

AKEMPIS P.C.
Emily Culbertson (SBN 282560)
730 Arizona Avenue, 2nd Floor
Santa Monica, CA 90401
Tel: (424) 433-4760
Email: emilyculbertson@akempis.com

Attorneys for Plaintiff
PUBLIC PROTECTION ALLIANCE LLC

ELECTRONICALLY
FILED
Superior Court of California,
County of San Francisco

09/18/2026
Clerk of the Court
BY: MARIVIC VIRAY
Deputy Clerk

CGC-26-640961

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN FRANCISCO

PUBLIC PROTECTION ALLIANCE LLC, a
California limited liability company,

Plaintiff,

v.

PSM101 LLC, a New Jersey limited liability
company; and DOES 1 through 100, inclusive,

Defendants.

Case No.:

**COMPLAINT FOR INJUNCTIVE
RELIEF AND CIVIL PENALTIES**

(Cal. Health & Safety Code section 25249.5 *et seq.*)

Plaintiff Public Protection Alliance LLC, based on information and belief and the investigation of counsel, except for information based on knowledge, hereby alleges:

INTRODUCTION

1. Plaintiff Public Protection Alliance LLC (“Plaintiff” or “PPA”) brings this action as a private attorney general enforcer and in the public interest of the citizens of the State of California. In California, under the Safe Drinking Water and Toxic Enforcement Act of 1986, California Health and Safety Code section 25249.5 *et seq.*, (“Proposition 65”), it is unlawful for businesses to knowingly and intentionally expose individuals in California to chemicals known to the State to cause reproductive toxicity without first providing clear and reasonable warnings to exposed individuals.

2. Defendants PSM101 LLC (“PSM101”) and Does 1 through 100 (“Doe Defendants,” collectively with PSM101, the “Defendants”) violated Proposition 65 by knowingly and intentionally exposing individuals in California to Bisphenol S (“BPS”), a chemical known to the State of California to cause reproductive toxicity. Such exposures have occurred, and continue to occur, when individuals handle thermal receipt paper (which is used to generate transactional documents such as receipts from cash registers and credit cards terminals) (“Thermal Receipt Paper”) coated with BPS that are manufactured, packaged, distributed, imported, sold, provided, or offered by Defendants. Individuals are exposed to BPS when they touch or handle the Thermal Receipt Paper.

3. Defendants deliberately placed the Thermal Receipt Paper in the stream of commerce in California, knowing and intending that it would be handled by individuals in California.

4. Defendants failed to provide a clear and reasonable warning to individuals in California about potential exposure to BPS in connection with their manufacture, packaging, import, sale, or distribution of the Thermal Receipt Paper. Defendants' conduct thus violates the warning provision of Proposition 65.

5. Plaintiff seeks injunctive relief compelling Defendants to sufficiently warn individuals in California before exposing them to BPS in Thermal Receipt Paper. (Cal. Health & Safety Code § 25249.7, subdivision (a).) Plaintiff also seeks civil penalties against Defendants for violations of Proposition 65 along with attorneys' fees and costs. (Health & Saf. Code, § 25249.7, subd. (b).)

PARTIES

6. Plaintiff PPA is a California limited liability company acting in the interest of the general public seeking to further, among other causes, the protection of the environment, toxin reduction, the promotion and improvement of human health, the improvement of consumer rights, and corporate accountability. It brings this action in the public interest pursuant to Health and Safety Code section 25249.7.

7. PSM101 is a New Jersey limited liability company doing business as Center Point

1 Distributors and Infinity Wholesale. PSM101 is an interstate distributor, supplier, and wholesaler of
2 goods stocked by convenience stores and other businesses. PSM101 is a person in the course of
3 doing business within the meaning of Health and Safety Code section 25249.11 and is subject to
4 Proposition 65. PSM101 is a business that manufactures, imports, markets, distributes, and/or sells
5 the Thermal Receipt Paper in California, including in San Francisco County.

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

13 **JURISDICTION AND VENUE**

14 9. This Court has jurisdiction over this action pursuant to Health and Safety Code §
15 25249.7, which allows enforcement in any court of competent jurisdiction, and pursuant to
16 California Constitution Article VI, Section 10, because this case is a cause not given by statute to
17 any other trial court.

