PENALTIES**

15 vs.

16 WHOLE FOODS MARKET  
 17 CALIFORNIA, INC.; AMAZON.COM  
 18 SERVICES LLC; and DOES 1 to 50,

[Violations of Proposition 65, the Safe  
 Drinking Water and Toxic Enforcement  
 Act of 1986 (*Health & Safety Code* §§  
 25249.5, *et seq.*)]

19 Defendants.

UNLIMITED CIVIL  
 (Demand exceeds \$25,000)

20  
 21  
 22 Plaintiff THE CHEMICAL TOXIN WORKING GROUP, INC. ("CTWG" or  
 23 "Plaintiff") brings this action in the interests of the general public pursuant to California's  
 24 Safe Drinking Water and Toxic Enforcement Act of 1986, codified as Cal. Health & Safety  
 25 Code ("HSC") § 25249.5 *et seq.* and related statutes (also known and referred to herein as  
 26 "Proposition 65") and, based on information and belief, hereby alleges:

27 ////

28 ////

**I**  
**THE PARTIES**

1  
2  
3           1.       Plaintiff CTWG a/k/a The Healthy Living Foundation is a California non-  
4 profit public benefit corporation dedicated to, among other causes, reducing the amount of  
5 chemical toxins in consumer products, the promotion of human health, environmental  
6 safety, and improvement of worker and consumer safety.

7           2.       Plaintiff is a person within the meaning of HSC § 25249.11(a) and brings  
8 this enforcement action in the public interest pursuant to HSC § 25249.7(d).

9           3.       Defendant WHOLE FOODS MARKET CALIFORNIA, INC. (“Whole  
10 Foods”) is a California corporation, and a person doing business in the State of California  
11 within the meaning of HSC §25249.11(b) and had ten (10) or more employees at all  
12 relevant times.

13           4.       Defendant AMAZON.COM SERVICES LLC (“Amazon”) is a Delaware  
14 corporation, and a person doing business in the State of California within the meaning of  
15 HSC §25249.11(b) and had ten (10) or more employees at all relevant times.

16           5.       Defendant Whole Foods and Defendant Amazon are sometimes each referred  
17 to herein as a “Defendant”, and collectively, the “Defendants”.

18           6.       Defendants own, administer, direct, control, and/or operate facilities and/or  
19 agents, distributors, sellers, marketers, or other retail operations who place the “Subject  
20 Product” (as defined in Paragraph 18, p.6 below) into the stream of commerce in California  
21 (including but not limited to Alameda County) which contains lead without first giving  
22 “clear and reasonable” warnings.

23           7.       Defendants DOES 1-50 are named herein under fictitious names, as their true  
24 names and capacities are unknown to Plaintiff. Plaintiff is informed and believes, and  
25 thereon alleges, that each of said DOES has manufactured, packaged, distributed,  
26 marketed, sold and/or has otherwise been involved in the chain of commerce of, and  
27 continues to manufacture, package, distribute, market, sell, and/or otherwise continues to  
28 be involved in the chain of commerce of the “Subject Product” (as defined below) for sale

1 or use in California, and/or is responsible, in some actionable manner, for the events and  
2 happenings referred to herein, either through its conduct or through the conduct of its  
3 agents, servants or employees, or in some other manner, causing the harms alleged herein.  
4 Plaintiff will seek leave to amend this Complaint to set forth the true names and capacities  
5 of DOES when ascertained.

6 8. Upon information and belief, at all times relevant to this action, each of the  
7 Defendants, including DOES 1-50, was an agent, servant, or employee of each of the other  
8 Defendants. In conducting the activities alleged in this Complaint, each of the Defendants  
9 was acting within the course and scope of this agency, service, or employment, and was  
10 acting with the consent, permission, and authorization of each of the other Defendants. All  
11 actions of each of the Defendants alleged in this Complaint were ratified and approved by  
12 every other Defendant or their officers or managing agents. Alternatively, each of the  
13 Defendants aided, conspired with and/or facilitated the alleged wrongful conduct of each  
14 of the other Defendants.

15  
16 **II**  
17 **JURISDICTION AND VENUE**

18 9. This Court has jurisdiction over this action pursuant to California  
19 Constitution Article VI, Section 10, which grants the Superior Court “original jurisdiction  
20 in all causes except those given by statute to other trial courts.” This Court has jurisdiction  
21 over this action pursuant to HSC § 25249.7, which allows enforcement of violations of  
22 Proposition 65 in any Court of competent jurisdiction.

23 10. This Court has jurisdiction over each Defendant because, based on  
24 information and belief, each Defendant is a business entity having sufficient minimum  
25 contacts in California, or otherwise intentionally availing itself of the California market  
26 through the sale, marketing, distribution and/or use of the Subject Product in the State of  
27 California, to render the exercise of jurisdiction over each Defendant by the California  
28 courts consistent with traditional notions of fair play and substantial justice.





1 See HSC § 25249.8. The list, which the Governor updates at least once a year, contains  
2 over 700 chemicals and chemical families. Proposition 65 imposes warning requirements  
3 and other controls that apply to Proposition 65-listed chemicals.

4 15. All businesses with ten (10) or more employees that operate or sell products  
5 in California must comply with Proposition 65. Under Proposition 65, businesses are: (1)  
6 prohibited from knowingly discharging Proposition 65-listed chemicals into sources of  
7 drinking water (HSC § 25249.5), and (2) required to provide “clear and reasonable”  
8 warnings before exposing a person, knowingly and intentionally, to a Proposition 65-listed  
9 chemical (HSC § 25249.6).

10 16. Proposition 65 provides that any person who “violates or threatens to  
11 violate” the statute “may be enjoined in any court of competent jurisdiction.” HSC  
12 §25249.7(a). “Threaten to violate” is defined to mean creating “a condition in which there  
13 is a substantial probability that a violation will occur.” HSC §25249.11(e). Violators are  
14 liable for civil penalties of up to \$2,500 per day for each violation of Proposition 65. See  
15 HSC §25249.7(b).

16  
17 **IV**  
18 **BACKGROUND AND PRELIMINARY FACTS**

19 17. This action seeks to remedy the continuing failure of Defendants failure to  
20 clearly and reasonably warn consumers in California that they are being exposed to lead, a  
21 chemical known to the State of California to cause cancer, birth defects and other  
22 reproductive harm in both men and women.

23 18. Defendants have each manufactured, packaged, distributed, marketed, sold  
24 and/or have otherwise been involved in the chain of commerce of, and continue to  
25 manufacture, distribute, package, promote, market, sell and/or otherwise continue to be  
26 involved in the chain of the following food product: “365 \_\_ Everyday \_\_ Value \_\_  
27 Ginger \_\_ 500 mg \_\_ Dietary Supplement” (referred to as the “Subject Product”), which  
28 contains the chemical lead.

1           19.    The Subject Product continues to be offered for sale, sold and/or otherwise  
2 provided for use and/or handling to individuals in California.

3           20.    The consumption, use and/or handling of the Subject Product causes  
4 exposures to lead at levels requiring a “clear and reasonable warning” under California’s  
5 Safe Drinking Water and Toxic Enforcement Act of 1986, codified as Cal. Health & Safety  
6 Code (“HSC”) § 25249.5 *et seq.* and related statutes (also known as “Proposition 65”).  
7 Defendants expose consumers of the Subject Product to lead and has failed to provide the  
8 health hazard warnings required by Proposition 65.

