Electronically Filed Superior Court of CA County of Contra Costa 10/5/2026 6:35 PM By: T. Schrader, Deputy

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Per local ule, This case is assi ned to ud e Ca pins, ulia, for all purposes.

SUMMONS ISSUED

Attorneys for Plaintiff Center for Consumer Safety, LLC

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF CONTRA COSTA

CENTER FOR CONSUMER SAFETY, LLC, a California Limited Liability Company,

Plaintiff,

vs.

STEPANHOROD LLC and **DOES 1-10** inclusive,

Defendants.

CASE NO. C26 033

COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF AND CIVIL PENALTIES

Health & Safety Code § 25249.5 et seq.

Plaintiff Center for Consumer Safety, LLC ("Plaintiff" or "CCS"), acting in the public interest, based on information and belief and investigation of counsel, except for information based on knowledge, hereby alleges as follows:

I. INTRODUCTION

1. CCS brings this action as a private enforcer acting in the public interest under Health and Safety Code section 25249.7, subdivision (d).

2. The Safe Drinking Water and Toxic Enforcement Act of 1986, Health and Safety Code section 25249.5 through 25249.14 ("Proposition 65"), prohibits a person in the course of doing business from knowingly and intentionally exposing an individual to a chemical known to the State of California to cause cancer or reproductive toxicity without first providing a clear and reasonable warning, unless an exemption applies. Lead is known to the State of California to cause cancer and birth defects or other reproductive harm.

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3. This action seeks injunctive and declaratory relief and civil penalties to remedy the continuing failure of Defendants STEPANHOROD LLC ("Defendant") and DOES 1–10 (collectively, "Defendants") to provide a clear and reasonable warning before exposing consumers to lead from the following product (the "Subject Product"):

> Dralot Sugar Free Electrolytes Powder with Natural Flavors, 3X Rapid Hydration Packets with 10 Electrolytes & Vitamins, Liquid Daily IV, Non-GMO, Gluten-Free, Keto, Vegan, 16 Sticks, Strawberry (Amazon ASIN B0D8L8QKWH)

II. PARTIES

4. Plaintiff CCS is a California limited liability company acting in the public interest and is a "person" within the meaning of Health & Safety Code section 25249.11, subdivision (a). CCS is dedicated to protecting consumers and the environment from exposures to chemicals known to the State of California to cause cancer or reproductive toxicity.

5. Defendant STEPANHOROD LLC is the corporate entity that owns the Dralot brand and develops, manufactures, packages, labels, markets, distributes, and/or sells the Subject Product.

6. During the relevant period, the Subject Product has been offered for sale to California consumers through the Amazon.com online marketplace. Amazon.com Services LLC is not named as a defendant in this action.

7. Plaintiff is ignorant of the true names and capacities of defendants sued herein as DOES 1 through 10, inclusive, and therefore sues those defendants by such fictitious names. Plaintiff will amend this Complaint to allege their true names and capacities when ascertained. Plaintiff is informed and believes, and on that basis alleges, that each Doe Defendant is responsible in some manner for the acts and omissions alleged below and caused Plaintiff and members of the public to be exposed to lead from the Subject Product without a clear and reasonable warning.

8. At all relevant times, Defendants were persons in the course of doing business within the meaning of Health and Safety Code section 25249.11 and employed ten or more employees.

III. JURISDICTION AND VENUE

9. This Court has jurisdiction over this action pursuant to Health & Safety Code § 25249.7, which allows enforcement in any court of competent jurisdiction, and pursuant to Article

VI, section 10 of the California Constitution because Proposition 65 does not provide another court with exclusive jurisdiction.

10. This Court has personal jurisdiction over Defendant because Defendant is a business entity that does sufficient business, has sufficient minimum contacts in California, or otherwise has purposefully availed itself of the California market through the sale, marketing, distribution, or use of the Subject Product in California or by having such other contacts with California so as to render the exercise of jurisdiction over it by the California courts consistent with traditional notions of fair play and substantial justice.

11. This Complaint is based on the allegations in the 60-Day Notice of Violation dated May 27, 2026 (the "Notice"). CCS served the Notice, a Certificate of Merit, and the other materials required by Proposition 65 and its implementing regulations on Defendant, the California Attorney General, and the appropriate public prosecutors. A true and correct copy of the Notice and its associated service materials is attached as **Exhibit A** and incorporated by this reference.

