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Attorneys for Plaintiff Environmental Research Center, Inc.

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

**ENVIRONMENTAL RESEARCH CENTER,
INC., a California non-profit corporation**

Plaintiff,
vs.

**URBAN REMEDY, INC., a Delaware
corporation; and DOES 1-100**

Defendants.

CASE NO. 26CV206456

**COMPLAINT FOR INJUNCTIVE
AND DECLARATORY RELIEF AND
CIVIL PENALTIES**

[Miscellaneous Civil Complaint (42)]
Proposition 65, Health & Safety Code
Section 25249.5 *et seq.*]

Plaintiff Environmental Research Center, Inc. hereby alleges:

I

INTRODUCTION

1. Plaintiff Environmental Research Center, Inc. (hereinafter “Plaintiff” or “ERC”) brings this action as a private attorney general enforcer and in the public interest pursuant to Health & Safety Code section 25249.7, subdivision (d). The Safe Drinking Water and Toxic Enforcement Act of 1986 (Health & Safety Code section 25249.5 *et seq.*), also known as “Proposition 65”,

1 mandates that businesses with ten or more employees must provide a “clear and reasonable
2 warning” prior to exposing any individual to a chemical known to the state to cause cancer or
3 reproductive toxicity. Lead and Perfluorooctanoic Acid (PFOA) are chemicals known to the
4 State of California to cause cancer and/or birth defects and other reproductive harm. This
5 Complaint seeks injunctive and declaratory relief and civil penalties to remedy the ongoing
6 failure of Defendants Urban Remedy, Inc. (“Urban Remedy”) and Does 1-100 (hereinafter
7 individually referred to as “Defendant” or collectively as “Defendants”), to warn consumers that
8 they have been exposed to lead or PFOA from a number of Urban Remedy’s nutritional health
9 products as set forth in paragraph 3 at levels exceeding the applicable Maximum Allowable
10 Dose Level (“MADL”) and requiring a warning pursuant to Health & Safety Code section
11 25249.6.

12 II

13 PARTIES

14 2. Plaintiff ERC is a California non-profit corporation dedicated to, among other causes,
15 helping safeguard the public from health hazards by reducing the use and misuse of hazardous
16 and toxic chemicals, facilitating a safe environment for consumers and employees, and
17 encouraging corporate responsibility.

18 3. Defendant Urban Remedy, Inc. is a Delaware corporation that develops, manufactures,
19 markets, distributes, and/or sells nutritional health products that have exposed users to lead or
20 PFOA throughout the State of California, including in the County of Alameda, within the
21 relevant statute of limitations period. These “SUBJECT PRODUCTS” (as identified in the
22 Notice of Violation dated March 26, 2026 attached hereto as **Exhibit A** and incorporated by
23 reference) are: (1) Urban Remedy Organic Green Berry Meal Shake (lead), (2) Urban Remedy
24 Organic Golden Turmeric Coconut Cashew Milk (lead), (3) Urban Remedy Organic Chocolate
25 Protein Collagen Meal Shake (PFOA), (4) Urban Remedy Organic Vanilla Protein Collagen
26 Meal Shake (PFOA), and (5) Urban Remedy Organic Chocolate Banana Meal Shake (PFOA).
27 Urban Remedy, Inc. is a company subject to Proposition 65 as it employs ten or more persons
28 and has employed ten or more persons at all times relevant to this action.

1 4. Defendants Does 1-100, are named herein under fictitious names, as their true names
2 and capacities are unknown to ERC. ERC is informed and believes, and thereon alleges, that
3 each of said Does is responsible, in some actionable manner, for the events and happenings
4 hereinafter referred to, either through said Does' conduct, or through the conduct of its agents,
5 servants or employees, or in some other manner, causing the harms alleged by ERC in this
6 Complaint. When said true names and capacities of Does are ascertained, ERC will seek leave
7 to amend this Complaint to set forth the same.

8 III

9 JURISDICTION AND VENUE

10 5. This Court has jurisdiction pursuant to California Constitution Article VI, Section 10,
11 which grants the Superior Court original jurisdiction in all causes except those given by statute
12 to other trial courts. The statute under which this action is brought does not specify any other
13 basis for jurisdiction.

