

Assigned for all purposes to: Stanley Mosk Courthouse, Judicial Officer: Monica Bachner

1 **KJC LAW GROUP, A.P.C.**  
Kevin J. Cole (SBN 321555)  
2 9701 Wilshire Blvd., Suite 1000  
Beverly Hills, CA 90212  
3 Telephone: (310) 861-7797  
e-Mail: kevin@kjclawgroup.com

4 *Attorneys for Plaintiff*  
5 *Alex Martinez*

6  
7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
8 **COUNTY OF LOS ANGELES**

9 ALEX MARTINEZ, an individual,

10 Plaintiff,

11 v.

12 YYBA CORP D/B/A WELLSRING MEDS, a New  
13 York corporation; and DOES 1 through 10, inclusive,

14 Defendants.

CASE NO.: 22STCV33927

*Unlimited Jurisdiction*

**COMPLAINT FOR CIVIL PENALTIES  
AND INJUNCTIVE RELIEF**

1 Plaintiff ALEX MARTINEZ, by and through his attorneys, alleges against Defendants YYBA  
2 CORP D/B/A WELLSRING MEDS and DOES 1 through 10, inclusive, as follows:

3 **INTRODUCTION AND SUMMARY OF CLAIMS**

4 1. Plaintiff Alex Martinez (“Plaintiff”) brings this action as a private attorney general enforcer  
5 and in the public interest pursuant to Health & Safety Code section 25249.7, subdivision (d).

6 2. The Safe Drinking Water and Toxic Enforcement Act of 1986 is an initiative statute passed  
7 as “Proposition 65” by a vote of the People in November 1986. It establishes a procedure by which the  
8 State of California develops a list of chemicals “known to the state to cause cancer or reproductive  
9 toxicity.” (Health & Safety Code § 25249.6.) Pursuant to this process, various chemicals have been  
10 placed on the “Proposition 65 List” by the State and are therefore subject to the law. (27 California Code  
11 of Regulations (“CCR”) § 25902.) Listed chemicals are then subject to the requirements of Proposition  
12 65, including the “clear and reasonable warning” provision:

13 No person in the course of doing business shall knowingly and intentionally expose any  
14 individual to a chemical known to the state to cause cancer or reproductive toxicity without  
15 first giving clear and reasonable warning to such individual, except as provided in Section  
16 25249.10.

17 (Health & Safety Code § 25249.6.)

18 3. Proposition 65 applies only to chemicals “known to the state to cause cancer or  
19 reproductive toxicity.” Accordingly, the identification and listing of these chemicals “is pivotal to the  
20 entire statutory scheme.” (*AFL-CIO v. Deukmejian* (1989) 212 Cal.App.3d 425, 431.) As that court held,  
21 in interpreting Proposition 65’s “listing” requirements, “we should not prohibit the sovereign people from  
22 either expressing or implementing their own will on matters of such direct and immediate importance to  
23 them as their own perceived safety.” (*Id.* at p. 441 [quoting *Brosnahan v. Brown* (1982) 32 Cal.3d 236,  
24 248].)

25 4. Proposition 65 provides that the Governor shall designate a “lead agency” which “may  
26 adopt and modify regulations, standards, and permits as necessary to conform with and implement this  
27 chapter and to further its purposes.” (Health & Safety Code § 25249.12, subd. (a).) The California  
28 Environmental Protection Agency’s Office of Environmental Health Hazard Assessment (“OEHHA”) is  
the designated “lead agency” for this purpose. (27 CCR § 25902.)

1 5. OEHHA identified and listed Phenazopyridine Hydrochloride as a chemical causing cancer  
2 on January 1, 1988.

3 6. This Complaint seeks injunctive and declaratory relief, civil penalties, and attorneys' fees  
4 and costs to remedy the failure of Defendant YYBA Corp d/b/a Wellspring Meds ("Defendant" or  
5 "Wellspring") to warn California consumers that they have been exposed to Phenazopyridine  
6 Hydrochloride at levels exceeding the applicable No Significant Risk Level ("NSRL") from Defendant's  
7 "WELMATE Urinary Pain Relief" (the "Subject Product").

8 **THE PARTIES**

9 7. Plaintiff Alex Martinez ("Plaintiff") is an individual residing in California who is dedicated  
10 to, among other causes, helping safeguard the public from health hazards by reducing the use and misuse  
11 of hazardous and toxic chemicals, facilitating a safe environment for consumers and employees, and  
12 encouraging corporate responsibility.

13 8. Plaintiff is informed and believes, and on that basis alleges, that Defendant YYBA Corp  
14 d/b/a Wellspring Meds is a New York corporation with its principal place of business in Monsey, New  
15 York. Upon further information and belief, Wellspring is a "[p]erson in the course of doing business"  
16 within the meaning of Health and Safety Code, section 25249.11.