18 10. This Court has jurisdiction over Defendants because each is a business entity that
19 does sufficient business in California, has sufficient minimum contacts in California, or otherwise
20 avails itself of the California market through its manufacture, distribution, purchasing for use,
21 selling, offering to sell, providing, or offering to provide Thermal Receipt Paper in California and
22 such business and contacts gave rise to the claims at issue. Such contacts with California also render
23 the exercise of jurisdiction over Defendants by California courts consistent with traditional notions
24 of fair play and substantial justice.

25 11. This Court is the proper venue for the action because, upon information and belief,
26 the causes of action have arisen in the County of San Francisco where some of the violations of law
27 have occurred, and will continue to occur, due to the ongoing sale of the Thermal Receipt Paper.
28 Furthermore, venue is proper in this Court under California Code of Civil Procedure sections 393,

1 395, and 395.5.

2 12. This Complaint is based on allegations contained in the 60-Day Notice of Violation
3 (“Notice”) dated April 13, 2026, and served on or around the same day on PSM101, the California
4 Attorney General, the District Attorneys of every county in California, and the City Attorneys of
5 every city in California with a population greater than 750,000. The Notice identified the following
6 example of the Thermal Receipt Paper at issue: “25 Rolls Thermal Receipt Paper Rolls 3-1/8 x
7 230ft,” “ASIN No. B0BXFZH8PN” (the “Exemplar”). The Notice also included the following: (1)
8 the name and address of each violator; (2) the statute violated; (3) the time period during which the
9 violations occurred; (4) specific descriptions of the violations, including, (a) the routes of exposures
10 to BPS from Defendants’ Thermal Paper, and (b) the specific type of products sold or provided in
11 violation of Proposition 65; and (5) the name of the specific Proposition 65-listed chemical that is
12 the subject of the violations described in the Notice. The Notice also included a proposal for
13 resolution and a demand that Defendants preserve all evidence related to the noticed claims. The
14 Notice also included a Certificate of Merit signed by counsel certifying that counsel had (1)
15 consulted with one or more persons with relevant and appropriate experience or expertise who
16 reviewed facts, studies, or other data regarding the exposures to BPS alleged in the Notice; and (2)
17 based on the information obtained through such consultations, believes there is a reasonable and
18 meritorious case for a citizen enforcement action based on the facts alleged in the Notice. The
19 Notice served on Defendants also included a copy of “The Safe Drinking Water and Toxic
20 Enforcement Act of 1986 (Proposition 65): A Summary.” Attached hereto as **Exhibit A** is a true
21 and correct copy of the Notice and associated documents served on PSM101.

22 13. The Certificate of Merit served on the California Attorney General included factual
23 information – provided on a confidential basis – sufficient to establish the basis for the Certificate,
24 including the identity of the persons consulted by counsel and the facts, studies, or other data
25 reviewed by such person.

26 14. More than sixty days have passed since PPA served the Notice and no public
27 enforcement agency has commenced and is diligently prosecuting an action against the violation in
28 the Notice.

STATUTORY AND REGULATORY BACKGROUND

15. The warning requirement of Proposition 65 is contained in the California Health and Safety Code section 25249.6, which provides:

No person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the state to cause cancer or reproductive toxicity without first giving clear and reasonable warning to such individual . . .

16. The Office of Environmental Health Hazard Assessment (“OEHHA”), a division of CalEPA, is the lead agency in charge of the implementation of Proposition 65. OEHHA administers the Proposition 65 program and administers regulations that govern Proposition 65 in general, including warnings to comply with the statute. 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 into contact with a listed chemical through water, air, food, consumer products and any other environmental exposure as well as occupational exposures.” (Title 27, California Code of Regulations, section 25102, subdivision (i).)

17. Proposition 65 establishes a procedure by which the State is to develop a list of chemicals “known to the State to cause cancer or reproductive toxicity.” (Health & Saf. Code, § 25249.8.)

18. On December 29, 2023, BPS was listed as a female reproductive toxicant, which means it is known to cause harm to the female reproductive system. (27 Cal. Code Regs., § 27001, subd. (c).) On December 29, 2024, BPS became subject to a clear and reasonable warning requirement regarding reproductive toxicity. (Health & Saf. Code, § 25249.10, subd. (b).)