12. More than sixty days have elapsed since service of the Notice. No public prosecutor has commenced and is diligently prosecuting an action against Defendant concerning the violations alleged in the Notice.

13. Venue is proper in this Court under Code of Civil Procedure section 395.5 and Health and Safety Code section 25249.7 because the causes of action arose, in whole or in part, in Contra Costa County. The Subject Product was purchased over the Internet on October 5, 2025, and delivered without a clear and reasonable Proposition 65 warning to a purchaser in Walnut Creek, California, on or about October 7, 2025.

IV. STATUTORY BACKGROUND

14. The People of the State of California have declared by initiative under Proposition 65 their right "[t]o be informed about exposures to chemicals that cause cancer, birth defects, or other reproductive harm." Proposition 65, §1(b).

15. Proposition 65 prohibits a person in the course of doing business from knowingly and intentionally exposing an individual to a chemical known to the State of California to cause

cancer or reproductive toxicity without first providing a clear and reasonable warning. (Health & Saf. Code, § 25249.6.)

16. The Office of Environmental Health Hazard Assessment ("OEHHA"), a division of the California Environmental Protection Agency, is the lead agency charged with implementing Proposition 65, including its clear-and-reasonable-warning regulations in title 27 of the California Code of Regulations.

17. The regulations define "expose" to mean causing an individual to ingest, inhale, contact via body surfaces, or otherwise come into contact with a listed chemical. (Cal. Code Regs., tit. 27, § 25102, subd. (i).) A consumer-product exposure includes exposure resulting from a person's acquisition, purchase, storage, consumption, or reasonably foreseeable use of a consumer product. (Id., § 25600.1, subd. (e).)

18. For a consumer product purchased over the Internet, a warning is not clear and reasonable unless the warning, or a clearly marked hyperlink using the word "WARNING" or the words "CA WARNING" or "CALIFORNIA WARNING" that links to the warning, is provided on the product display page or an otherwise prominently displayed warning is provided to the purchaser before completion of the purchase. (Cal. Code Regs., tit. 27, § 25602, subd. (b).)

19. Lead was listed by the State of California as a chemical known to cause cancer and reproductive toxicity long before the exposures alleged in this Complaint. The one-year grace period under Health and Safety Code section 25249.10, subdivision (b), expired long before those exposures.

20. A person who violates or threatens to violate Health and Safety Code section 25249.6 may be enjoined and is liable for a civil penalty not to exceed $2,500 per day for each violation. (Health & Saf. Code, § 25249.7, subds. (a), (b)(1).)

21. A person acting in the public interest may enforce Proposition 65 after giving at least sixty days' notice to the alleged violator, Attorney General, and appropriate local prosecutor, provided that no such public prosecutor has commenced and is diligently prosecuting an action against the violation. (Health & Saf. Code, § 25249.7, subd. (d).)

22. Defendant has developed, manufactured, packaged, labeled, marketed, distributed, and/or sold the Subject Product in and into California, including Contra Costa County.

V. STATEMENT OF FACTS

23. The Subject Product is an electrolyte powder sold in single-serve sticks. Its label identifies a serving as one stick containing 10 grams of product. The product's directions instruct the consumer to mix one packet into 16 fluid ounces of water and consume the resulting drink.

24. Dralot's websites advertised the product as "safe" and "high-quality, science-back supplements designed for your well-being" when, in fact, it contains unsafe amounts of lead. Shopdralot.com includes the following claim in bold at the top of its site:



25. Testing of the Subject Product found lead at a concentration of 0.13 parts per million, equivalent to 0.13 micrograms of lead per gram of product.

26. Accordingly, one daily serving results in an exposure of approximately 1.30 micrograms of lead per day: 0.13 µg lead/g product × 10 g product = 1.30 µg lead/day.

27. The Proposition 65 maximum allowable dose level ("MADL") for lead based on developmental and reproductive toxicity is 0.5 micrograms per day. The daily exposure from the Subject Product therefore exceeds the MADL by approximately **2.6 times**.