17 9. Wellspring develops, manufactures, markets, distributes, and/or sells the Subject Product  
18 that has exposed users to Phenazopyridine Hydrochloride at levels exceeding the NSRL in the State of  
19 California within the relevant statute of limitations period. The Subject Product is also identified in  
20 Plaintiff's Notice of Violation dated July 21, 2022, a true and correct copy of which is attached hereto as  
21 **Exhibit A.**

22 10. Plaintiff does not know the true names and/or capacities, whether individual, partners, or  
23 corporate, of the defendants sued herein as DOES 1 through 10, inclusive, and for that reason sues those  
24 defendants under fictitious names. Plaintiff will seek leave to amend this Complaint when the true names  
25 and capacities of these defendants have been ascertained. Plaintiff is informed and believes and thereon  
26 alleges that these defendants are responsible in whole or in part for causing the harms alleged by Plaintiff  
27 in this Complaint.  
28

1 **JURISDICTION AND VENUE**

2 11. California Constitution Article VI, Section 10 grants the Superior Court original  
3 jurisdiction in all cases except those given by statute to other trial courts. The Health and Safety Code  
4 statute upon which this action is based does not give jurisdiction to any other court. Therefore, this Court  
5 has jurisdiction.

6 12. Venue is proper in the Los Angeles County Superior Court pursuant to Code of Civil  
7 Procedure, sections 394, 395, and 395.5. Wrongful conduct occurred and continues to occur in this  
8 County. Defendants conducted and continue to conduct business in this County as it relates to the Subject  
9 Product.

10 13. Defendants have sufficient minimum contacts in the State of California or otherwise  
11 purposefully avail themselves of the California market. Exercising jurisdiction over Defendants would  
12 be consistent with traditional notions of fair play and substantial justice.

13 14. This Complaint is based on allegations contained in the Notice of Violation dated July 21,  
14 2022, which Plaintiff served on the California Attorney General, other public enforcers, and Wellspring.  
15 (See Ex. A.) The Notice of Violation constitutes adequate notice to Wellspring because it provided  
16 adequate information to allow Wellspring to assess the nature of the alleged violations, consistent with  
17 Proposition 65 and its implementing regulations. A certificate of merit and a certificate of service  
18 accompanied each copy of the Notice of Violation, and both certificates comply with Proposition 65 and  
19 its implementing regulations. The Notice of Violation served on Wellspring also included a copy of “The  
20 Safe Drinking Water and Toxic Enforcement Act [of] 1986 (Proposition 65): A Summary.” Service of  
21 the Notice of Violation and accompanying documents complied with Proposition 65 and its implementing  
22 regulations. More than 60 days have passed since Plaintiff mailed the Notice of Violation and no public  
23 enforcement entity has filed a Complaint in this case.

24 **STATUTORY BACKGROUND**

25 15. As explained above, Proposition 65 is an initiative statute passed by an overwhelming vote  
26 of the People in November 1986. Proposition 65’s warning requirement is contained in Health & Safety  
27 Code section 25249.6, which provides:  
28

1 No person in the course of doing business shall knowingly and intentionally expose any  
2 individual to a chemical known to the state to cause cancer or reproductive toxicity without  
3 first giving clear and reasonable warning to such individual, except as provided in Section  
4 25249.10.

5 16. OEHHA—the lead agency in charge of implementing Proposition 65—administers the  
6 regulations that govern Proposition 65 in general, including warnings to comply with the statute. The  
7 warning regulations are found at Title 27 of the California Code of Regulations, Article 6. The regulations  
8 define expose as “to cause to ingest, inhale, contact via body surfaces or otherwise come into contact with  
9 a listed chemical. An individual may come into contact with a listed chemical through water, air, food,  
10 consumer products and any other environmental exposure as well as occupational exposures.” (Cal. Code  
11 Regs., tit. 27, § 25102, subd. (i).)

12 17. In this case, the exposures are caused by consumer products. A consumer product is  
13 defined as “any article, or component part thereof, including food, that is produced, distributed, or sold  
14 for the personal use, consumption or enjoyment of a consumer.” (Cal. Code Regs., tit. 27, § 25600.1,  
15 subd. (d).) A consumer product exposure is “an exposure that results from a person’s acquisition,  
16 purchase, storage, consumption, or any reasonably foreseeable use of a consumer product, including  
17 consumption of a food.” (*Id.*, subd. (e).)

18 18. On August 30, 2016, the Office of Administrative Law approved the adoption of OEHHA’s  
19 amendments to Article 6, Clear and Reasonable Warnings of the California Code of Regulations. This  
20 action repealed virtually all of the regulatory provisions of Title 27 of the California Code of Regulations,  
21 Article 6 (sections 25601, *et seq.*) and replaced the repealed sections with new regulations set forth in two  
22 new sub articles to Article 6 that became operative on August 30, 2018 (the “New Warning Regulations”).  
23 The New Warning Regulations provide, among other things, methods of transmission and content of  
24 warnings deemed to comply with Proposition 65. Wellspring is subject to the warning requirements set  
25 forth in the New Warning Regulations that became operative on August 30, 2018.

26 19. Health & Safety Code section 25249.6 provides: “No person in the course of doing  
27 business shall knowingly and intentionally expose any individual to a chemical known to the state to cause  
28 cancer or reproductive toxicity without first giving clear and reasonable warning to such individual . . .”  
The New Warning Regulations apply when clear and reasonable warnings are required under Section  
25249.6. Pursuant to the New Warning Regulations, consumer product warnings “must be prominently

1 displayed on a label, labeling, or sign, and must be displayed with such conspicuousness as compared  
2 with other words, statements, designs or devices on the label, labeling, or sign, as to render the warning  
3 likely to be seen, read, and understood by an ordinary individual under customary conditions of purchase  
4 or use.” (*Id.* at § 25601, subd. (c).)