19. On January 3, 2025, BPS was listed as a male reproductive toxicant, which means it is known to cause harm to the male reproductive system. (27 Cal. Code Regs., § 27001, subd. (c).) On January 3, 2026, BPS became subject to a clear and reasonable warning requirement regarding reproductive toxicity. (Health & Saf. Code, § 25249.10, subd. (b).)

20. On December 8, 2025, BPS was listed as a developmental toxicant, which means it is known to cause harm to a developing fetus. (27 Cal. Code Regs., § 27001, subd. (c).)

21. Proposition 65 provides that any person “violating or threatening to violate”

1 Proposition 65 may be enjoined in any court of competent jurisdiction. (Health & Saf. Code, §
2 25249.7, subd. (a).) To “threaten to violate” means “to create a condition in which there is a
3 substantial probability that a violation will occur.” (Health & Saf. Code, § 25249.11, subd. (e).)
4 Furthermore, violators are subject to a civil penalty of up to \$2,500 per day for each violation.
5 (Health & Saf. Code, § 25249.7, subd. (b)(1).)

6 22. Proposition 65 may be enforced by any person in the public interest who provides
7 notice sixty days before filing suit to both the violator and designated law enforcement officials, and
8 no public enforcement agency has commenced and is diligently prosecuting the noticed violation.
9 (Health & Saf. Code, § 25249.7, subds. (c) and (d).)

10 **STATEMENT OF FACTS**

11 23. Defendants’ Thermal Receipt Paper contains sufficient quantities of BPS such that
12 individuals who touch or handle the Thermal Receipt Paper are exposed to BPS. The primary route
13 of exposure for the violations is dermal absorption directly through the skin when individuals touch
14 or handle Thermal Receipt Paper. These exposures occur in homes, workplaces, retail
15 establishments, and everywhere else throughout California where the Thermal Receipt Paper is
16 touched or handled.

17 24. Defendants manufactured, packaged, imported, sold, and/or distributed the Thermal
18 Receipt Paper containing BPS throughout California and on internet retailer websites for delivery in
19 California without giving a clear and reasonable warning in violation of California Health and
20 Safety Code section 25249.6 *et seq.* PSM101 sold and has continued selling the Thermal Receipt
21 Paper since at least September 22, 2025, without warning at the point of sale, or on the product
22 packaging or labels, or in the online product listing. Nor did PSM101 provide any downstream
23 written Proposition 65 notice or warning materials with the delivery of the Thermal Receipt Paper.

24 25. In October 2025, a well-respected and accredited testing laboratory tested an
25 exemplar of the Thermal Receipt Paper for BPS. The results of the testing show that the Thermal
26 Receipt Paper contained BPS.

27 26. Defendants knew that the Thermal Receipt Paper contained BPS. Under Proposition
28 65, an exposure is “knowing” where the party responsible for such exposure has: “knowledge of the

fact that a[n] ... exposure to a chemical listed pursuant to [Health and Safety Code Section 25249.8(a)] is occurring. No knowledge that the ... exposure is unlawful is required.” (27 Cal. Code Regs., § 25102, subd. (n).) This knowledge may be either actual or constructive.

27. Defendants both know and intend that individuals touch or handle their Thermal Receipt Paper, thus exposing those individuals to BPS. Such individuals include those who purchase the Thermal Receipt Paper as well as other individuals who touch or otherwise handle the Thermal Receipt Paper in the course of its reasonably foreseeable use.

28. Defendants are liable for civil penalties, up to \$2,500 per day for each violation of Proposition 65 pursuant to California Health and Safety Code section 25249.7(b). Injunctive relief is also appropriate pursuant to California Health and Safety Code section 25249.7(a). There is no other plain, speedy, or adequate remedy at law.

CAUSES OF ACTION

FIRST CAUSE OF ACTION

(VIOLATION OF PROPOSITION 65 – AGAINST ALL DEFENDANTS)

29. PPA incorporates by reference each and every allegation contained above.

30. Defendants put the Thermal Receipt Paper into the stream of commerce and/or provided Thermal Receipt Paper to California individuals.

31. Defendants are each a person in the course of doing business within the meaning of Proposition 65.

32. BPS is a chemical listed by the State of California as a known reproductive toxicant.

33. Defendants knew that reasonably foreseeable use of the Thermal Receipt Paper will expose individuals who touch or handle the Thermal Receipt Paper to BPS.