9           21.    The past, and continued manufacturing, packaging, distributing, marketing  
10 and/or sale of the Subject Product, without the required health hazard warnings, causes  
11 individuals to be involuntarily exposed to high levels of lead in violation of Proposition 65.

12           22.    Plaintiff seeks injunctive relief enjoining Defendants from the continued  
13 manufacturing, packaging, distributing, marketing and/or selling of the Subject Product in  
14 California without first providing clear and reasonable warnings, within the meaning of  
15 Proposition 65, regarding the risks of cancer, birth defects and other reproductive harm  
16 posed by exposures to lead through the ingestion, use and/or handling of the Subject  
17 Product. Plaintiff seeks an injunctive order compelling Defendants to bring their business  
18 practices into compliance with Proposition 65 by providing clear and reasonable warnings  
19 to each individual who may be exposed to lead from the ingestion, use and/or handling of  
20 the Subject Product. Plaintiff also seeks an order compelling Defendants to identify and  
21 locate each individual person who in the past has purchased the Subject Product, and to  
22 provide to each such purchaser a clear and reasonable warning that the use of the Subject  
23 Product, as applicable, will cause exposure to lead.

24           23.    In addition to injunctive relief, Plaintiff seeks an assessment of civil penalties  
25 to remedy Defendants’ failure to provide clear and reasonable warnings regarding  
26 exposures to lead.

27           24.    On February 27, 1987, the State of California officially listed lead as a  
28 chemical known to cause reproductive toxicity: developmental toxicity, male reproductive

1 toxicity, and female reproductive toxicity. On October 1, 1992, the State of California  
2 officially listed lead and lead compounds as chemicals known to cause cancer.

3 25. The Maximum Allowable Dose Level (“MADL”) for lead, reproductive  
4 toxicity is 0.5 µg/day. The MADL is calculated based on a body weight of 58 kg for an  
5 adult or pregnant woman, 70 kg for an adult male, 40 kg for an adolescent, 20 kg for a  
6 child, 10 kg for an infant, and 3.5 kg for a neonate (27 CCR § 25803, subd. (b)). The  
7 exposure estimates from the Subject Product exceeds the lead MADL set by the California  
8 Office of Environmental Health Hazard Assessment (“OEHHA”). As a result, the Subject  
9 Product is required to have clear and reasonable warning under Proposition 65.

10 26. The No Significant Risk Level (“NSRL”) for cancer as relating to lead is 15.0  
11 µg/day. The NSRL is calculated based on a body weight of 58 kg for an adult or pregnant  
12 woman, 70 kg for an adult male, 40 kg for an adolescent, 20 kg for a child, 10 kg for an  
13 infant, and 3.5 kg for a neonate (27 CCR § 25803, subd. (b)).

14 27. Plaintiff purchased the Subject Product without a Proposition 65 warning on  
15 the Subject Product, or as required by Proposition 65.

16 28. To test the Subject Products for lead, Plaintiff engaged a well-respected and  
17 accredited testing laboratory that used the testing protocol used and approved by the  
18 California Attorney General. The results of testing undertaken by Plaintiff of the Subject  
19 Product, show that each of the Subject Product tested were in violation of the 0.5 µg/day  
20 MADL “safe harbor” daily limit for lead set forth in Proposition 65’s regulations. As a  
21 result, each Subject Product is required to have clear and reasonable warnings under  
22 Proposition 65.

23 29. As a proximate result of acts by each Defendant, as a person in the course of  
24 doing business within the meaning of HSC §25249.11(b), individuals throughout the State  
25 of California, including in the County of Alameda, have been exposed to lead without clear  
26 and reasonable warnings. The individuals subject to exposures to lead include normal and  
27 foreseeable users of the Subject Product, as well as all other persons exposed to the Subject  
28 Product.



1 information, the attorney for Plaintiff who executed the Certificate of Merit believed there  
2 was a reasonable and meritorious case for this private action. The attorney for Plaintiff  
3 attached to the Certificate of Merit served on the Attorney General, the confidential factual  
4 information sufficient to establish the basis of the Certificate of Merit.

5 36. Plaintiff's Notice of alleged violations also includes a Certificate of Service  
6 and documents entitled "Appendix "A" - The Safe Drinking Water & Toxic Enforcement  
7 Act of 1986 (Proposition 65): A Summary", and "Appendix "B" - The Safe Drinking  
8 Water & Toxic Enforcement Act of 1986 (Proposition 65): Special Compliance  
9 Procedure". HSC §25249.7(d)

10 37. The Notice was issued pursuant to, and in compliance with, the requirements  
11 of Health and Safety Code section 25249.7, subdivision (d) and the statute's implementing  
12 regulations regarding the notice of the violations to be given to certain public enforcement  
13 agencies and to the violator. The Notice included, *inter alia*, the following information:  
14 the name, address, and telephone number of the noticing individual; the name of the  
15 alleged violator; the statute violated; the approximate time period during which violations  
16 occurred; and descriptions of the violations including the chemical involved, the routes of  
17 toxic exposure, and the specific product or type of product causing the violations.

18 38. Plaintiff is commencing this action more than sixty (60) days from the date  
19 that Plaintiff served the Notice on the Defendants and the public prosecutors referenced in  
20 the paragraphs above.

21 39. Plaintiff is informed, believes, and thereon alleges that neither the Attorney  
22 General, nor any applicable district attorney or city attorney has commenced an action or is  
23 diligently prosecuting an action against either of the Defendants.

24  
25 **FIRST CAUSE OF ACTION**

26 **(Injunctive Relief for Violations of Proposition 65, The Safe Drinking Water and  
27 Toxic Enforcement Act of 1986 (*Health & Safety Code*, §§ 25249.5, *et seq.*))**

28 **(Against All Defendants and Does 1 - 50)**

1           40. Plaintiff repeats and incorporates by reference Paragraphs 1 through 39,  
2 inclusive, as if specifically set forth in this cause of action.

3           41. By committing the acts alleged in this Complaint, each Defendant at all  
4 times relevant to this action, and continuing through the present, has violated and  
5 continues to violate HSC §25249.6 by, in the course of doing business, knowingly and  
6 intentionally exposing individuals, who ingest, use or handle the Subject Product, to the  
7 chemical lead at levels exceeding allowable exposure levels under Proposition 65  
8 guidelines without Defendants first giving clear and reasonable warnings to such  
9 individuals pursuant to HSC §§25249.6 and 25249.11(f).

10           42. Defendants have manufactured, packaged, distributed, marketed, sold and/or  
11 has otherwise been involved in the chain of commerce of, and continue to manufacture,  
12 package, distribute, market, sell and/or otherwise continue to be involved in the chain of  
13 commerce the Subject Product, which has been, is, and will be ingested, used and/or  
14 handled by individuals in California, without Defendants providing clear and reasonable  
15 warnings, within the meaning of Proposition 65, regarding the risks of cancer, birth defects  
16 and other reproductive harm posed by exposure to lead through the ingestion, use and/or  
17 handling of the Subject Product. Furthermore, Defendants have threatened to violate HSC  
18 §25249.6 by the Subject Product being marketed, offered for sale, sold and/or otherwise  
19 provided for ingestion, use and/or handling to individuals in California.