28. The Subject Product was sold through Amazon.com under ASIN B0D8L8QKWH. The product display page identifies the brand as Dralot, the product form as powder, the flavor as

strawberry, and the "Detailed Seller" as Linhaodong, operating from the NutriJoy Store, and reflects that the product ships from Amazon.

29. The Subject Product was purchased on Amazon and delivered to Center for Consumer Safety, LLC in Walnut Creek, California, on or about October 7, 2025.

30. The Subject Product packaging did not contain a Proposition 65-compliant clear and reasonable warning. The Amazon product display or point-of-sale page likewise did not provide a Proposition 65-compliant clear and reasonable warning before the purchaser completed the purchase.

31. Defendant has manufactured, distributed, marketed, and/or sold the Subject Product in California since at least October 6, 2025, and, on information and belief, their violations are continuing. Plaintiff is informed and believes that additional units of the Subject Product have been sold or delivered to California consumers during the relevant period.

32. Before and after CCS served the Notice, Defendants knowingly and intentionally exposed California consumers, including consumers in Contra Costa County, to lead from the Subject Product at daily exposure levels exceeding the lead MADL without first providing a clear and reasonable warning. Defendants' failure to provide the required warning on the product packaging, product display page, point-of-sale page, or by another legally permissible method is ongoing.

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

33. Plaintiff realleges and incorporates by reference paragraphs 1 through 31 as though fully set forth herein.

34. By committing the acts alleged above, Defendants knowingly and intentionally exposed users of the Subject Product to lead, a chemical known to the State of California to cause cancer and reproductive toxicity, without first providing a clear and reasonable warning as required by Health and Safety Code section 25249.6.

35. Defendants' violations render it liable for civil penalties of up to $2,500 per day for each violation under Health and Safety Code section 25249.7, subdivision (b), and subject it to injunctive relief under Health and Safety Code section 25249.7, subdivision (a).

SECOND CAUSE OF ACTION
(Declaratory Relief)

36. Plaintiff realleges and incorporates by reference paragraphs 1 through 33 as though fully set forth herein.

37. An actual controversy exists between Plaintiff and Defendants within the meaning of Code of Civil Procedure section 1060 concerning Defendant's ongoing duties under Proposition 65 as to the Subject Product.

38. Plaintiff contends that Defendants have a present and continuing duty to provide a clear and reasonable warning before exposing individuals in California to lead from the Subject Product, including on the product packaging and, for Internet sales, on the product display or point-of-sale page before the purchase is completed.

39. Plaintiff is informed and believes, and on that basis alleges, that Defendants disputes those obligations, contends no warning is required, and/or contends that any warning it provides is legally sufficient. A judicial declaration of the parties' rights and duties is necessary because civil penalties for past violations alone will not resolve Defendants' ongoing warning obligations.

VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for relief as follows:

1. For civil penalties in the maximum amount authorized by Health and Safety Code section 25249.7, subdivision (b), for each and every violation, and of at least $100,000, according to proof;

2. For preliminary and permanent injunctive relief under Health and Safety Code section 25249.7, subdivision (a), enjoining Defendant from exposing persons in California to lead from the Subject Product without first providing a clear and reasonable warning;

3. For a declaration that Defendants have violated Proposition 65 by exposing individuals in California to lead from the Subject Product without a clear and reasonable warning, and that Defendant must provide a legally compliant warning for the Subject Product going forward;

4. For an award of reasonable attorneys' fees and costs, of at least $50,000, under Code of Civil Procedure section 1021.5 and/or the substantial-benefit doctrine;

5. For costs of suit; and

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

Dated: October 5, 2026

Respectfully submitted,

TUSAN LAW, PC

Christina Tusan

CHRISTINA TUSAN
ADRIAN BARNES
Attorneys for Plaintiff
Center for Consumer Safety, LLC

EXHIBIT A

TUSAN LAW, PC

Christina Tusan
Attorney at Law

Tel: 626-418-8203 | Fax: 626-619-8253 | ctusan@ctusanlaw.com | www.ctusanlaw.com
680 E. Colorado Blvd. #180, Pasadena, CA 91101

May 27, 2026

VIA CERTIFIED MAIL

ALLEGED VIOLATOR(S)	
Current President or CEO STEPANHOROD LLC 2310 Parklake Dr NESTE 477 Atlanta, Georgia, United States 30345	Current President or CEO Linhaodong Trade Ltd. 9103 Verdant Way Elkridge, MD 21075
Andy Jassy Amazon.com Services LLC 410 Terry Ave N Seattle, WA 98109	Andy Jassy Amazon.com Services LLC c/o CSC – Lawyers Incorporating Service 2710 Gateway Oaks Drive Sacramento, CA 95833

Notice sent to alleged Violator(s) above and the public prosecutors listed on the service list accompanying the attached Certificate of Service.