5 20. Proposition 65 establishes a procedure by which the State is to develop a list of chemicals  
6 “known to the State to cause cancer or reproductive toxicity.” (Health & Safety Code, § 25249.8.) There  
7 is no duty to provide a clear and reasonable warning until twelve months after the chemical is published  
8 on the State’s list. (Health & Safety Code, § 25249.10, subd. (b).)

9 21. OEHHA identified and listed Phenazopyridine Hydrochloride as a chemical causing cancer  
10 on January 1, 1988. (See [https://oehha.ca.gov/proposition-65/chemicals/phenazopyridine-](https://oehha.ca.gov/proposition-65/chemicals/phenazopyridine-hydrochloride)  
11 [hydrochloride.](https://oehha.ca.gov/proposition-65/chemicals/phenazopyridine-hydrochloride))

12 22. OEHHA’s regulations specify how it determines the meaning of “no significant risk.”  
13 These regulations mandate that the “no significant risk” determination “be based on evidence and  
14 standards of comparable scientific validity to the evidence and standards which form the scientific basis  
15 for the listing of the chemical.” (Cal. Code Regs., tit. 27, § 25701, subd. (a).) One manner of determining  
16 this figure is through a quantitative analysis pursuant to California Code of Regulations, title 27, section  
17 27503. Under this analysis, any “[a]nimal bioassay studies for quantitative risk assessment shall meet  
18 generally accepted scientific principles,” and the “quality and suitability of available epidemiologic data  
19 shall be appraised to determine whether the study is appropriate as the basis of a quantitative risk  
20 assessment,” among other standards. (*Id.*, subd. (a)(1) & (2).) The minimal risk necessary to trigger a  
21 standard is set at “one excess case of cancer in an exposed population of 100,000, assuming lifetime  
22 exposure at the level in question.” (*Id.*, subd. (b).) And if it can be demonstrated that certain types of  
23 exposure do not result in an increased cancer risk, the regulations allow declaring that such exposures  
24 pose no substantial risk. (*Id.*, § 25707, subd. (a).)

25 23. The NSRL for Phenazopyridine Hydrochloride is 5 micrograms per day. (*Id.*, § 25705,  
26 subd. (d)(3).)

27 24. Proposition 65 provides that any person “who violates or threatens to violate” the statute  
28 may be enjoined in any court of competent jurisdiction. (Health & Safety Code, § 25249.7, subd. (a).)

1 To “threaten to violate” means “to create a condition in which there is a substantial probability that a  
2 violation will occur.” (Health & Safety Code, § 25249.11, subd. (e).) Furthermore, violators are subject  
3 to a civil penalty of up to \$2,500 per day for each violation. (Health & Safety Code, § 25249.7, subd.  
4 (b)(1).)

5 25. Proposition 65 may be enforced by any person in the public interest who provides notice  
6 sixty days before filing suit to both the violator and designated California law enforcement officials. The  
7 failure of law enforcement officials to file a timely complaint enables a citizen enforcement suit to be filed  
8 pursuant to Health & Safety Code section 25249.7, subdivisions (c) and (d).

9 **DEFENDANTS’ FAILURE TO WARN**

10 26. Wellspring has developed, manufactured, marketed, distributed, and/or sold the Subject  
11 Product containing Phenazopyridine Hydrochloride into the State of California. According to the Subject  
12 Product’s label, each tablet contains over 99.5 mg of Phenazopyridine Hydrochloride.

13 27. Consumers suffering from a urinary tract infection (“UTI”) typically consume two tablets  
14 three times daily, meaning that consumers ingest over 540 mg of Phenazopyridine Hydrochloride when  
15 they are suffering from a UTI, and the recommended dosage far exceeds the NSRL of 5 µg/day (i.e.,  
16 because there are 1,000 micrograms in every milligram, consumers ingest 100,000 times the NSRL when  
17 they consume the Subject Product on a daily basis when used as directed).

18 28. On information and belief, consumers have been ingesting the Subject Product for many  
19 years, without any knowledge of their exposure to this chemical.

20 29. For years, Wellspring has knowingly and intentionally exposed numerous persons to  
21 Phenazopyridine Hydrochloride without providing any type of Proposition 65 warning. Prior to Plaintiff’s  
22 Notice of Violation and this Complaint, Wellspring failed to provide a Proposition 65 warning on the label  
23 of the Subject Product. Wellspring has, at all relevant times, been aware that the Subject Product  
24 contained Phenazopyridine Hydrochloride and that persons using the Subject Product have been exposed  
25 to this chemical.

26 30. Both prior and subsequent to Plaintiff’s Notice of Violation, Wellspring failed to provide  
27 consumers of the Subject Product with a clear and reasonable warning that they have been exposed to a  
28

1 chemical known to the State of California to cause cancer, birth defects, and other reproductive harm.  
2 This failure to warn is ongoing.