20           43. By the above-described acts, Defendants have violated HSC §25249.6 and  
21 are therefore subject to an injunction ordering Defendants to stop violating Proposition 65,  
22 and to provide warnings to consumers and other individuals who will purchase, use and/or  
23 handle the Subject Product.

24           44. An action for injunctive relief under Proposition 65 is specifically authorized  
25 by Health & Safety Code §25249.7(a) in any court of competent jurisdiction.

26           45. Continuing commission by the Defendants of the acts alleged above will  
27 irreparably harm consumers within the State of California, for which harm they have no  
28 plain, speedy, or adequate remedy at law. In the absence of equitable relief, Defendants

1 will continue to create a substantial risk of irreparable injury by continuing to cause  
2 consumers to be involuntarily and unwittingly exposed to lead through the ingestion, use  
3 and/or handling of the Subject Product.

4  
5 **SECOND CAUSE OF ACTION**

6 **(Civil Penalties for Violations of Proposition 65, The Safe Drinking Water and Toxic  
7 Enforcement Act of 1986 (*Health & Safety Code*, §§ 25249.5, *et seq.*)**

8 **(Against All Defendants and Does 1 - 50)**

9 46. Plaintiff repeats and incorporates by reference Paragraphs 1 through 45,  
10 inclusive, as if specifically set forth in this cause of action.

11 47. By committing the acts alleged in this Complaint, each of the Defendants at  
12 all times relevant to this action, and continuing through the present, have violated and  
13 continue to violate HSC §25249.6 by, in the course of doing business, knowingly and  
14 intentionally exposing individuals who ingest, use or handle the Subject Product to the  
15 chemical lead at levels exceeding allowable exposure levels without Defendants first  
16 giving clear and reasonable warnings to such individuals pursuant to HSC §§25249.6 and  
17 25249.11(f).

18 48. Defendants have manufactured, packaged, distributed, marketed, sold and/or  
19 have otherwise been involved in the chain of commerce of, and continue to manufacture,  
20 package, distribute, market, sell and/or otherwise continue to be involved in the chain of  
21 commerce of the Subject Product, which has been, is, and will be ingested, used and/or  
22 handled by individuals in California, without Defendants providing clear and reasonable  
23 warnings, within the meaning of Proposition 65, regarding the risks of cancer, birth defects  
24 and other reproductive harm posed by exposure to lead through the use and/or handling of  
25 the Subject Product. Furthermore, Defendants have threatened to violate HSC §25249.6  
26 by the Subject Product being marketed, offered for sale, sold and/or otherwise provided for  
27 ingestion, use and/or handling to individuals in California.

28 ////



1 49. By the above-described acts, Defendants are liable, pursuant to HSC  
2 §25249.7(b), for a civil penalty of up to \$2,500 per day, for each violation of HSC  
3 §25249.6 relating to the Subject Product.

4 50. Wherefore, Plaintiff prays judgment against Defendants, as set forth  
5 hereafter.

6 **PRAYER FOR RELIEF**

7 WHEREFORE, Plaintiff prays for relief against each of the Defendants as follows:

- 8 1. A preliminary and permanent injunction enjoining the Defendants,  
9 their agents employees, assigns and all persons acting in concert or  
10 participating with each Defendant, from manufacturing, packaging,  
11 distributing, marketing and/or selling the Subject Product for sale or  
12 use in California without first providing clear and reasonable  
13 warnings, within the meaning of Proposition 65, that the users and/or  
14 handlers of the Subject Product are exposed to the chemical lead;
- 15 2. An injunctive order, pursuant to HSC § 25249.7(b) and 27 CCR §§  
16 25603 and 25603.1, compelling Defendants to provide “clear and  
17 reasonable” warning on the label of the Subject Product. The warning  
18 should indicate that the Subject Product will expose the user or  
19 consumer to chemicals known to the State of California to cause  
20 cancer and reproductive toxicity.
- 21 3. An assessment of civil penalties against Defendants, pursuant to  
22 Health & Safety Code §25249.7(b), in the amount of \$2,500 per day  
23 for each violation of Proposition 65;
- 24 4. An award to Plaintiff of its attorneys’ fees pursuant to CCP § 1021.5  
25 or the substantial benefit theory;
- 26 5. An award of costs of suit herein pursuant to CCP § 1032 *et seq.* or as  
27 otherwise warranted; and
- 28 6. Such other and further relief as the Court may deem just and proper.

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DATED: November 06, 2020

Respectfully submitted,

**KHANSARI LAW CORP., APC**



Andre A. Khansari, Esq.  
Attorneys for Plaintiff,  
The Chemical Toxin Working Group, Inc.

**EXHIBIT “A”**

**EXHIBIT “A”**



Andre A. Khansari, Esq.  
Direct Dial: (424) 248-6610  
Email: [andre@khansarilaw.com](mailto:andre@khansarilaw.com)

June 25, 2020

**VIA CERTIFIED MAIL**

Keith Manbeck, CEO/President  
Whole Foods Market California, Inc.  
550 Bowie Street  
Austin, Texas 78703

Current CEO or President  
Whole Foods Market, Inc.  
c/o CT Corporation System  
1999 Bryan Street, Suite 900  
Dallas, Texas 75201-3136

Current Manager or CEO  
Amazon.com Services LLC  
c/o CSC – Lawyers Incorporating Service  
2710 Gateway Oaks Drive, Suite 150N  
Sacramento, California 95833

**VIA U.S. MAIL**

District Attorneys of All California Counties and  
Select City Attorneys  
(See Attached - Certificate of Service)

**VIA CERTIFIED MAIL**

Current CEO or President  
Whole Foods Market California, Inc.  
c/o CT Corporation System  
818 West Seventh Street, Suite 930  
Los Angeles, California 90017

Michael D. Deal, Manager/CEO  
Amazon.com Services LLC  
410 Terry Avenue N.  
Seattle, Washington 98109

**VIA ELECTRONIC FILING**

State of California Department of Justice  
Office of the Attorney General  
Proposition 65 Enforcement Reporting  
Filing link: [oag.ca.gov/prop65](http://oag.ca.gov/prop65)

**Sixty-Day Notice of Intent to Sue for Violations of the Safe Drinking Water  
and Toxic Enforcement Act of 1986**

*(California Health & Safety Code Section 25249.5 et seq.)*

Dear Alleged Violators and the Appropriate Public Enforcement Agencies:

We represent The Chemical Toxin Working Group, Inc., a California non-profit corporation, aka The Healthy Living Foundation ("HLF"), an organization dedicated to reducing the amount of chemicals toxins in consumer products, the promotion of human health, environmental safety, and improvement of worker and consumer safety. David Steinman created HLF to effectuate his commitments as an environmentalist, journalist, consumer health advocate, publisher and author. His major books include "Diet for a



Poisoned Planet" (1990, 2007); "The Safe Shopper's Bible" (1995); "Living Healthy in a Toxic World" (1996); and "Safe Trip to Eden: Ten Steps to Save the Planet Earth from Global Warming Meltdown" (2007), along with his many publications as the publisher of the "California Healthy Living Magazine" and its associated websites and periodicals.