14 6. This Court has jurisdiction over Urban Remedy because Urban Remedy has sufficient
15 minimum contacts with California, and otherwise intentionally avails itself of the California
16 market through the marketing, distribution, and/or sale of the SUBJECT PRODUCTS in or into
17 the State of California, including in the County of Alameda, so as to render the exercise of
18 jurisdiction over it by the California courts consistent with traditional notions of fair play and
19 substantial justice.

20 7. The Complaint is based on allegations contained in the Notice of Violation dated March
21 26, 2026, served on the California Attorney General, other public enforcers, and Urban
22 Remedy. The Notice of Violation constitutes adequate notice to Urban Remedy because it
23 provided adequate information to allow Urban Remedy to assess the nature of the alleged
24 violations, consistent with Proposition 65 and its implementing regulations. A certificate of
25 merit and a certificate of service accompanied each copy of the Notice of Violation, and both
26 certificates comply with Proposition 65 and its implementing regulations. The Notice of
27 Violation served on Urban Remedy also included a copy of "The Safe Drinking Water and
28 Toxic Enforcement Act of 1986 (Proposition 65): A Summary." Service of the Notice of

1 Violation and accompanying documents complied with Proposition 65 and its implementing
2 regulations. Attached hereto as **Exhibit A**, and incorporated herein, is a true and correct copy
3 of the Notice of Violation and associated documents. More than 60 days have passed since
4 ERC mailed the Notice of Violation and no public enforcement entity has filed a Complaint in
5 this case.

6 8. This Court is the proper venue for the action because the causes of action have arisen in
7 the County of Alameda where some of the violations of law have occurred, and will continue to
8 occur, due to the ongoing sale of Urban Remedy's products. Furthermore, venue is proper in
9 this Court under Code of Civil Procedure section 395.5 and Health & Safety Code section
10 25249.7.

11 IV

12 STATUTORY BACKGROUND

13 9. The Safe Drinking Water and Toxic Enforcement Act of 1986 is an initiative statute
14 passed as "Proposition 65" by an overwhelming majority vote of the people in November of
15 1986.

16 10. The warning requirement of Proposition 65 is contained in Health & Safety Code
17 section 25249.6, which provides:

18 No person in the course of doing business shall knowingly and
19 intentionally expose any individual to a chemical known to the state to
20 cause cancer or reproductive toxicity without first giving clear and
21 reasonable warning to such individual, except as provided in Section
22 25249.10.

23 11. The Office of Environmental Health Hazard Assessment ("OEHHA"), a division of the
24 California Environmental Protection Agency, is the lead agency in charge of the
25 implementation of Proposition 65. OEHHA administers the Proposition 65 program and
26 administers regulations that govern Proposition 65 in general, including warnings to comply
27 with the statute. The warning regulations are found in Title 27 of the California Code of
28 Regulations, Article 6. The regulations define expose as "to cause to ingest, inhale, contact via
body surfaces or otherwise come into contact with a listed chemical. An individual may come

1 into contact with a listed chemical through water, air, food, consumer products and any other
2 environmental exposure as well as occupational exposures.” (Cal. Code Regs., tit. 27, § 25102,
3 subd. (i).)

4 12. In this case, the exposures are caused by consumer products. A consumer product is
5 defined as “any article, or component part thereof, including food, that is produced, distributed,
6 or sold for the personal use, consumption or enjoyment of a consumer.” (Cal. Code Regs., tit.
7 27, § 25600.1, subd. (d).) Food “includes ‘dietary supplements’ as defined in California Code
8 of Regulations, title 17, section 10200.” (*Id.* at subd. (g).) A consumer product exposure is “an
9 exposure that results from a person’s acquisition, purchase, storage, consumption, or any
10 reasonably foreseeable use of a consumer product, including consumption of a food.” (*Id.* at
11 subd. (e).)