34. Defendants intend that the Thermal Receipt Paper be used in a manner that results in exposures to BPS from the Thermal Receipt Paper.

35. Defendants failed, and continue to fail, to provide clear and reasonable warnings regarding the reproductive toxicity of BPS to individuals who touch or handle its Thermal Receipt Paper.

36. By committing the acts alleged herein, Defendants have at all times relevant to this

1 Complaint, violated California Health and Safety Code section 25249.6 by knowingly and
2 intentionally exposing individuals to BPS without first giving a clear and reasonable warning to
3 such individuals regarding the reproductive toxicity of BPS.

4 **PRAYER FOR RELIEF**

5 WHEREFORE Plaintiff prays for relief against Defendants as follows:

- 6 1. Civil penalties in the amount of \$2,500 per day for each violation according to proof;
- 7 2. An injunction against Defendants from selling, offering for sale, distributing and/or
8 otherwise placing the Thermal Receipt Paper in California without either reducing the BPS levels in
9 their Thermal Receipt Paper such that no Proposition 65 warnings are required or providing clear
10 and reasonable warnings, as PPA shall specify in further application to the Court;
- 11 3. An order requiring Defendants to take action to stop unwarned exposures to BPS resulting
12 from the use of Thermal Receipt Paper sold or provided to individuals by Defendants, as PPA shall
13 specify in further application to the Court;
- 14 4. Reasonable attorneys' fees and costs of suit pursuant to Code of Civil Procedure Section
15 1021.5 or any other applicable theory; and
- 16 5. For such other relief as the Court may deem just and proper.

17
18 Respectfully submitted:

19
20 DATED: September 18, 2026

21
22
23 
24 EMILY CULBERTSON
25 AKEMPIS P.C.
26 Attorneys for Public Protection
27 Alliance LLC
28

Exhibit 1

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

BPS IN THERMAL PAPER

04/13/2026

This Notice of Violation (“Notice”) is provided to you pursuant to and in compliance with California Health and Safety Code § 25249.7(d).

- For general information regarding the California Safe Drinking Water and Toxic Enforcement Act (“Proposition 65”), see the attached summary provided by the Office of Environmental Health Hazard Assessment (copies of summary not provided to public enforcement agencies).
- This Notice is provided by Public Protection Alliance LLC, 2450 Colorado Ave, Suite 100E, Santa Monica CA 90404. Public Protection Alliance is a California company acting in the interest of the general public seeking to further, among other causes, the protection of the environment, toxin reduction, the promotion and improvement of human health, the improvement of consumer rights, and corporate accountability. Public Protection Alliance designates its counsel, Emily Culbertson, as the responsible individual with regard to this Notice.

Description of Violation:

- Violators: The names and addresses of the violators are identified in the table below.
- Time Period of Exposure: The violations have been occurring since at least 09/22/2025 and are continuing to this day.
- Provision of Proposition 65: This Notice covers the warning provision of Proposition 65, which is found at California Health and Safety Code Section 25249.6.
- Chemical(s) Involved: The name of the listed chemical involved in these violations is BPS.
- Type of Product: The specific type of product causing these violations is thermal paper. Non-exclusive examples of this specific type of product are listed in the table below.
- Description of Exposure: Ordinary use of the products identified in this Notice results in human exposures to BPS because BPS is found in the thermal paper. The route of exposure for the violation is dermal. These exposures occur in homes,

workplaces, and everywhere else throughout California where consumers may be exposed to thermal paper.

- No clear and reasonable Proposition 65 warning is provided with these products regarding the presence of BPS in the products.

Violators and Products Subject to this Notice

Names and Addresses of Violators	Non-Exclusive Examples of the Products	UPC or Further Description of the Non-Exclusive Exemplar
PSM101 LLC 155 Helen St Unit A South Plainfield, NJ 07080	25 Rolls Thermal Receipt Paper Rolls 3-1/8 x 230ft (25)	ASIN B0BXFZH8PN
Amazon.com Services LLC 410 Terry Avenue North Seattle, WA 98109	25 Rolls Thermal Receipt Paper Rolls 3-1/8 x 230ft (25)	ASIN B0BXFZH8PN

Resolution of Noticed Claims:

- Public Protection Alliance intends to file a citizen enforcement lawsuit against the alleged violators unless such violators agree in a binding written instrument to: (1) recall all products already sold; (2) provide clear and reasonable warnings for products sold or otherwise provided to consumers in the future or reformulate such products to eliminate the BPS exposures; and (3) pay an appropriate civil penalty based on the factors enumerated in California Health and Safety Code § 25249.7(b).
- Alleged violators should contact Public Protection Alliance through its counsel identified below to discuss resolution of this matter. It should be noted that Public Protection Alliance cannot (1) 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 Public Protection Alliance's 60-day Notice. Therefore, while reaching an agreement with Public Protection Alliance will resolve its claims, such agreement may not satisfy the public prosecutors.