Through this Notice of Violations (this "**Notice**"), HLF seeks to reduce and/or eliminate consumer exposures to **lead** from dietary supplements sold by Whole Foods Market California, Inc., Whole Foods Market, Inc. and Amazon.com Services LLC (collectively referred to as the "**Noticed Parties**"). This Notice constitutes written notification that the Noticed Parties, have violated the warning requirements of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act of 1986 (codified at California Health & Safety Code §25249.5, *et seq*) (referred to as "**Proposition 65**"). The product subject to this Notice (the "**specified product**") and the chemical in the specified product identified as exceeding allowable levels is the following:

- **365 \_\_ Everyday \_\_ Value \_\_ Ginger \_\_ 500 mg \_\_ Dietary Supplement -- (Lead)**

The Noticed Parties have manufactured, marketed, distributed and/or sold the specified product which has exposed and continues to expose numerous individuals within California to lead. Lead was listed pursuant to Proposition 65 as a chemical known to the State of California to cause developmental toxicity and reproductive toxicity on February 27, 1987, and as a chemical known to cause cancer on October 1, 1992.

With respect to the specified product listed above, the violation: commenced on the latter of the date that the specified product was first offered for sale in California or the date upon which California law codified the allowable level of the relevant chemical surpassed by the specified product; has continued every day since the relevant date the violation commenced; and will continue every day henceforth until lead is removed from the specified product, reduced to allowable levels, or until a "clear and reasonable" warning is provided to consumers by the Noticed Parties in accordance with the law. The primary route of exposure has been through ingestion, however dermal, hand to mouth and inhalation exposure are also possible modes of exposure.

Proposition 65 requires that a "clear and reasonable" warning be provided prior to exposure to certain listed chemicals. The Noticed Parties are in violation of Proposition 65 because the Noticed Parties have failed to provide a warning to consumers that they are being exposed to lead. While in the course of doing business, the Noticed Parties are "knowingly and intentionally" exposing consumers to lead without first providing a "clear and reasonable" warning. See Cal. Health and Safety Code § 25249.6. The method of warning should be a warning that appears on the product's labels. See Cal. Code Regs. tit. 27, § 25602, subd. (a)(3), and subd. (b) for internet purchases, as applicable. The Noticed Parties have not provided any Proposition 65 warnings on the specified product's



label or any other appropriate warnings that persons handling, ingesting and/or otherwise using the specified product are being exposed to lead.

Proposition 65 requires that notice and intent to sue be provided to a violator 60-days before a suit is filed in connection therewith. With this Notice, HLF gives written notice of the alleged violation to the Noticed Parties and the appropriate governmental authorities. This Notice covers all violations of Proposition 65 that are currently known to the noticing party from information now available as specifically related to the violating product sold through the Noticed Parties. HLF is continuing its investigation that may reveal further violations.

Pursuant to Title 27, C.C.R. § 25903(b), copies of the documents entitled (i) "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary", referenced as Appendix "A", and (ii) "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): Special Compliance Procedure", referenced as Appendix "B", are attached hereto for reference by the Noticed Parties.

Pursuant to Title 11, C.C.R. § 3100, a "Certificate of Merit" is attached hereto.

HLF is interested in a prompt resolution of this matter with an enforceable written agreement by the Noticed Parties to (1) eliminate or reduce lead to an allowable level in, or provide appropriate warning on the label of, the specified product; and (2) pay an appropriate civil penalty. Such a resolution will prevent further unwarned consumer exposures and expensive, time-consuming litigation.

In keeping with its public interest mission and to expeditiously rectify these ongoing violations of California law, HLF is interested in seeking a constructive resolution of this matter without engaging in costly and protracted litigation. Please direct all communications regarding this Notice to my office on behalf of HLF.

If you have any questions, please contact my office at your earliest convenience. Thank you for your time and consideration with respect to this urgent matter.

Sincerely,  
**KHANSARI LAW CORP., APC**

A handwritten signature in black ink, appearing to read 'A. Khansari', is written over a horizontal line.

Andre A. Khansari, Esq.  
(Attachments)



**Attachments:**

1. Certificate of Merit;
2. Certificate of Service;
3. Additional Supporting Information for Certificate of Merit (to Attorney General only); and
4. Appendix "A" – "The Safe Drinking Water and Toxic Enforcement act of 1986 (Proposition 65): A Summary", and Appendix "B" – "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): Special Compliance Procedure" (to the Noticed Parties only).

Copy to: The Chemical Toxin Working Group, Inc. (via email only)



## CERTIFICATE OF MERIT

**Re: The Chemical Toxin Working Group Inc.'s Notice of Proposition 65  
Violations by Whole Foods Market California, Inc., Whole Foods  
Market, Inc. and Amazon.com Services LLC**

I, Andre A. Khansari, hereby declare:

1. This Certificate of Merit (this "Certificate") accompanies the attached Notice of Violations dated June 25, 2020 (the "NOV") in which it is alleged that each of the parties identified in the NOV ("alleged violators") have violated California Health and Safety Code Section 25249.6 by failing to provide clear and reasonable warnings.
2. I am the attorney for the noticing party, The Chemical Toxin Working Group, Inc. a California non-profit corporation, aka The Healthy Living Foundation. The NOV alleges that the alleged violators have exposed persons in California to the listed chemical that is the subject of this Certificate. Please refer to the NOV for additional details regarding the product name and alleged violations.
3. I have consulted with one or more persons with relevant and appropriate experience or expertise who have reviewed facts, studies, or other data regarding the alleged exposures to the listed chemical that is the subject of this Certificate. I have reviewed the laboratory testing results for the chemical subject to the NOV and relied on these results. The testing was conducted by a reputable testing laboratory, and by experienced scientists. The facts, studies and other data derived through this investigation overwhelmingly demonstrate that the alleged violators expose persons to the listed chemical that is the subject of this Certificate.
4. Based on the information obtained through these consultants and on other information in my possession, I believe there is sufficient evidence that the listed product in the NOV exposes people to unlawfully high levels of the specified chemical. Furthermore, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for the private action" means that the information provides a credible basis that all elements of the plaintiff's case can be established and that the information did not prove that the alleged violators will be able to establish any of the affirmative defenses set forth in the statute.
5. The copy of this Certificate served on the California Attorney General attaches to it factual information sufficient to establish the basis for this Certificate, including the information identified in Health & Safety Code Section 25249.7 (h)(2), i.e. (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies or other data reviewed by those persons.

Dated: June 25, 2020



\_\_\_\_\_  
Andre A. Khansari  
Attorney for The Chemical Toxin Working Group, Inc

## APPENDIX A

### OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

#### THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY

The following summary has been prepared by the California Office of Environmental Health Hazard Assessment (OEHHA), the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly known as "Proposition 65"). A copy of this summary must be included as an attachment to any notice of violation served upon an alleged violator of the Act. The summary provides basic information about the provisions of the law, and is intended to serve only as a convenient source of general information. It is not intended to provide authoritative guidance on the meaning or application of the law. The reader is directed to the statute and OEHHA implementing regulations (see citations below) for further information.

FOR INFORMATION CONCERNING THE BASIS FOR THE ALLEGATIONS IN THE NOTICE RELATED TO YOUR BUSINESS, CONTACT THE PERSON IDENTIFIED ON THE NOTICE.

The text of Proposition 65 (Health and Safety Code Sections 25249.5 through 25249.13) is available online at: <http://oehha.ca.gov/prop65/law/P65law72003.html>. Regulations that provide more specific guidance on compliance, and that specify procedures to be followed by the State in carrying out certain aspects of the law, are found in Title 27 of the California Code of Regulations, sections 25102 through 27001.<sup>1</sup> These implementing regulations are available online at: <http://oehha.ca.gov/prop65/law/P65Regs.html>.