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

21 14. Health & Safety Code section 25249.6 provides that “No person in the course of doing
22 business shall knowingly and intentionally expose any individual to a chemical known to the
23 state to cause cancer or reproductive toxicity without first giving clear and reasonable warning
24 to such individual . . .” The New Warning Regulations apply when clear and reasonable
25 warnings are required under Section 25249.6. Pursuant to the New Warning Regulations,
26 consumer product warnings “must be prominently displayed on a label, labeling, or sign, and
27 must be displayed with such conspicuousness as compared with other words, statements,
28 designs or devices on the label, labeling, or sign, as to render the warning likely to be seen,

1 read, and understood by an ordinary individual under customary conditions of purchase or use.”
2 (*Id.* at § 25601, subd. (c).)

3 15. Proposition 65 establishes a procedure by which the State is to develop a list of
4 chemicals “known to the State to cause cancer or reproductive toxicity.” (Health & Safety Code,
5 § 25249.8.) There is no duty to provide a clear and reasonable warning until 12 months after
6 the chemical is published on the State list. (Health & Safety Code, § 25249.10, subd. (b).)

7 16. Lead was listed as a chemical known to the State of California to cause developmental
8 toxicity in the fetus and male and female reproductive toxicity on February 27, 1987. Lead was
9 listed as a chemical known to the State of California to cause cancer on October 1, 1992. (State
10 of California EPA OEHHA Safe Drinking Water and Toxic Enforcement Act of 1986
11 Chemicals Known to the State to Cause Cancer and Reproductive Toxicity.) The MADL for
12 lead as a chemical known to cause reproductive toxicity is 0.5 micrograms per day. (Cal. Code
13 Regs., tit. 27, § 25805, subd. (b).) The No Significant Risk Level for lead as a carcinogen is 15
14 micrograms per day. (Cal. Code Regs., tit. 27, § 25705, subd. (b).)

15 17. Perfluorooctanoic acid (PFOA) was listed as a chemical known to the State of California
16 to cause development toxicity on November 10, 2017. On February 25, 2022, the State of
17 California officially listed perfluorooctanoic acid (PFOA) as a chemical known to cause cancer
18 (OEHHA Chemicals Considered or Listed Under Proposition 65 -
19 <https://oehha.ca.gov/proposition-65/chemicals/perfluorooctanoic-acid-pfoa-and-its-salts>).

20 18. Proposition 65 provides that any person “violating or threatening to violate” Proposition
21 65 may be enjoined in any court of competent jurisdiction. (Health & Safety Code, § 25249.7,
22 subd. (a).) To “threaten to violate” means “to create a condition in which there is a substantial
23 probability that a violation will occur.” (Health & Safety Code, § 25249.11, subd. (e).)
24 Furthermore, violators are subject to a civil penalty of up to \$2,500 per day for each violation.
25 (Health & Safety Code, § 25249.7, subd. (b)(1).)

26 19. Proposition 65 may be enforced by any person in the public interest who provides notice
27 sixty days before filing suit to both the violator and designated law enforcement officials. The
28

1 failure of law enforcement officials to file a timely Complaint enables a citizen suit to be filed
2 pursuant to Health & Safety Code section 25249.7, subdivisions (c) and (d).

3 **V**

4 **STATEMENT OF FACTS**

5 20. Urban Remedy has developed, manufactured, marketed, distributed, and/or sold some or
6 all of the SUBJECT PRODUCTS containing lead and/or PFOA in and/or into the State of
7 California, including in and/or into Alameda County. Consumption of the SUBJECT
8 PRODUCTS according to the directions and/or recommendations provided for said products
9 causes consumers to be exposed to lead at levels exceeding the 0.5 micrograms per day MADL
10 or exposed to PFOA and requiring a warning. Consumers throughout California and in the
11 County of Alameda have been ingesting these products for many years, without any knowledge
12 of their exposure to these very dangerous chemicals.