3 **CAUSES OF ACTION**

4 **First Cause of Action**

5 **(Violation of Section 25249.6 of the Health and Safety Code, Failure to Provide Clear and**  
6 **Reasonable Warnings Under Proposition 65)**

7 31. Plaintiff incorporates by reference each and every allegation contained above.

8 32. By committing the acts alleged above, Wellspring has, in the course of doing business,  
9 knowingly and intentionally exposed users of the Subject Product to Phenazopyridine Hydrochloride, a  
10 chemical known to the State of California to cause cancer, birth defects, and other reproductive harm,  
11 without first giving clear and reasonable warnings to such individuals within the meaning of Health &  
12 Safety Code section 25249.6. In doing so, Wellspring has violated Health & Safety Code section 25249.6  
13 and continues to violate the statute with each successive sale of the Subject Product.

14 33. Defendants are liable for a maximum civil penalty of \$2,500 per day for each violation of  
15 Proposition 65 pursuant to Health and Safety Code, section 252497, subdivision (b). Injunctive relief is  
16 also appropriate pursuant to Health and Safety Code, section 25249.7, subdivision (a).

17 **Second Cause of Action**

18 **(Declaratory Relief)**

19 34. Plaintiff incorporates by reference each and every allegation contained above.

20 35. There exists an actual controversy relating to the legal rights and duties of the Parties,  
21 within the meaning of Code of Civil Procedure section 1060, between Plaintiff and Wellspring,  
22 concerning whether Wellspring has exposed individuals to a chemical known to the State of California to  
23 cause cancer, birth defects, and other reproductive harm without providing clear and reasonable warnings.

24 **PRAYER FOR RELIEF**

25 WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

26 1. On the First Cause of Action, for civil penalties for each and every violation according to  
27 proof;



1           2.       On the First Cause of Action, and pursuant to Health & Safety Code section 25249.7,  
2 subdivision (a), for such temporary restraining orders, preliminary and permanent injunctive orders, or  
3 other orders as are necessary to prevent Wellspring from exposing persons to Phenazopyridine  
4 Hydrochloride without providing clear and reasonable warnings;

5           3.       On the Second Cause of Action, for a declaratory judgment pursuant to Code of Civil  
6 Procedure section 1060 declaring that Wellspring has exposed individuals to Phenazopyridine  
7 Hydrochloride without providing clear and reasonable warnings;

8           4.       On all Causes of Action, for reasonable attorneys' fees pursuant to Health & Safety Code  
9 section 25249.7, Code of Civil Procedure section 1021.5, and/or the substantial benefit theory;

10          5.       For costs of suit herein; and

11          6.       For such other relief as the Court may deem just and proper.

12 DATED: October 20, 2022

**KJC LAW GROUP, A.P.C.**

By: /s/ Kevin J. Cole

Kevin J. Cole, Esq.

*Attorneys for Plaintiff Alex Martinez*

# **Exhibit A**

Kevin J. Cole, Esq.  
e-Mail: kevin@kjclawgroup.com

July 21, 2022

**VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

YYBA Corp d/b/a Wellspring Meds  
c/o Ariel Kondov, Founder & CEO  
50 Edison Court, Apartment A  
Monsey, NY 10952

YYBA Corp d/b/a Wellspring Meds  
c/o Ariel Kondov, Founder & CEO  
386 Route 59, Suite 410  
Monsey, NY 10952

Re: Proposition 65 Notice of Violation

Dear Mr. Kondov:

We represent Alex Martinez (“Plaintiff”), a citizen of the State of California acting in the interest of the general public. This letter serves as Notice that YYBA Corp d/b/a Wellspring Meds (“Wellspring”) is in violation of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act, commencing with section 25249.5 of the Health and Safety Code (“Proposition 65”). In particular, the violation alleged by this Notice consists of types of harm that may potentially result from exposures to the toxic chemical Phenazopyridine Hydrochloride. This chemical was listed as a carcinogen on January 1, 1988.

The specific type of product that is causing exposures in violation of Proposition 65 is Wellspring’s “WELMATE Urinary Pain Relief” (the “Product”).<sup>1</sup> The route of exposure for the violations is oral ingestion by consumers. These exposures occur through the reasonably foreseeable use of the Product. The sales of this Product have been occurring since at least October 19, 2020, are continuing to this day and will continue to occur as long as the Product subject to this Notice is sold to and used by consumers.

Proposition 65 requires that a clear and reasonable warning be provided regarding exposures to Phenazopyridine Hydrochloride caused by ordinary use of the Product. Wellspring is in violation of Proposition 65 by failing to provide such warnings to consumers. As a result of the sales of this Product, exposures to Phenazopyridine Hydrochloride have been occurring without proper warnings for almost two years.

Based on the allegations set forth in this Notice, Plaintiff intends to file a citizen enforcement lawsuit against Wellspring unless it agrees in a binding written instrument to: (1) immediately cease causing unwarned exposures to Phenazopyridine Hydrochloride; (2) provide clear and reasonable warnings for past and ongoing exposures to Phenazopyridine Hydrochloride from the Product; and (3) pay appropriate civil penalties based on the factors enumerated in California Health and Safety Code section 25249.7(b). If Wellspring is interested in resolving this dispute without resort to litigation, please feel free to contact me. However, the parties cannot: (1)

---

<sup>1</sup> “WELMATE” is a trademark owned by Wellspring. *See, e.g.*, USPTO Trademark Serial Number 90169263.

finalize any settlement until after the 60-day notice period has expired, nor (2) speak for the Attorney General or any District or City Attorney who received the 60-day Notice. Therefore, while reaching an agreement with Plaintiff will resolve these claims, such agreement may not satisfy the public prosecutors.