#### *WHAT DOES PROPOSITION 65 REQUIRE?*

**The "Proposition 65 List."** Under Proposition 65, the lead agency (OEHHA) publishes a list of chemicals that are known to the State of California to cause cancer and/or reproductive toxicity. Chemicals are placed on the Proposition 65 list if they are known to cause cancer and/or birth defects or other reproductive harm, such as damage to

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<sup>1</sup> All further regulatory references are to sections of Title 27 of the California Code of Regulations unless otherwise indicated. The statute, regulations and relevant case law are available on the OEHHA website at: <http://www.oehha.ca.gov/prop65/law/index.html>.



female or male reproductive systems or to the developing fetus. This list must be updated at least once a year. The current Proposition 65 list of chemicals is available on the OEHHA website at: [http://www.oehha.ca.gov/prop65/prop65\\_list/Newlist.html](http://www.oehha.ca.gov/prop65/prop65_list/Newlist.html).

Only those chemicals that are on the list are regulated under Proposition 65. Businesses that produce, use, release or otherwise engage in activities involving listed chemicals must comply with the following:

***Clear and reasonable warnings.*** A business is required to warn a person before "knowingly and intentionally" exposing that person to a listed chemical unless an exemption applies. The warning given must be "clear and reasonable." This means that the warning must: (1) clearly make known that the chemical involved is known to cause cancer, or birth defects or other reproductive harm; and (2) be given in such a way that it will effectively reach the person before he or she is exposed to that chemical. Some exposures are exempt from the warning requirement under certain circumstances discussed below.

***Prohibition from discharges into drinking water.*** A business must not knowingly discharge or release a listed chemical into water or onto land where it passes or probably will pass into a source of drinking water. Some discharges are exempt from this requirement under certain circumstances discussed below.

#### ***DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?***

Yes. You should consult the current version of the statute and regulations (<http://www.oehha.ca.gov/prop65/law/index.html>) to determine all applicable exemptions, the most common of which are the following:

***Grace Period.*** Proposition 65 warning requirements do not apply until 12 months after the chemical has been listed. The Proposition 65 discharge prohibition does not apply to a discharge or release of a chemical that takes place less than 20 months after the listing of the chemical.

***Governmental agencies and public water utilities.*** All agencies of the federal, state or local government, as well as entities operating public water systems, are exempt.

***Businesses with nine or fewer employees.*** Neither the warning requirement nor the discharge prohibition applies to a business that employs a total of nine or fewer employees. This includes all employees, not just those present in California.

**Exposures that pose no significant risk of cancer.** For chemicals that are listed under Proposition 65 as known to the State to cause cancer, a warning is not required if the business causing the exposure can demonstrate that the exposure occurs at a level that poses "no significant risk." This means that the exposure is calculated to result in not more than one excess case of cancer in 100,000 individuals exposed over a 70-year lifetime. The Proposition 65 regulations identify specific "No Significant Risk Levels" (NSRLs) for many listed carcinogens. Exposures below these levels are exempt from the warning requirement. See OEHHA's website at: <http://www.oehha.ca.gov/prop65/getNSRLs.html> for a list of NSRLs, and Section 25701 *et seq.* of the regulations for information concerning how these levels are calculated.

**Exposures that will produce no observable reproductive effect at 1,000 times the level in question.** For chemicals known to the State to cause reproductive toxicity, a warning is not required if the business causing the exposure can demonstrate that the exposure will produce no observable effect, even at 1,000 times the level in question. In other words, the level of exposure must be below the "no observable effect level" divided by 1,000. This number is known as the Maximum Allowable Dose Level (MADL). See OEHHA's website at: <http://www.oehha.ca.gov/prop65/getNSRLs.html> for a list of MADLs, and Section 25801 *et seq.* of the regulations for information concerning how these levels are calculated.

**Exposures to Naturally Occurring Chemicals in Food.** Certain exposures to chemicals that naturally occur in foods (i.e., that do not result from any known human activity, including activity by someone other than the person causing the exposure) are exempt from the warning requirements of the law. If the chemical is a contaminant<sup>2</sup> it must be reduced to the lowest level feasible. Regulations explaining this exemption can be found in Section 25501.

**Discharges that do not result in a "significant amount" of the listed chemical entering any source of drinking water.** The prohibition from discharges into drinking water does not apply if the discharger is able to demonstrate that a "significant amount" of the listed chemical has not, does not, or will not pass into or probably pass into a source of drinking water, and that the discharge complies with all other applicable laws, regulations, permits, requirements, or orders. A "significant amount" means any detectable amount, except an amount that would meet the "no significant risk" level for chemicals that cause cancer or that is 1,000 times below the "no observable effect" level for chemicals that cause reproductive toxicity, if an individual were exposed to that amount in drinking water.

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<sup>2</sup> See Section 25501(a)(4).

## *HOW IS PROPOSITION 65 ENFORCED?*

Enforcement is carried out through civil lawsuits. These lawsuits may be brought by the Attorney General, any district attorney, or certain city attorneys. Lawsuits may also be brought by private parties acting in the public interest, but only after providing notice of the alleged violation to the Attorney General, the appropriate district attorney and city attorney, and the business accused of the violation. The notice must provide adequate information to allow the recipient to assess the nature of the alleged violation. The notice must comply with the information and procedural requirements specified in Section 25903 of Title 27 and sections 3100-3103 of Title 11. A private party may not pursue an independent enforcement action under Proposition 65 if one of the governmental officials noted above initiates an enforcement action within sixty days of the notice.

A business found to be in violation of Proposition 65 is subject to civil penalties of up to \$2,500 per day for each violation. In addition, the business may be ordered by a court to stop committing the violation.

A private party may not file an enforcement action based on certain exposures if the alleged violator meets specific conditions. For the following types of exposures, the Act provides an opportunity for the business to correct the alleged violation:

- An exposure to alcoholic beverages that are consumed on the alleged violator's premises to the extent onsite consumption is permitted by law;
- An exposure to a Proposition 65 listed chemical in a food or beverage prepared and sold on the alleged violator's premises that is primarily intended for immediate consumption on- or off-premises. This only applies if the chemical was not intentionally added to the food, and was formed by cooking or similar preparation of food or beverage components necessary to render the food or beverage palatable or to avoid microbiological contamination;
- An exposure to environmental tobacco smoke caused by entry of persons (other than employees) on premises owned or operated by the alleged violator where smoking is permitted at any location on the premises;
- An exposure to listed chemicals in engine exhaust, to the extent the exposure occurs inside a facility owned or operated by the alleged violator and primarily intended for parking non-commercial vehicles.

If a private party alleges that a violation occurred based on one of the exposures described above, the private party must first provide the alleged violator a notice of special compliance procedure and proof of compliance form.

A copy of the notice of special compliance procedure and proof of compliance form is included in Appendix B and can be downloaded from OEHHA's website at: <http://oehha.ca.gov/prop65/law/p65law72003.html>.

*FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...*

Contact the Office of Environmental Health Hazard Assessment's Proposition 65 Implementation Office at (916) 445-6900 or via e-mail at [P65Public.Comments@oehha.ca.gov](mailto:P65Public.Comments@oehha.ca.gov).