Preservation of Relevant Evidence:

- This notice also serves as a demand that the alleged Violators 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 related to the presence or potential presence of BPS in thermal paper; purchase and sales information for such products; efforts to comply with Proposition 65 with respect to such products; advertising and marketing material related to such products; testing reports related to such products; communications with any person

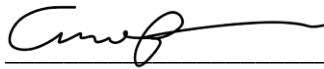
relating to the presence or potential presence of BPS in such products; any representative exemplars of any such products sold to customers or consumers by the alleged violator in the year preceding this Notice through the date of any trial of the claims alleged in this Notice.

Request for Names and Contact Information

- The retailer is hereby requested to promptly provide the names and contact information for the manufacturers, producers, packagers, importers, suppliers, and/or distributors of the products identified in this Notice per Cal. Code Regs. tit. 27, §25600.2(g).

Please direct any inquiries regarding this Notice to Public Protection Alliance's counsel, Emily Culbertson, at Akempis PC, 730 Arizona Ave, Floor 2, Santa Monica CA 90401, (424) 433-4760, emilyculbertson@akempis.com.

AKEMPIS P.C.



Emily Culbertson
Attorney for Public Protection Alliance LLC

Enclosures:

Certificate of Merit

Certificate of Service

Appendix A ("The Safe Drinking Water and Toxic Enforcement Act of 1986
(Proposition 65): A Summary") (sent only to the Violators)

Factual information sufficient to establish the basis of the Certificate of Merit (sent only to Attorney General)

CERTIFICATE OF MERIT
Health & Safety Code § 25249.7(d)

I, Emily Culbertson, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged the parties identified in the notice have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.
2. I am an attorney with Akempis P.C., and I represent the noticing party, Public Protection Alliance, LLC.
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 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 violators 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.

04/13/2026



Emily Culbertson
Attorney for Public Protection Alliance LLC

CERTIFICATE OF SERVICE

I, Emily Culbertson, hereby declare:

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen (18) years and not a party to this action. My business address is 730 Arizona Ave, 2nd Floor, Santa Monica CA 90401 and my email address is emilyculbertson@akempis.com.

On 04/13/2026, I served the following documents on all interested parties in this action by placing a true copy thereof in the manner and at the addresses indicated below:

☒ **BY CERTIFIED MAIL:** I am readily familiar with the practice for collection and processing for correspondence for certified mailing by LetterStream, a printing and mailing company that sends certified mail via the U.S. Postal Service. I transmitted a PDF version of the documents noted below to LetterStream on 04/13/2026 for printing and mailing in the ordinary course of business to the names and addresses on the attached service lists. The printed correspondence will be deposited by LetterStream in the mail with the U.S. Postal Service.

Please see attached service list for recipients sent by Certified Mail.

Contents mailed: NOTICE OF VIOLATION OF CALIFORNIA SAFE DRINKING WATER AND TOXIC ENVIRONMENT ACT; CERTIFICATE OF MERIT; THE SAFE DRINKING WATER AND TOXIC ENVIRONMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY

☒ **BY MAIL:** I am readily familiar with the practice for collection and processing for correspondence for mailing by LetterStream, a printing and mailing company that sends certified mail via the U.S. Postal Service. I transmitted a PDF version of the documents noted below to LetterStream on 04/13/2026 for printing and mailing in the ordinary course of business to the names and addresses on the attached service lists. The printed correspondence will be deposited by LetterStream in the mail with the U.S. Postal Service.

Please see attached service list for recipients sent by Mail.

Contents mailed: NOTICE OF VIOLATION OF CALIFORNIA SAFE DRINKING WATER AND TOXIC ENVIRONMENT ACT; CERTIFICATE OF MERIT.