This Notice also serves as a demand that Wellspring preserve and maintain all relevant evidence, including all electronic documents and data, pending resolution of this matter. Such relevant evidence includes but is not limited to all documents relating to the use of Phenazopyridine Hydrochloride in the Product; efforts to comply with Proposition 65 with respect to the use of Phenazopyridine Hydrochloride in the Product; communications with any person relating to Phenazopyridine Hydrochloride in the Product; and the length of time at which Wellspring sold the Product into the California marketplace.

If you have any questions or wish to discuss any of the above, please contact me.

Sincerely,



Kevin J. Cole, Esq.  
KJC Law Group, A Professional Corporation

See attached distribution list

Attachments:

- Certificate of Merit
- Certificate of Service
- Proposition 65 Summary (to the alleged violator only)
- Additional Supporting Information for Certificate of Merit (to the California Attorney General only)

## CERTIFICATE OF MERIT

I, Kevin J. Cole, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged the party identified in the notice has violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.

2. I am an attorney for the noticing party.

3. I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding the alleged exposure to the listed chemical that is the subject of the action.

4. Based on the information obtained through those consultations, and on all other information in my possession, 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 the information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute.

5. The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health and 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: July 21, 2022

A handwritten signature in black ink, appearing to read 'Kevin J. Cole', with a stylized flourish at the end.

Kevin J. Cole, Esq.  
KJC Law Group, A Professional Corporation

**CERTIFICATE OF SERVICE**

I, Chen Wang, declare that I am over the age of 18 years, and am not a party to the within action. I am employed in the County of Los Angeles, California, where the mailing occurs; and my business address is 9701 Wilshire Blvd., Suite 1000, Beverly Hills, CA 90212.

On July 21, 2022, I served the following documents: **(1) 60-DAY NOTICE OF VIOLATION SENT IN COMPLIANCE WITH HEALTH & SAFETY CODE SECTION 25249.7(d); (2) CERTIFICATE OF MERIT; (3) PROPOSITION 65: A SUMMARY; and (4) CERTIFICATE OF MERIT ATTACHMENT (served only on the Attorney General)** on the party listed below by placing a true and correct copy thereof in a sealed envelope, addressed to the party listed below and depositing it at my business address with the U.S. Postal Service for delivery by Certified Mail with the postage thereon fully prepaid:

**Via Certified Mail**

YYBA Corp d/b/a Wellspring Meds  
c/o Ariel Kondov, Founder & CEO  
50 Edison Court, Apartment A  
Monsey, NY 10952

YYBA Corp d/b/a Wellspring Meds  
c/o Ariel Kondov, Founder & CEO  
386 Route 59, Suite 410  
Monsey, NY 10952

On July 21, 2022, I served the California Attorney General (via website Portal) by uploading a true and correct copy thereof as a PDF file via the California Attorney General's website.

On July 21, 2022, I transmitted via electronic mail the above-listed documents to the electronic mail addresses of the City and/or District Attorneys who have specifically authorized email service and the authorization appears on the Attorney General's website.

**See Attached Service List**

On July 21, 2022, I served the following persons and/or entities at the last known address by placing a true and correct copy thereof in a sealed envelope and depositing it at my business address with the U.S. Postal Service for delivery with the postage thereon fully prepaid, and addressed as follows:

**See Attached Service List**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on July 21, 2022 in Los Angeles, California.



\_\_\_\_\_  
Chen Wang

## Appendix A

### OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT CALIFORNIA PROTECTION AGENCY THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACTION 1986 (PROPOSITION 65): A SUMMARY

The following summary has been prepared by the office of Environmental Health Hazard Assessment, the lead and Toxic Enforcement Act 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 law. The reader is directed to the statute and its implementing regulations (See citations below) for further information.

Proposition 65 appears in California law as Health and Safety Code Sections 25249.5 through 25249.13. 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 Regulations, Sections 250000 through 27000.

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

*The "Governor's List"* Proposition 65 requires the Governor to publish a list of chemicals that are known to the State of California to cause cancer, or birth defects or other reproductive harm. This list must be updated at least once a year. Over 725 chemicals have been listed as of November 16, 2001. Only those chemicals that are on the list are regulated under this law. Businesses that produce, use, release, or otherwise engage in activities involving those 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. 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. Exposures are exempt from the warning requirement if they occur less than twelve months after the date of the listing of the chemical.

***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. Discharges are exempt from this requirement if they occur less than twenty months after the date of the listing of chemical.

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

Yes. The law exempts:

***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.

***Exposures that pose no significant risk of cancer.*** For chemicals that are listed as known to the State to cause cancer (“carcinogens”), a warning is not required if the business 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 for more than 250 listed carcinogens.