Re: 60-Day Notice of Violation of California Safe Drinking Water and Toxic Enforcement Act (Proposition 65)

To Whom It May Concern:

We represent the Center for Consumer Safety, LLC ("CCS"), an organization in the State of California acting in the interest of the general public. CCS' responsible individual within the entity is Mike White (email: mike@centerforconsumersafety.com | phone: (510) 636-5051), at 2001 Addison St, Ste 300 #834, Berkeley, CA 94704.

This letter serves as notice that the parties listed above are in violation of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act ("Prop 65") codified at California Health & Safety Code § 25249.5, *et seq.* This violation has occurred and continues to occur because the alleged Violator(s) failed to provide a clear and reasonable health hazard warning in connection with the sale or use of the product(s) detailed below in California.

This Notice satisfies a prerequisite for CCS to commence an action against the Violator(s) in any Superior Court of California.

I. Description of the Violation

a. **Enforcer**: Center for Consumer Safety, LLC. 2001 Addison St, Ste 300, Berkeley, CA 94704.

b. **Alleged Violator(s):** STEPANHOROD LLC, Amazon.com Services LLC.

c. **Time Period of Exposure**: Violations have been occurring since at least October 6, 2025, and are continuing to this day.

d. **Listed Chemical(s)**: Lead. Lead is listed under Proposition 65 as a chemical known to the State of California to cause cancer and birth defects or other reproductive harm.

e. **Product(s)**:

Product Type(s)	Non-Exhaustive Example(s) of the Product[1]
Electrolytes Powder	Dralot Sugar Free Electrolytes Powder with Natural Flavors. 3X Rapid Hydration Packets. 16 Sticks. Strawberry.

f. **Route(s) of Exposure**: Exposures that are the subject of this Notice result from the purchase, acquisition, handling, and normal and reasonably foreseeable use of this product. Exposures from the Product(s) include: Ingestion.

g. **Warnings Provided**: As the Product(s) was/were purchased via the Internet, per Cal. Code Regs. Tit. 27, § 25602(b), Proposition 65-compliant, clear, and reasonable warnings must be made on both the product packaging AND the product display page/point of sale page:

   a. The Product(s) DO NOT contain Proposition 65-compliant, clear, and reasonable warnings on the product packaging;

   b. The Product(s) DO NOT contain Proposition 65-compliant, clear, and reasonable warnings on the product display page/point of sale page.

II. Proposition 65 Information

For the alleged Violator(s)' reference, enclosed is a copy of "Proposition 65: A Summary" that has been prepared by the Office of Environmental Health Hazard Assessment ("OEHHA"). For more information concerning the provisions of Proposition 65, contact OEHHA at (916) 445-6900 or https://www.p65warnings.ca.gov/contact-us-proposition-65-help-desk.

III. Obligation to Preserve Evidence Given Anticipated Litigation Pursuant to this Notice

The alleged Violator(s) are hereby requested to preserve any and all evidence relating to the violations described herein. This includes, without limitation, preserving any and all:

- Warning materials provided to consumers regarding the Product(s) or Product Type(s) listed above,
- Testing reports relating to the Product(s) or Product Type(s) listed above,
- Advertising or marketing materials relating to the Product(s) or Product Type(s) listed above,
- Information regarding the sale of the Product(s) or Product Type(s) listed above in California or to California consumers,
- Efforts to comply with Proposition 65 with respect to the Product(s) or Product Type(s) listed above, and,

[1] The specifically identified example of the Product in this Notice is to assist the recipients' investigation into, among other things, the magnitude and breadth of potential exposures to the Listed Chemical from other items within the Product Type(s). This is not intended to be a comprehensive identification of each offending Product. CCS maintains the position that the alleged Violator(s) is/are obligated to conduct a good faith investigation into other Products that may have been manufactured, distributed, sold, shipped, or stored during the period to ensure full compliance.