☒ **BY ELECTRONIC MAIL:** I transmitted a PDF version of the documents noted below via email to the email address(es) indicated on the attached service list before 5 p.m. on the date executed.

Please see attached service list for recipients sent by Electronic Mail

Contents emailed: NOTICE OF VIOLATION OF CALIFORNIA SAFE DRINKING WATER AND TOXIC ENVIRONMENT ACT; CERTIFICATE OF MERIT.

☒ **BY ELECTRONIC UPLOAD:** I transmitted a PDF version of the documents noted below to the Office of Attorney General of California via the Proposition 65 File a 60-Day Notice website at <https://oag.ca.gov/prop65/add-60-day-notice> at before 5 p.m. on the date executed.

Contents uploaded: NOTICE OF VIOLATION OF CALIFORNIA SAFE DRINKING WATER AND TOXIC ENVIRONMENT ACT; CERTIFICATE OF MERIT; CONFIDENTIAL SUPPORTING EVIDENCE FOR CERTIFICATE OF MERIT.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 04/13/2026 at Los Angeles, California.



Emily Culbertson

SERVICE LIST BY CERTIFIED MAIL:

PSM101 LLC
155 Helen St
Unit A
South Plainfield, NJ 07080

Amazon.com Services LLC
c/o Registered Agent
CSC - Lawyers Incorporating
Service
2710 Gateway Oaks Drive
Sacramento, CA 95833

PSM101 LLC
c/o Registered Agent
Niravkumar Vora
11 Egan Street
Edison, NJ 08820

Amazon.com Services LLC
410 Terry Avenue North Seattle, WA
98109

SERVICE LIST BY MAIL:

Amador County DA
708 Court Street, #202
Jackson, CA 95642

Del Norte County DA
450 H Street, Room 171
Crescent City, CA 95531

Imperial County DA
940 West Main Street, Ste 102
El Centro, CA 92243

Lake County DA
255 N. Forbes Street
Lakeport, CA 95453

Madera County DA
300 South G Street, Suite 300
Madera, CA 93637

Mono County DA
P.O. Box 2053
Mammoth Lakes, CA 93546

San Mateo County DA
400 County Center, Third Floor
Redwood City, CA 94063

Siskiyou County DA
P.O. Box 986
Yreka, CA 96097

Sutter County DA
463 2nd Street, Suite 102
Yuba City, CA 95991

Butte County DA
25 County Center Drive, Suite 245
Oroville, CA 95965

Glenn County DA
P.O. Box 430
Willows, CA 95988

Kern County DA
1215 Truxtun Ave.
Bakersfield, CA 93301

City of LA, City Atty
200 N. Main Street #800
Los Angeles, CA 90012

Mendocino County DA
P.O. Box 1000
Ukiah, CA 95482

San Benito County DA
419 4th Street
Hollister, CA 95023

Shasta County DA
1355 West Street
Redding, CA 96001

Solano County DA
675 Texas Street, Suite 4500
Fairfield, CA 94533

Tehama County DA
P.O. Box 519
Red Bluff, CA 96080

Colusa County, DA
310 6th Street
Colusa, CA 95932

Humboldt County DA
825 5th Street, 4th Floor Eureka,
CA 95501

Kings County DA
1400 West Lacey Blvd.
Hanford, CA 93230

LA County DA
211 W. Temple St, Ste. 1200
Los Angeles, CA 90012

Modoc County DA
204 S. Court Street, Room 202
Alturas, CA 96101

San Bernardino County DA
303 W. Third Street
San Bernardino, CA 92415

Sierra County DA
100 Courthouse Square
Downieville, CA 95936

Stanislaus County DA
832 12th Street, Suite 300
Modesto, CA 95354

Trinity County DA
P.O. Box 310
Weaverville, CA 96093

Tuolumne County DA
423 N. Washington Street
Sonora, CA 95370

Yuba County DA
215 5th. Street, Suite 152
Marysville, CA 95901

SERVICE LIST BY ELECTRONIC MAIL:

Alameda County
Ursula Jones Dickson, DA 7677
Oakport St., Ste 650
Oakland, CA 94621
CEPDProp65@acgov.org

Alpine County
Robert K. Priscaro DA
P.O.Box 248
Markleville, CA 96120
prop65enf@alpinecountyca.gov

Calaveras County
Barbara Yook DA
891 Mountain Ranch Rd.
San Andreas, CA 95249
Prop65Env@co.calaveras.ca.us