13 21. For many years, Urban Remedy has knowingly and intentionally exposed numerous
14 persons throughout California and in the County of Alameda to lead or PFOA without providing
15 any type of Proposition 65 warning. Prior to ERC's Notice of Violation and this Complaint,
16 Urban Remedy failed to provide a warning on the labels of the SUBJECT PRODUCTS or
17 provide any other legally acceptable warning. Urban Remedy has, at all times relevant hereto,
18 been aware that the SUBJECT PRODUCTS contained lead or PFOA and that persons using
19 these products have been exposed to these chemicals. Urban Remedy has been aware of the
20 presence of lead or PFOA in the SUBJECT PRODUCTS and has failed to disclose the presence
21 of these chemicals to the public, who undoubtedly believe they have been ingesting totally
22 healthy and pure products pursuant to the company's statements.

23 22. Both prior and subsequent to ERC's Notice of Violation, Urban Remedy failed to
24 provide consumers of the SUBJECT PRODUCTS with a clear and reasonable warning that they
25 have been exposed to chemicals known to the State of California to cause cancer and/or birth
26 defects and other reproductive harm. This failure to warn is ongoing.

27 ///

28 ///

1 **FIRST CAUSE OF ACTION**
2 **(Violation of Section 25249.6 of the Health and Safety Code, Failure to Provide Clear and**
3 **Reasonable Warning under Proposition 65)**

4 23. ERC refers to paragraphs 1-22, inclusive, and incorporates them herein by this
5 reference.

6 24. By committing the acts alleged above, Urban Remedy has, in the course of doing
7 business, knowingly and intentionally exposed users of the SUBJECT PRODUCTS to lead or
8 PFOA, chemicals known to the State of California to cause cancer and/or birth defects and other
9 reproductive harm, without first giving clear and reasonable warning to such individuals within
10 the meaning of Health & Safety Code section 25249.6. In doing so, Urban Remedy has violated
11 Health & Safety Code section 25249.6 and continues to violate the statute with each successive
12 sale of the SUBJECT PRODUCTS.

13 25. Said violations render Urban Remedy liable for civil penalties, up to \$2,500 per day for
14 each violation, and subject Urban Remedy to injunction.

15 **SECOND CAUSE OF ACTION**
16 **(Declaratory Relief)**

17 26. ERC refers to paragraphs 1-25, inclusive, and incorporates them herein by this
18 reference.

19 27. There exists an actual controversy relating to the legal rights and duties of the Parties,
20 within the meaning of Code of Civil Procedure section 1060, between ERC and Urban Remedy,
21 concerning whether Urban Remedy has exposed individuals to chemicals known to the State of
22 California to cause cancer and/or birth defects and other reproductive harm without providing
23 clear and reasonable warning.

24 **VI**

25 **PRAYER**

26 WHEREFORE ERC prays for relief as follows:

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

2. On the First Cause of Action, and pursuant to Health & Safety Code section 25249.7, subd. (a), for such temporary restraining orders, preliminary and permanent injunctive orders, or other orders as are necessary to prevent Urban Remedy from exposing persons to lead and/or PFOA without providing clear and reasonable warning;

3. On the Second Cause of Action, for a declaratory judgment pursuant to Code of Civil Procedure section 1060 declaring that Urban Remedy has exposed individuals to lead and/or PFOA without providing clear and reasonable warning; and

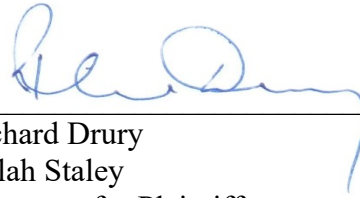
4. On all Causes of Action, for reasonable attorneys' fees pursuant to Code of Civil Procedure section 1021.5 or the substantial benefit theory;

5. For costs of suit herein; and

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

DATED: August 20, 2026

LOZEAU | DRURY LLP



Richard Drury
Kylah Staley
Attorneys for Plaintiff
Environmental Research Center, Inc.

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EXHIBIT A



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Notice of Violations of California Health & Safety Code §25249.5 *et seq.*

March 26, 2026

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Notice of Violations of California Health & Safety Code §25249.5 *et seq.*

March 26, 2026

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VIA ONLINE SUBMISSION

Office of the California Attorney General

VIA FIRST CLASS MAIL

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

Re: Notice of Violations of California Health & Safety Code Section 25249.5 *et seq.*

Dear Addressees:

I represent Environmental Research Center, Inc. (“ERC”) in connection with this Notice of Violations of California’s Safe Drinking Water and Toxic Enforcement Act of 1986, which is codified at California Health & Safety Code Section 25249.5 *et seq.* and also referred to as Proposition 65.