Revised: May 2017

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.7, 25249.9, 25249.10 and 25249.11, Health and Safety Code.



## APPENDIX B

### OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

#### THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): SPECIAL COMPLIANCE PROCEDURE

This Appendix B contains the notice of special compliance procedure and proof of compliance form prepared by the California Office of Environmental Health Hazard Assessment (OEHHA), the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly known as "Proposition 65"). Under the Act, a private party may not file an enforcement action based on certain exposures if the alleged violator meets specific conditions. These exposures are:

- An exposure to alcoholic beverages that are consumed on the alleged violator's premises to the extent onsite consumption is permitted by law;
- An exposure to a Proposition 65 listed chemical in a food or beverage prepared and sold on the alleged violator's premises that is primarily intended for immediate consumption on- or off-premises. This only applies if the chemical was not intentionally added to the food, and was formed by cooking or similar preparation of food or beverage components necessary to render the food or beverage palatable or to avoid microbiological contamination;
- An exposure to environmental tobacco smoke caused by entry of persons (other than employees) on premises owned or operated by the alleged violator where smoking is permitted at any location on the premises;
- An exposure to listed chemicals in engine exhaust, to the extent the exposure occurs inside a facility owned or operated by the alleged violator and primarily intended for parking non-commercial vehicles.

A private party may not file an action against the alleged violator for these exposures, or recover in a settlement any payment in lieu of penalties any reimbursement for costs and attorney's fees, if the alleged violator has done *all* of the following within 14 days of being served notice:

- Corrected the alleged violation;
- Agreed to pay a civil penalty of \$500 (subject to change in 2019 and every five years thereafter) to the private party within 30 days; and



- Notified the private party serving the notice in writing that the violation has been corrected.

An alleged violator may satisfy these conditions only one time for a violation arising from the same exposure in the same facility or on the same premises. The satisfaction of these conditions does not prevent the Attorney General, a district attorney, a city attorney of a city of greater than 750,000 population, or any full-time city prosecutor with the consent of the district attorney, from filing an enforcement action against an alleged violator.

When a private party sends a notice of alleged violation that alleges one or more of the exposures listed above, the notice must include a notice of special compliance procedure, and a proof of compliance form to be completed by the alleged violator as directed in the notice.

The notice and proof of compliance form is reproduced here:

Date:  
Name of Noticing Party or attorney for Noticing Party:  
Address:  
Phone number:

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**SPECIAL COMPLIANCE PROCEDURE**  
**PROOF OF COMPLIANCE**

You are receiving this form because the Noticing Party listed above has alleged that you are violating California Health and Safety Code §25249.6 (Prop. 65).

**The Noticing Party may not bring any legal proceedings against you for the alleged violation checked below if:**

- (1) You have actually taken the corrective steps that you have certified in this form.**
- (2) The Noticing Party has received this form at the address shown above, accurately completed by you, postmarked within 14 days of your receiving this notice.**
- (3) The Noticing Party receives the required \$500 penalty payment from you at the address shown above postmarked within 30 days of your receiving this notice.**
- (4) This is the first time you have submitted a Proof of Compliance for a violation arising from the same exposure in the same facility on the same premises.**

**PART 1: TO BE COMPLETED BY THE NOTICING PARTY OR ATTORNEY FOR THE NOTICING PARTY**

The alleged violation is for an exposure to: (check one)

\_\_\_Alcoholic beverages that are consumed on the alleged violator's premises to the extent on-site consumption is permitted by law.

\_\_\_A chemical known to the state to cause cancer or reproductive toxicity in a food or beverage prepared and sold on the alleged violator's premises for immediate consumption on or off premises to the extent: (1) the chemical was not intentionally added; and (2) the chemical was formed by cooking or similar preparation of food or beverage components necessary to render the food or beverage palatable or to avoid microbiological contamination.

\_\_\_Environmental tobacco smoke caused by entry of persons (other than employees) on premises owned or operated by the alleged violator where smoking is permitted at any location on the premises.

\_\_\_Chemicals known to the State to cause cancer or reproductive toxicity in engine exhaust, to the extent the exposure occurs inside a facility owned or operated by the alleged violator and primarily intended for parking noncommercial vehicles.

**IMPORTANT NOTES:**

(1) You have no potential liability under California Health and Safety Code §25249.6 if your business has nine (9) or fewer employees.

(2) Using this form will NOT prevent the Attorney General, a district attorney, a city attorney, or a prosecutor in whose jurisdiction the violation is alleged to have occurred from filing an action over the same alleged violations, and that in any such action, the amount of civil penalty shall be reduced to reflect any payment made at this time.

Date:  
Name of Noticing Party or attorney for Noticing Party:  
Address:  
Phone number:

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**PART 2: TO BE COMPLETED BY THE ALLEGED VIOLATOR OR AUTHORIZED REPRESENTATIVE**

**Certification of Compliance**

Accurate completion of this form will demonstrate that you are now in compliance with California Health and Safety Code §25249.6 for the alleged violation listed above. You must complete and submit the form below to the Noticing Party at the address shown above, postmarked within 14 days of you receiving this notice.

I hereby agree to pay, within 30 days of completion of this notice, a civil penalty of \$500 to the Noticing Party only and certify that I have complied with Health and Safety Code §25249.6 by (check only one of the following):

- Posting a warning or warnings about the alleged exposure that complies with the law, and attaching a copy of that warning and a photograph accurately showing its placement on my premises;
- Posting the warning or warnings demanded in writing by the Noticing Party, and attaching a copy of that warning and a photograph accurately showing its placement on my premises; OR
- Eliminating the alleged exposure, and attaching a statement accurately describing how the alleged exposure has been eliminated.

**Certification**

My statements on this form, and on any attachments to it, are true, complete, and correct to the best of my knowledge and belief and are made in good faith. I have carefully read the instructions to complete this form. I understand that if I make a false statement on this form, I may be subject to additional penalties under the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65).

\_\_\_\_\_  
Signature of alleged violator or authorized representative      Date \_\_\_\_\_

\_\_\_\_\_  
Name and title of signatory

*FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...*

Contact the Office of Environmental Health Hazard Assessment's Proposition 65 Implementation Office at (916) 445-6900 or via e-mail at [P65Public.Comments@oehha.ca.gov](mailto:P65Public.Comments@oehha.ca.gov).

Revised: May 2017

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.7, 25249.9, 25249.10 and 25249.11, Health and Safety Code.