***Exposures that will produce no observable reproductive effect at 1,000 times the level in question.*** For chemicals known to the State to cause birth defects or other reproductive harm (“reproductive toxicants”), a warning is not required if the business 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 (NOEL),” divided by a 1,000- fold safety or uncertainty factor. The “no observable effect level” is the highest dose level which has not been associated with an observable adverse reproductive or developmental effect.

***Discharge that do not result in a “significant amount” of the listed chemical entering into 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 list chemical has not, does not, or will not enter any drinking water source, and that the discharge complies with all other applicable laws, regulations, permits, requirements, or orders. A “significant amount” means any

detectable amount; expect an amount that would meet the “ no significant risk” or “no observable effect” test if an individual were exposed to such an amount in drinking water.

#### **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 (those in cities with a population exceeding 750,000). Lawsuit 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. A notice must comply with the information and procedural requirements specified in regulations (Title 27. California Code of Regulations, Section 25903). A private party may not pursue an enforcement action directly under Proposition 65 if one of the governmental officials noted above initiates an action within sixty days of 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 of law to stop committing the violation.

#### ***FOR FURTHER INFORMATION...***

Contact the Office of Environmental Health Hazard Assessment’s Proposition 65 Implementation Office at (916)445-6900



## E-Mail Service List

Stacey Grassini, Deputy District Attorney  
CONTRA COSTA COUNTY  
900 Ward Street  
Martinez, CA 94553  
[sggrassini@contracostada.org](mailto:sggrassini@contracostada.org)

Michelle Latimer, Program Coordinator  
LASSEN COUNTY  
220 S. Lassen Street  
Susanville, CA 96130  
[mlatimer@co.lassen.ca.us](mailto:mlatimer@co.lassen.ca.us)

Jeannine M. Pacioni, District Attorney  
MONTEREY COUNTY  
1200 Aguajito Road  
Monterey, CA 93940  
[Prop65DA@co.monterey.ca.us](mailto:Prop65DA@co.monterey.ca.us)

Allison Haley, District Attorney  
NAPA COUNTY  
1127 First Street, Suite C  
Napa, CA 94559  
[CEPD@countyofnapa.org](mailto:CEPD@countyofnapa.org)

Paul E. Zellerbach, District Attorney  
RIVERSIDE COUNTY  
3072 Orange Street  
Riverside, CA 92501  
[Prop65@rivcoda.org](mailto:Prop65@rivcoda.org)

Barbara Yook, District Attorney  
CALAVERAS COUNTY  
891 Mountain Ranch Rd.  
San Andreas, CA 95249  
[Prop65Env@co.calaveras.ca.us](mailto:Prop65Env@co.calaveras.ca.us)

Alethea M. Sargent, Assistant District  
Attorney SAN FRANCISCO COUNTY  
350 Rhode Island Street  
San Francisco, CA 94103  
[alethea.sargent@sfgov.org](mailto:alethea.sargent@sfgov.org)

Summer Stephan, District Attorney  
SAN DIEGO COUNTY  
330 West Broadway  
San Diego, CA 92101  
[SanDiegoDAProp65@sdcdca.org](mailto:SanDiegoDAProp65@sdcdca.org)

Mark Ankorn, Deputy City  
Attorney  
CITY OF SAN DIEGO  
1200 Third Avenue  
San Diego, CA 92101  
[CityAttyCrimProp65@sandiego.gov](mailto:CityAttyCrimProp65@sandiego.gov)

Valerie Lopez, Deputy City Attorney  
CITY OF SAN FRANCISCO  
1390 Market Street, 7th Floor  
San Francisco, CA 94102  
[Valerie.Lopez@sfcityatty.org](mailto:Valerie.Lopez@sfcityatty.org)

Eric J. Dobroth, Deputy District Attorney  
SAN LUIS OBISPO COUNTY  
County Government Center Annex, 4th Floor  
San Luis Obispo, CA 93408  
[edobroth@co.slo.ca.us](mailto:edobroth@co.slo.ca.us)

Bud Porter, Supervising Deputy District Attorney  
SANTA CLARA COUNTY  
70 W Hedding St  
San Jose, CA 95110  
[EPU@da.sccgov.org](mailto:EPU@da.sccgov.org)

Stephan R. Passalacqua, District Attorney  
SONOMA COUNTY  
600 Administration Drive  
Sonoma, CA 95403  
[jbarnes@sonoma-county.org](mailto:jbarnes@sonoma-county.org)

Phillip J. Cline, District Attorney  
TULARE COUNTY  
221 S Mooney Blvd  
Visalia, CA 95370  
[Prop65@co.tulare.ca.us](mailto:Prop65@co.tulare.ca.us)

Gregory D. Totten, District Attorney  
VENTURA COUNTY  
800 S Victoria Ave  
Ventura, CA 93009  
[daspecialops@ventura.org](mailto:daspecialops@ventura.org)

Jeff W. Reisig, District Attorney  
YOLO COUNTY  
301 Second Street  
Woodland, CA 95695  
[cfepd@yolocounty.org](mailto:cfepd@yolocounty.org)

Tori Verber Salazar, District Attorney  
SAN JOAQUIN COUNTY  
222 E. Weber Avenue, Room 202  
Stockton, CA 95202  
[DAConsumer.Environmental@sjcda.org](mailto:DAConsumer.Environmental@sjcda.org)