ERC is a California non-profit corporation dedicated to, among other causes, helping safeguard the public from health hazards by bringing about a reduction in the use and misuse of hazardous and toxic chemicals, facilitating a safe environment for consumers and employees, and encouraging corporate responsibility.

The name of the Company covered by this notice that violated Proposition 65 (hereinafter the “Violator”) is:

Urban Remedy, Inc.

The specific types of products causing the violations that are the subject of this notice are nutritional protein and/or meal replacement products that contain lead and/or perfluorooctanoic acid (PFOA). These products and the specific chemicals in these products identified as exceeding allowable levels include but are not limited to:

- 1. Urban Remedy Organic Green Berry Meal Shake - Lead**
- 2. Urban Remedy Organic Golden Turmeric Coconut Cashew Milk- Lead**
- 3. Urban Remedy Organic Chocolate Protein Collagen Meal Shake - Perfluorooctanoic Acid (PFOA)**
- 4. Urban Remedy Organic Vanilla Protein Collagen Meal Shake - Perfluorooctanoic Acid (PFOA)**
- 5. Urban Remedy Organic Chocolate Banana Meal Shake - Perfluorooctanoic Acid (PFOA)**

On February 27, 1987, the State of California officially listed lead as a chemical known to cause developmental toxicity, and male and female reproductive toxicity. On October 1, 1992, the State of California officially listed lead and lead compounds as chemicals known to cause cancer.

On November 10, 2017, the State of California officially listed Perfluorooctanoic Acid (PFOA) as a chemical known to cause developmental toxicity. On February 25, 2022, the State of California officially listed Perfluorooctanoic Acid (PFOA) as a chemical known to cause cancer.

This letter is a notice to the Violator and the appropriate governmental authorities of the Proposition 65 violations concerning the listed products. ERC may continue to investigate other products that may reveal further violations. A summary of Proposition 65, prepared by the Office of Environmental Health Hazard Assessment, is enclosed with the copy of this letter to the Violator.

The Violator has manufactured, marketed, distributed, and/or sold the listed products, which have exposed and continue to expose numerous individuals within California to the identified chemicals, lead and/or PFOA. The consumer exposures that are the subject of this notice result from the recommended use of these products by consumers. The route of exposure to lead and/or PFOA has been through ingestion. Proposition 65 requires that a clear and reasonable warning be provided prior to exposure to lead and/or PFOA. The method of warning should be a warning that appears on the product’s label. The Violator violated Proposition 65 because it failed to provide an appropriate warning to persons ingesting these products that they are being exposed to lead and/or PFOA. Each of these ongoing violations has occurred on every day since March 26, 2023, as well as every day since the products were introduced in the California marketplace, and will continue every day until clear and reasonable warnings are provided to product purchasers and users.

Pursuant to Section 25249.7(d) of the statute, ERC intends to file a citizen enforcement action sixty days after effective service of this notice unless the Violator agrees in an enforceable

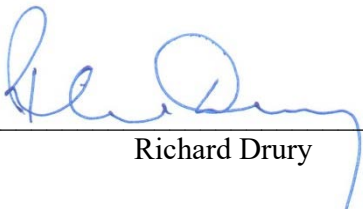
March 26, 2026

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written instrument to: (1) reformulate the listed products so as to eliminate further exposures to the identified chemicals; (2) pay an appropriate civil penalty; and (3) provide clear and reasonable warnings compliant with Proposition 65 to all persons located in California who purchased the above products in the last three years. Consistent with the public interest goals of Proposition 65 and my client's objectives in pursuing this notice, ERC is interested in seeking a constructive resolution to this matter. Such resolution will avoid both further unwarned consumer exposures to the identified chemicals and expensive and time consuming litigation.