## CERTIFICATE OF SERVICE

I am a citizen of the United States and a resident of the County of Los Angeles. I am over the age of eighteen years and not a party to the within entitled action or process. My business address is **11845 W. Olympic Blvd., Suite 1000, Los Angeles, California 90064.**

On June 25, 2020, I served the following documents:

- (i) **Notice of Violations by Whole Foods Market California, Inc., Whole Foods Market, Inc. and Amazon.com Services LLC, for Violations of California Health & Safety Code Section 25249.5 et seq.,**
- (ii) **Certificate of Merit, and**
- (iii) **Appendix "A" – "The Safe Drinking Water and Toxic Enforcement act of 1986 (Proposition 65): A Summary", and Appendix "B" – "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): Special Compliance Procedure",**

on the following parties by placing a true and correct copy thereof in a sealed envelope, addressed to the party below, and causing it to be deposited at a United States Postal Service Office in Los Angeles, California for delivery by Certified Mail:

Keith Manbeck, CEO/President  
Whole Foods Market California, Inc.  
550 Bowie Street  
Austin, TX 78703

Current CEO or President  
Whole Foods Market California, Inc.  
c/o CT Corporation System  
818 West Seventh Street, Suite 930  
Los Angeles, CA 90017

Current CEO or President  
Whole Foods Market, Inc.  
c/o CT Corporation System  
1999 Bryan Street, Suite 900  
Dallas, TX 75201-3136

Michael D. Deal, Manager/CEO  
Amazon.com Services LLC  
410 Terry Avenue N.  
Seattle, WA 98109

Current Manager or CEO  
Amazon.com Services LLC  
c/o CSC – Lawyers Incorporating Service  
2710 Gateway Oaks Drive, Suite 150N  
Sacramento, CA 95833

On June 25, 2020 , I served the following documents:

- (i) **Notice of Violations by Whole Foods Market California, Inc., Whole Foods Market, Inc. and Amazon.com Services LLC, for Violations of California Health & Safety Code Section 25249.5 et seq.,**
- (ii) **Certificate of Merit, and**
- (iii) **Additional Information and Supporting Documentation Required by Title 11, C.C.R. §3102,**

on the following party by filing electronically a true and correct copy thereof as permitted through the website of the California Office of the Attorney General via link at [oag.ca.gov/prop65](http://oag.ca.gov/prop65):

State of California Department of Justice  
Office of the Attorney General




On June 25, 2020 , I served the following documents:

- (i) **Notice of Violations by Whole Foods Market California, Inc., Whole Foods Market, Inc. and Amazon.com Services LLC, for Violations of California Health & Safety Code Section 25249.5 et seq., and**
- (ii) **Certificate of Merit,**

on each of the parties on the service list attached hereto (see attached "**Service List**") by placing a true and correct copy thereof in a sealed envelope, addressed to each of the District Attorney and City Attorney offices listed on the attached service list, and causing each envelope to be deposited at a United States Postal Service mail box for delivery by First Class Mail, except for the Contra Costa County District Attorney, Lassen County District Attorney, Riverside County District Attorney, Sacramento County District Attorney, San Francisco County District Attorney, Napa County District Attorney, San Joaquin County District Attorney, San Luis Obispo County District Attorney, Santa Clara County District Attorney, Sonoma County District Attorney, Tulare County District Attorney, Ventura County District Attorney, Monterey County District Attorney, Yolo County District Attorney, Santa Barbara County District Attorney, Alameda County District Attorney, San Francisco City Attorney, Calaveras County District Attorney, Inyo County District Attorney, Santa Cruz County District Attorney and San Diego City Attorney, all of which have requested electronic service only via the following email addresses: [sgrassini@contracostada.org](mailto:sgrassini@contracostada.org); [mlatimer@co.lassen.ca.us](mailto:mlatimer@co.lassen.ca.us); [prop65@rivcoda.org](mailto:prop65@rivcoda.org); [prop65@sacda.org](mailto:prop65@sacda.org); [Gregory.alker@sfgov.org](mailto:Gregory.alker@sfgov.org); [cepd@countyofnapa.org](mailto:cepd@countyofnapa.org); [daconsumer.environmental@sjcda.org](mailto:daconsumer.environmental@sjcda.org); [edobroth@co.slo.ca.us](mailto:edobroth@co.slo.ca.us); [epu@da.sccgov.org](mailto:epu@da.sccgov.org); [jbarnes@sonoma-county.org](mailto:jbarnes@sonoma-county.org); [prop65@co.tulare.ca.us](mailto:prop65@co.tulare.ca.us); [daspecialops@ventura.org](mailto:daspecialops@ventura.org); [Prop65DA@co.monterey.ca.us](mailto:Prop65DA@co.monterey.ca.us); [cfepd@yolocounty.org](mailto:cfepd@yolocounty.org); [DAProp65@co.santa-barbara.ca.us](mailto:DAProp65@co.santa-barbara.ca.us); [CEPDProp65@acgov.org](mailto:CEPDProp65@acgov.org); [Valerie.lopez@sfcityally.org](mailto:Valerie.lopez@sfcityally.org); [Prop65Env@co.calaveras.ca.us](mailto:Prop65Env@co.calaveras.ca.us); [inyoda@inyocounty.org](mailto:inyoda@inyocounty.org); [Prop65DA@santacruzcounty.us](mailto:Prop65DA@santacruzcounty.us); and [CityAttyProp65@sandiego.gov](mailto:CityAttyProp65@sandiego.gov).

I, Andre A. Khansari, declare under penalty of perjury that the foregoing is true and correct. Executed on June 25, 2020 at Los Angeles, California.



Andre A. Khansari

**SERVICE LIST**

<p>DISTRICT ATTORNEY ALAMEDA COUNTY 1225 FALLON STREET, SUITE 900 OAKLAND, CA 94612 CEPDProp65@acgov.org</p>	<p>DISTRICT ATTORNEY KERN COUNTY 1215 TRUXTUN AVENUE BAKERSFIELD, CA 93301</p>	<p>DISTRICT ATTORNEY NEVADA COUNTY 201 COMMERCIAL STREET NEVADA CITY, CA 95959</p>
<p>DISTRICT ATTORNEY ALPINE COUNTY P.O. BOX 248 MARKLEEVILLE, CA 96120</p>	<p>DISTRICT ATTORNEY KINGS COUNTY 1400 WEST LACEY BLVD. HANFORD, CA 93230</p>	<p>DISTRICT ATTORNEY ORANGE COUNTY 401 WEST CIVIC CENTER DR. SANTA ANA, CA 92701</p>
<p>DISTRICT ATTORNEY AMADOR COUNTY 708 COURT STREET, SUITE 202 JACKSON, CA 95642</p>	<p>DISTRICT ATTORNEY LAKE COUNTY 255 N. FORBES STREET LAKEPORT, CA 95453</p>	<p>DISTRICT ATTORNEY PLACER COUNTY 10810 JUSTICE CENTER DRIVE, STE. 240 ROSEVILLE, CA 95678</p>
<p>DISTRICT ATTORNEY BUTTE COUNTY 25 COUNTY CENTER DRIVE, STE 245 OROVILLE, CA 95965</p>	<p>DISTRICT ATTORNEY LASSEN COUNTY 220 SOUTH LASSEN STREET, SUITE 8 SUSANVILLE, CA 96130 mlatlmer@co.lassen.ca.us</p>	<p>DISTRICT ATTORNEY PLUMAS COUNTY 520 MAIN STREET, ROOM 404 QUINCY, CA 95911</p>
<p>DISTRICT ATTORNEY CALAVERAS COUNTY 891 MOUNTAIN RANCH ROAD SAN ANDREAS, CA 95249 Prop65Env@co.calaveras.ca.us</p>	<p>DISTRICT ATTORNEY LOS ANGELES COUNTY 210 WEST TEMPLE STREET, STE 18000 LOS ANGELES, CA 90012</p>	<p>DISTRICT ATTORNEY RIVERSIDE COUNTY 3072 ORANGE STREET RIVERSIDE, CA 92501 Prop65@rivcoda.org</p>
<p>DISTRICT ATTORNEY COLUSA COUNTY 346 FIFTH STREET SUITE 101 COLUSA, CA 95932</p>	<p>DISTRICT ATTORNEY MADERA COUNTY 209 WEST YOSEMITE AVENUE MADERA, CA 93637</p>	<p>DISTRICT ATTORNEY SACRAMENTO COUNTY 901 "G" STREET SACRAMENTO, CA 95814 Prop65@sacda.org</p>
<p>DISTRICT ATTORNEY CONTRA COSTA COUNTY 900 WARD STREET. MARTINEZ, CA 94553 sgrassini@contracostada.org</p>	<p>DISTRICT ATTORNEY MARIN COUNTY 350 CIVIC CENTER DRIVE, RM. 130 SAN RAFAEL, CA 94903</p>	<p>DISTRICT ATTORNEY SAN BENITO COUNTY 419 4TH STREET HOLLISTER, CA 95023</p>
<p>DISTRICT ATTORNEY DEL NORTE COUNTY 450 H STREET SUITE 171 CRESCENT CITY, CA 95531</p>	<p>DISTRICT ATTORNEY MARIPOSA COUNTY POST OFFICE BOX 730 MARIPOSA, CA 95338</p>	<p>DISTRICT ATTORNEY SAN BERNARDINO COUNTY 316 N. MOUNTAIN VIEW AVENUE SAN BERNARDINO, CA 92415</p>
<p>DISTRICT ATTORNEY EL DORADO COUNTY 778 PACIFIC STREET PLACERVILLE, CA 95667</p>	<p>DISTRICT ATTORNEY MENDOCINO COUNTY P. O. BOX 1000 UKIAH, CA 95482</p>	<p>DISTRICT ATTORNEY SAN DIEGO COUNTY 330 WEST BROADWAY, SUITE 1300 SAN DIEGO, CA 92101</p>
<p>DISTRICT ATTORNEY FRESNO COUNTY 2220 TULARE STREET, SUITE 1000 FRESNO, CA 93721</p>	<p>DISTRICT ATTORNEY MERCED COUNTY 550 W. MAIN STREET MERCED, CA 95340</p>	<p>DISTRICT ATTORNEY SAN FRANCISCO COUNTY 732 BRANNAN STREET SAN FRANCISCO, CA 94103 Gregory.alker@sfgov.org</p>