Christopher Dalbey, Deputy District Attorney  
SANTA BARBARA COUNTY  
1112 Santa Barbara St.  
Santa Barbara, CA 93101  
[DAProp65@co.santa-barbara.ca.us](mailto:DAProp65@co.santa-barbara.ca.us)

Nancy O'Malley, District Attorney  
ALAMEDA COUNTY  
7776 Oakport Street, Suite 650  
Oakland, CA 94621  
[CEPDProp65@acgov.org](mailto:CEPDProp65@acgov.org)

Barbara M. Yook, District Attorney  
CALAVERAS COUNTY  
891 Mountain Ranch Road  
San Andreas CA 95249  
[Prop65Env@co.calaveras.ca.us](mailto:Prop65Env@co.calaveras.ca.us)

David Hollister, District Attorney  
PLUMAS COUNTY  
520 Main St.  
Quincy, CA 95971  
[davidhollister@countyofplumas.com](mailto:davidhollister@countyofplumas.com)

Anne Marie Schubert, District Attorney  
SACRAMENTO COUNTY  
901 G Street  
Sacramento, CA 95814  
[Prop65@sacda.org](mailto:Prop65@sacda.org)

Jeffrey S. Rosell, District Attorney  
SANTA CRUZ COUNTY  
701 Ocean Street  
Santa Cruz, CA 95060  
[Prop65DA@santacruzcounty.us](mailto:Prop65DA@santacruzcounty.us)

Kimberly Lewis, District Attorney  
MERCED COUNTY  
550 West Main Street  
Merced, CA 95340  
[Prop65@countyofmerced.com](mailto:Prop65@countyofmerced.com)

Clifford H. Newell, District Attorney  
NEVADA COUNTY  
201 Commercial Street  
Nevada City, CA 95959  
[DA.Prop65@co.nevada.ca.us](mailto:DA.Prop65@co.nevada.ca.us)

Thomas L. Hardy, District Attorney  
INYO COUNTY  
168 North Edwards Street  
Independence, CA 93526  
[inyoda@inyocounty.us](mailto:inyoda@inyocounty.us)

Walter W. Wall, District Attorney  
MARIPOSA COUNTY  
P.O. Box 730  
Mariposa, CA 95338  
[mcda@mariposacounty.org](mailto:mcda@mariposacounty.org)

Morgan Briggs Gire, District Attorney  
PLACER COUNTY  
10810 Justice Center Drive  
Roseville, CA 95678  
[prop65@placer.ca.gov](mailto:prop65@placer.ca.gov)

District Attorney  
ORANGE COUNTY  
700 Civic Center Drive West  
Santa Ana, CA 92701  
[Prop65Notice@da.ocgov.com](mailto:Prop65Notice@da.ocgov.com)