- Communications with any person or entity relating to the presence or potential presence of the Listed Chemicals in the Product(s) or Product Type(s) listed above.

IV. Demand for Retailer, Pursuant to Cal. Code Regs. Tit. 27, § 25600.2(g), to Identify Manufacturer(s), Producer(s), Packager(s), Importer(s), Supplier(s), and Distributor(s) of Product(s)

Pursuant to Cal. Code Regs. Tit. 27, § 25600.2(g), "The retail seller of a product that may cause a consumer product exposure shall promptly provide the name and contact information for the manufacturer, producer, packager, importer, supplier, and distributor of the product to the following persons on written request, to the extent that this information is reasonably available to the retail seller," including "[a]ny person who has served notice under Section 25249.7(d)(1) of the Act alleging that the consumer product causes an exposure that requires a warning under the Act."

Please accept this Notice as a formal demand for any non-manufacturing seller or distributor receiving this Notice to promptly provide the names and contact information for any and all manufacturers, producers, packagers, importers, suppliers, and/or distributors of the Product(s) listed above. This information should be provided by electronic mail to ctusan@ctusanlaw.com.

V. Resolution of Claims

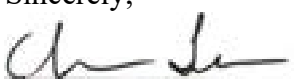
Based on the allegations set forth in this Notice, Tusan Law intends to file a citizen enforcement lawsuit on behalf of CCS against the alleged Violator(s) should no appropriate governmental authority take action and should no resolution be reached by August 5, 2026. However, consistent with the public interest goals of Proposition 65 and the desire to have these violations of California law quickly rectified, CCS is interested in seeking a constructive resolution of the claims in this Notice without engaging in costly and protracted litigation. If you are interested in discussing a potential pre-filing resolution of these claims, please contact me promptly.

*****

CCS has retained Tusan Law in connection with this Notice and, therefore, all communications relating to this Notice or to this matter should be directed to **Christina Tusan** via:

- Email: ctusan@ctusanlaw.com (copying my law partner, Adrian Barnes at abarnes@ctusanlaw.com, and my legal assistant Amy Saturday at asaturday@ctusanlaw.com)
- Phone: (626) 418-8203
- Mail: Christina Tusan, Tusan Law, P.C., 680 E. Colorado Blvd. #180, Pasadena, CA 91101

Sincerely,



Christina Tusan

cc: Adrian Barnes, Esq.

Attachments:

Certificate of Merit
Certificate of Service

Enclosure:

The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary

CERTIFICATE OF MERIT

Health & Safety Code Section 25249.7(d)

I, Christina Tusan, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged that the parties identified in the notice have violated Health & 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(s) that is/are the subject of the action.

4. Based on the information obtained through these 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(s) 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 information identified in Health & Safety Code section 25249.7(h)(2), i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Dated: May 27, 2026

Christina Tusan
Attorneys for CCS

CERTIFICATE OF SERVICE

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

1. I am a citizen of the United States.
2. I am over the age of 18.
3. I am not a party to this case or action.
4. My business address is Tusan Law, P.C., 680 E. Colorado Blvd. #180, Pasadena, CA 91101. I am a resident of Jefferson County, Alabama, where the service by e-mail and mailing occurred.

On May 27, 2026, I caused the following documents to be served:

1. 60-Day Notice of Violation sent in compliance with Health & Safety Code section 25249.7(d);
2. Certificate of Merit;
3. Certificate of Service;
4. Proposition 65: A Summary; (**sent only to the alleged Violator(s)**), and
5. Certificate of Merit Attachment (**served only on the Attorney General**)

The above-listed documents were served as follows:

To the parties below (the alleged Violator(s)) by placing a true and correct copy thereof in a sealed envelope (addressed to each party at the party's respective last known address as set out below), and depositing it with the United States Postal Service for delivery by First Class Certified Mail with Return Receipt Requested with the postage thereon fully prepaid:

Current President or CEO STEPANHOROD LLC 2310 Parklake Dr NESTE 477 Atlanta, Georgia, United States 30345	Current President or CEO Linhaodong Trade Ltd. 9103 Verdant Way Elkridge, MD 21075
Andy Jassy Amazon.com Services LLC 410 Terry Ave N Seattle, WA 98109	Andy Jassy Amazon.com Services LLC c/o CSC – Lawyers Incorporating Service 2710 Gateway Oaks Drive Sacramento, CA 95833

To 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.