Contra Costa County
Stacey Grassini, Deputy DA
900 Ward Street
Martinez, CA 94553
sgrassini@contracostada.org

El Dorado County
James Clinchard, ADA
778 Pacific Street
Placerville, CA 95667
EDCDAPROP65@edcda.us

Fresno County
Lisa A. Smittcamp, DA
2100 Tulare Street
Fresno, CA 93721
consumerprotection@fresnocountyca.gov

Inyo County
Thomas L. Hardy, DA
168 North Edwards Street
Independence, CA 93526
inyoda@inyocounty.us

Lassen County
Devin Chandler, Prog. Coord.
2950 Riverside Dr
Susanville, CA 96130
dchandler@co.lassen.ca.us

Marin County
Lori E. Frugoli, DA
3501 Civic Center Dr, Rm 145
San Rafael, CA 94903
consumer@marincounty.gov

Mariposa County
Walter W. Wall, DA
P.O. Box 730
Mariposa, CA 95338
mcdca@mariposacounty.org

Merced County
Kimberly Lewis, DA
550 West Main Street
Merced, CA 95340
Prop65@countyofmerced.com

Monterrey County
Jeannine M. Pacioni, DA
1200 Aguajito Road
Monterey, CA 93940
Prop65DA@co.monterey.ca.us

Napa County
Allison Haley, DA
1127 First Street, Suite C
Napa, CA 94559
CEPD@countyofnapa.org

Nevada County
Clifford H. Newell, DA
201 Commercial Street
Nevada City, CA 95959
DA.Prop65@co.nevada.ca.us

Orange County
Todd Spitzer, DA
300 N. Flower Street
Santa Ana, CA 92703
Prop65Notice@ocdapa.org

Placer County
Morgan Briggs Gire, DA
10810 Justice Center Drive
Roseville, CA 95678
prop65@placer.ca.gov

Plumas County
David Hollister, DA
520 Main St.
Quincy, CA 95971
davidhollister@countyofplumas.com

Riverside County
Paul E. Zellerbach, DA
3072 Orange Street
Riverside, CA 92501
Prop65@rivcoda.org

Sacramento County
Anne Marie Schubert, DA
901 G Street
Sacramento, CA 95814
Prop65@sacda.org

San Diego County
Summer Stephan, DA
330 West Broadway
San Diego, CA 92101
SanDiegoDAProp65@sdcda.org

San Diego City
Mark Ankcorn, Dep City Atty
1200 Third Avenue
San Diego, CA 92101
CityAttyProp65@sandiego.gov

San Francisco County
Brooke Jenkins, DA
350 Rhode Island Street
San Francisco, CA 94103
Prop65@sfgov.org

San Francisco City
Henry Lifton, Dep City Atty
1390 Market St, 7th Fl.
San Francisco, CA 94102
Prop65@sfcityatty.org

San Joaquin County
Tori Verber Salazar, DA
222 E. Weber Ave., Rm 202
Stockton, CA 95202
DAConsumer.Environmental@sjcda.org

San Luis Obispo County
Eric J. Dobroth, Deputy DA
County Government
Center Annex, 4th Floor
San Luis Obispo, CA 93408
edobroth@co.slo.ca.us

Santa Barbara County
Christopher Dalbey, Deputy DA
1112 Santa Barbara St.
Santa Barbara, CA 93101
DAProp65@co.santabarbara.ca.us

Santa Clara County
Bud Porter, Supervising Deputy DA
70 W Hedding St.
San Jose, CA 95110
EPU@da.sccgov.org

Santa Cruz County
Jeffrey S. Rosell, DA
701 Ocean Street
Santa Cruz, CA 95060
Prop65DA@santacruzcounty.us

Sonoma County
Carla Rodriguez, DA
600 Administration Dr, Rm 212J
Santa Rosa, CA 95403
ECLD@sonomacounty.org

Tulare County
Phillip J. Cline, DA
221 S Mooney Blvd
Visalia, CA 95370
Prop65@co.tulare.ca.us

Ventura County
Gregory D. Totten, DA
800 S Victoria Ave
Ventura, CA 93009
daspecialops@ventura.org

Yolo County
Jeff W. Reisig, DA
301 Second Street
Woodland, CA 95695
cfepd@yolocounty.org

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.