**SERVICE LIST**

<p>DISTRICT ATTORNEY GLENN COUNTY POST OFFICE BOX 430 WILLOWS, CA 95988</p>	<p>DISTRICT ATTORNEY SAN MATEO COUNTY 400 COUNTY CTR., 3RD FLOOR REDWOOD CITY, CA 94063</p>	<p>DISTRICT ATTORNEY SUTTER COUNTY 446 SECOND STREET YUBA CITY, CA 95991</p>
<p>DISTRICT ATTORNEY HUMBOLDT COUNTY 825 5TH STREET 4TH FLOOR EUREKA, CA 95501</p>	<p>DISTRICT ATTORNEY SANTA BARBARA COUNTY 1112 SANTA BARBARA STREET SANTA BARBARA, CA 93101 DAProp65@co.santa-barbara.ca.us</p>	<p>DISTRICT ATTORNEY TEHAMA COUNTY P.O. BOX 519 RED BLUFF CA 96080</p>
<p>DISTRICT ATTORNEY IMPERIAL COUNTY 940 WEST MAIN STREET, STE 102 EL CENTRO, CA 92243</p>	<p>DISTRICT ATTORNEY SANTA CLARA COUNTY 70 WEST HEDDING STREET SAN JOSE, CA 95110 EPU@da.sccgov.org</p>	<p>DISTRICT ATTORNEY TRINITY COUNTY P. O. BOX 310 WEAVERVILLE, CA 96093</p>
<p>DISTRICT ATTORNEY INYO COUNTY P.O. DRAWER D INDEPENDENCE, CA 93526 Inyoda@inyocounty.org</p>	<p>DISTRICT ATTORNEY SANTA CRUZ COUNTY 701 OCEAN STREET, ROOM 200 SANTA CRUZ, CA 95060 Prop65DA@santacruzcounty.us</p>	<p>DISTRICT ATTORNEY TULARE COUNTY 221 S. MOONEY BLVD. VISALIA, CA 95370 Prop65@co.tulare.ca.us</p>
<p>DISTRICT ATTORNEY MODOC COUNTY 204 S. COURT STREET, ROOM 202 ALTURAS, CA 96101</p>	<p>DISTRICT ATTORNEY SHASTA COUNTY 1355 WEST STREET REDDING, CA 96001</p>	<p>DISTRICT ATTORNEY TUOLUMNE COUNTY 423 N. WASHINGTON ST. SONORA, CA 95370</p>
<p>DISTRICT ATTORNEY MONO COUNTY P. O. BOX 617 BRIDGEPORT, CA 93517</p>	<p>DISTRICT ATTORNEY SIERRA COUNTY P.O. BOX 457 DOWNIEVILLE, CA 95936</p>	<p>DISTRICT ATTORNEY VENTURA COUNTY 800 SOUTH VICTORIA AVE, STE 314 VENTURA, CA 93009 daspecialops@ventura.org</p>
<p>SAN FRANCISCO, CITY ATTORNEY CITY HALL, ROOM 234 1 DR. CARLTON B GOODLETT PLACE SAN FRANCISCO, CA 94102 Valerie.lopez@sfcityatty.org.</p>	<p>DISTRICT ATTORNEY SISKIYOU COUNTY P. O. BOX 986 YREKA, CA 96097</p>	<p>BERKELEY CITY ATTORNEY'S OFFICE 2180 MILVIA STREET, 4TH FLOOR BERKELEY, CA 94704</p>
<p>DISTRICT ATTORNEY NAPA COUNTY 1127 First Street, Suite C NAPA, CA 94559 CEPD@countyofnapa.org</p>	<p>DISTRICT ATTORNEY SOLANO COUNTY 675 TEXAS STREET, STE 4500 FAIRFIELD, CA 94533</p>	<p>DISTRICT ATTORNEY YUBA COUNTY 215 FIFTH STREET, SUITE 152 MARYSVILLE, CA 95901</p>
<p>DISTRICT ATTORNEY SAN JOAQUIN COUNTY 222 E. WEBER AVE., RM. 202 STOCKTON, CA 95202 DAConsumer.Environmental@sjcda.org</p>	<p>DISTRICT ATTORNEY SONOMA COUNTY 600 ADMINISTRATIVE DRIVE SONOMA, CA 95403 jbarnes@sonoma-county.org</p>	<p>LOS ANGELES CITY ATTORNEY'S OFFICE CITY HALL EAST 200 N. MAIN STREET, SUITE 800 LOS ANGELES, CA 90012</p>
<p>DISTRICT ATTORNEY SAN LUIS OBISPO COUNTY COUNTY GOVERNMENT CENTER ANNEX SAN LUIS OBISPO, CA 93408 edobroth@co.slo.ca.us</p>	<p>DISTRICT ATTORNEY STANISLAUS COUNTY 83212 STREET, SUITE 300 MODESTO, CA 95354</p>	<p>SAN DIEGO CITY ATTORNEY'S OFFICE 1200 3RD AVENUE, SUITE I620 SAN DIEGO, CA 92101 CityAttyProp65@sandiego.gov</p>



**SERVICE LIST**

DISTRICT ATTORNEY  
MONTEREY COUNTY  
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