ERC's Executive Director is Chris Heptinstall, and is located at 3111 Camino Del Rio North, Suite 400, San Diego, CA 92108; Tel. 619-500-3090. ERC has retained me in connection with this matter. We suggest that communications regarding this Notice of Violations should be directed to my attention at the above listed law office address and telephone number.

Sincerely,



Richard Drury

Attachments

Certificate of Merit

Certificate of Service

OEHHA Summary (to Urban Remedy, Inc. and its Registered Agents for Service of Process only)

Additional Supporting Information for Certificate of Merit (to AG only)

CERTIFICATE OF MERIT

Health and Safety Code Section 25249.7 (d)

Re: Environmental Research Center, Inc.'s Notice of Proposition 65 Violations by Urban Remedy, Inc.

I, Richard Drury, declare:

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

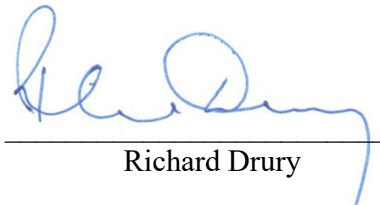
2. I am the attorney for the noticing party, Environmental Research Center.

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 plaintiffs' 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: March 26, 2026



Richard Drury

CERTIFICATE OF SERVICE PURSUANT TO 27 CCR § 25903

I, the undersigned, declare under penalty of perjury under the laws of the State of California that the following is true and correct:

I am a citizen of the United States and over the age of 18 years of age. My business address is 306 Joy Street, Fort Oglethorpe, Georgia 30742. I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Fort Oglethorpe, Georgia.

On March 26, 2026, between 8:00 a.m. and 5:00 p.m. Eastern Time, I served the following documents: **NOTICE OF VIOLATIONS OF CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT; “THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY”** on the following parties by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties listed below and depositing it in a U.S. Postal Service Office with the postage fully prepaid for delivery by Certified Mail:

Steve Naccarato, Chief Executive Officer
or Current President or CEO
Urban Remedy, Inc.
208 S. Garrard Blvd
Richmond, CA 94801

Robin Ynes
(Registered Agent for Urban Remedy, Inc.)
208 S. Garrard Blvd
Richmond, CA 94801

Business Filings Incorporated
(Registered Agent for Urban Remedy, Inc.)
108 W. 13th Street
Wilmington, DE 19801

On March 26, 2026, between 8:00 a.m. and 5:00 p.m. Eastern Time, I verified the following documents **NOTICE OF VIOLATIONS, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT; ADDITIONAL SUPPORTING INFORMATION FOR CERTIFICATE OF MERIT AS REQUIRED BY CALIFORNIA HEALTH & SAFETY CODE §25249.7(d)(1)** were served on the following party when a true and correct copy thereof was uploaded on the California Attorney General’s website, which can be accessed at <https://oag.ca.gov/prop65/add-60-day-notice> :

Office of the California Attorney General
Prop 65 Enforcement Reporting
1515 Clay Street, Suite 2000
Oakland, CA 94612-0550

On March 26, 2026, between 8:00 a.m. and 5:00 p.m. Eastern Time, I verified the following documents **NOTICE OF VIOLATIONS, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT** were served on the following parties when a true and correct copy thereof was sent via electronic mail to each of the parties listed below:

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Notice of Violations of California Health & Safety Code §25249.5 *et seq.*

March 26, 2026

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Notice of Violations of California Health & Safety Code §25249.5 *et seq.*

March 26, 2026

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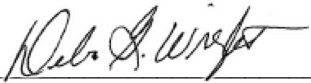
Notice of Violations of California Health & Safety Code §25249.5 *et seq.*

March 26, 2026

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On March 26, 2026, between 8:00 a.m. and 5:00 p.m. Eastern Time, I served the following documents: **NOTICE OF VIOLATIONS, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT** on each of the parties on the Service List attached hereto by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties **on the Service List attached hereto**, and depositing it with the U.S. Postal Service with the postage fully prepaid for delivery by First Class Mail.

Executed on March 26, 2026, in Fort Oglethorpe, Georgia.



Debra Wright

March 26, 2026

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Service List

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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 27001.¹ 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

¹ 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.

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 contaminant² 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.

² 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.

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.