## SERVICE LIST

The Honorable Nancy O'Malley Alameda County District Attorney 1225 Fallon Street, Room 900 Oakland, CA 94612	The Honorable Stacey Montgomery Lassen County District Attorney 220 South Lassen Street, Ste. 8 Susanville, CA 96130	The Honorable Candice Hooper San Benito County District Attorney 419 4th Street, Second Floor Hollister, CA 95203	The Honorable Gregg Cohen Tehama County District Attorney 444 Oak Street, Room L Red Bluff, CA 96080
The Honorable Terese Drabec Alpine County District Attorney 270 Laramie Street, PO BOX 248 Markieville, CA 96120	The Honorable Jackie Lacey Los Angeles County District Attorney 211 West Temple Street, Suite 1200 Los Angeles, CA 90012	The Honorable Michael Ramos San Bernardino County District Attorney 303 West 3rd Street, 6th Floor San Bernardino, CA 92415-0502	The Honorable Eric Heryford Trinity County District Attorney P.O. Box 310 Weaverville, CA 96093
The Honorable Todd Riebe Amador County District Attorney 708 Court Street Jackson, CA 95642	The Honorable David Linn Madera County District Attorney 209 West Yosemite Avenue Madera, CA 93637	The Honorable Bonnie Dumanis San Diego County District Attorney 330 W. Broadway Street San Diego, CA 92101	The Honorable Tim Ward Tulare County District Attorney 221 South Mooney Boulevard, Rm 224 Visalia, CA 93291-4593
The Honorable Michael Ramsay Butte County District Attorney 25 County Center Drive Oroville, CA 95965	The Honorable Edward Berberian Marin County District Attorney 3501 Civic Center Drive, Room 130 San Rafael, CA 94903	The Honorable George Gascon San Francisco County District Attorney 850 Bryant Street, Room 322 San Francisco, CA 94103	The Honorable Laura Krieg Tuolumne County District Attorney 423 North Washington Street Sonora, CA 95370
The Honorable Barbara Yook Calaveras County District Attorney 991 Mountain Ranch Road San Andreas, CA 95249	The Honorable Thomas Cooke Mariposa County District Attorney 5101 Jones Street, P.O. Box 730 Mariposa, CA 95338	The Honorable Tori Verber Salazar San Joaquin County District Attorney 222 East Weber Avenue, Room 202 Stockton, CA 95201	The Honorable Gregory Totten Ventura County District Attorney 800 South Victoria Avenue Ventura, CA 93009
The Honorable John Poyner Colusa County District Attorney 346 Fifth Street Colusa, CA 95932	The Honorable C. David Eyster Mendocino County District Attorney 100 North State Street, P.O. Box 1000 Ukiah, CA 95482	The Honorable Dan Dow San Luis Obispo County District Atty 1035 Palm Street, 4th Floor San Luis Obispo, CA 93408	The Honorable Jeff Reising Yolo County District Attorney 301 Second Street Woodland, CA 95695
The Honorable Mark Peterson Contra Costa County District Attorney 900 Ward Street Martinez, CA 94553	The Honorable Larry Morse II Merced County District Attorney 550 W. Main Street Merced, CA 95340	The Honorable Stephen Wagstaffe San Mateo County District Attorney 400 County Center, Third Floor Redwood City, CA 94063	The Honorable Patrick McGrath Yuba County District Attorney 215 Fifth Street Marysville, CA 95901
The Honorable Dale Trigg Del Norte County District Attorney 450 H Street, Room 171 Crescent City, CA 95531	The Honorable Jordan Funk Modoc County District Attorney 204 S. Court Street, Suite 202 Alturas, CA 96101	The Honorable Joyce Dudley Santa Barbara County District Attorney 1112 Santa Barbara Street Santa Barbara, CA 93101	The Honorable Mike Feuer Office of the City Attorney, Los Angeles 800 City Hall East 200 North Main Street Los Angeles, CA 90012
The Honorable Vern Pierson El Dorado County District Attorney 778 Pacific Street Placerville, CA 95667	The Honorable Tim Kendall Mono County District Attorney P.O. Box 617 Bridgeport, CA 93517	The Honorable Jeffrey Rosen Santa Clara County District Attorney 70 West Hedding Street, West Wing San Jose, CA 95110	The Honorable James Sanchez Office of the City Attorney, Sacramento 915 I Street, 4th Floor Sacramento, CA 95814
The Honorable Lisa Smittcamp Fresno County District Attorney 2220 Tulara Street, #1000 Fresno, CA 93721	The Honorable Dean Filipo Monterey County District Attorney P.O. Box 1131 Salinas, CA 93902	The Honorable Jeff Roseff Santa Cruz County District Attorney 701 Ocean Street, Room 200 Santa Cruz, CA 95060	The Honorable Jan Goldsmith Office of the City Attorney, San Diego 1200 Third Avenue, Suite 1620 San Diego, CA 92101
The Honorable Dwayne Stewart Glenn County District Attorney P.O. Box 430 Willows, CA 95988	The Honorable Allison Haley Napa County District Attorney 1127 First Street, Suite C Napa, CA 94559	The Honorable Stephen Carlton Shasta County District Attorney 1355 West Street Redding, CA 96001	The Honorable Dennis Herrera Office of the City Attorney, San Francisco 1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102
The Honorable Maggie Fleming Humboldt County District Attorney 825 5th Street, Fourth Floor Eureka, CA 95501	The Honorable Clifford Newell Nevada County District Attorney 201 Commercial Street Nevada City, CA 95959	The Honorable Lawrence Allen Sierra County District Attorney 100 Courthouse Square Downsville, CA 95936	The Honorable Richard Doyle Office of the City Attorney, San Jose 200 East Santa Clara Street, 18th Floor San Jose, CA 95113
The Honorable Gilbert Otero Imperial County District Attorney 940 West Main Street, Suite 102 El Centro, CA 92243	The Honorable Tony Rackauckas Orange County District Attorney 401 Civic Center Drive West Santa Ana, CA 92701	The Honorable James Kirk Andrus Siskiyou County District Attorney P.O. Box 986 Yreka, CA 96097	Office of the California Attorney General Proposition 85 Enforcement Reporting ATTN: Prop 85 Coordinator 1515 Clay Street, Suite 2000 Oakland, CA 94612-0550
The Honorable Thomas Hardy Inyo County District Attorney P.O. Drawer D Independence, CA 93526	The Honorable R. Scott Owens Placer County District Attorney 10810 Justice Center Drive, Suite 240 Roseville, CA 95678	The Honorable Krishna Abrams Solano County District Attorney 675 Texas Street, Suite 4500 Fairfield, CA 94533	
The Honorable Lisa Green Kern County District Attorney 1215 Truxtun Avenue Bakersfield, CA 93301	The Honorable David Hollister Plumas County District Attorney 520 Main Street, Room 404 Quincy, CA 95971	The Honorable Jill Ravitch Sonoma County District Attorney 600 Administration Drive, Room 212J Santa Rosa, CA 95403	
The Honorable Keith Fagundas Kings County District Attorney 1400 West Lacey Boulevard Hanford, CA 93230	The Honorable Michael Hestrin Riverside County District Attorney 3960 Orange Street Riverside, CA 92501	The Honorable Birgit Fladager Stanislaus County District Attorney 832 12th Street, Suite 300 Modesto, CA 95354	
The Honorable Donald Anderson Lake County District Attorney 255 North Forbes Street Lakeport CA 95453	The Honorable Anne Marie Schubert Sacramento County District Attorney 901 G Street Sacramento CA 95814	The Honorable Amanda Hopper Sutter County District Attorney 463 Second Street, Suite 102 Yuba City CA 95991	