To District and City Attorneys who have specifically authorized e-mail service and for whom authorization appears on the California Attorney General's website by transmission of true and correct copies thereof via electronic mail to the email addresses on the attached service list

To District and City Attorneys who have not specifically authorized e-mail service, by placing a true and correct copy thereof in a sealed envelope (addressed to each party at the party's respective last known address as set out on the attached service list), and depositing it with the United States Postal Service for delivery by First Class Mail with the postage thereon fully prepaid.

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

Date: May 27, 2026

Name: Amy Leigh Saturday

Signature: 

SERVICE LIST
VIA ELECTRONIC MAIL

Alameda County District Attorney
CEPDProp65 @acgov.org

Calaveras County District Attorney
Prop65Env@co.calaveras.ca.us

Contra Costa County District Attorney
sgrassini@contracostada.org

Inyo County District Attorney
inyoda@inyocounty.us

Lassen County District Attorney
dchandler@co.lassen.ca.us

Mariposa County District Attorney
mcda@mariposacounty.org

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Napa County District Attorney
CEPD@countyofnapa.org

Nevada County District Attorney
DA.Prop65@co.nevada.ca.us

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Alpine County District Attorney
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Marin County District Attorney
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Orange County District Attorney
Prop65notice@ocdistrictattorney.gov

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VIA FIRST CLASS MAIL

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Lakeport, CA 95453

District Attorney Los Angeles County
211 W. Temple St. Ste 1200
Los Angeles, CA 90012

District Attorney Madera County
300 South G Street, Suite 300
Madera, CA 93637

District Attorney Stanislaus County
832 12th Street, Ste 300
Modesto, CA 95354

District Attorney Sutter County
463 2nd Street, Ste 102
Yuba City, CA 95991

District Attorney Mono County
Post Office Box 2053
Mammoth Lakes, CA 93546

District Attorney San Benito County
419 4th Street
Hollister, CA 95023

District Attorney Yuba County
215 Fifth Street, Suite 152
Marysville, CA 95901

Los Angeles City Attorney's Office
City Hall East, Room 800
200 N. Main St.,
Los Angeles, CA 90012

District Attorney Kings County
1400 West Lacey Blvd.
Hanford, CA 93230

District Attorney Sierra County
PO Box 457
Downieville, CA 95936

District Attorney Siskiyou County
PO Box 986
Yreka, CA 96097

District Attorney Solano County
675 Texas Street, Ste 4500
Fairfield, CA 94533

District Attorney Del Norte County
450 H Street, Suite 171
Crescent City, CA 95531

District Attorney Modoc County
204 S Court Street, Room 202
Alturas, CA 96101-4020

District Attorney Trinity County
Post Office Box 310
Weaverville, CA 96093

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

District Attorney Imperial County
940 West Main Street, Suite 102
El Centro, CA 92243

District Attorney Kern County
1215 Truxtun Avenue, 4th Floor
Bakersfield, CA 93301

District Attorney Amador County
708 Court Street, Suite 202
Jackson, CA 95642

District Attorney Butte County
25 County Center Drive, Suite 245
Oroville, CA 95965

District Attorney Colusa County
310 6th Street
Colusa, CA 95932

District Attorney Mendocino County
PO Box 1000
Ukiah, CA 95482

District Attorney Tehama County
PO Box 519
Red Bluff, CA 96080

District Attorney Glenn County
Post Office Box 430
Willows, CA 95988

District Attorney San Bernardino County
303 West Third Street, 6th Floor
San Bernardino, CA 92415

District Attorney San Mateo County
400 County Ctr., 3rd Floor
Redwood City, CA 94063

District Attorney Shasta County
1355 West Street
Redding, CA 96001

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 contaminant[2] it must be reduced to the lowest level feasible. Regulations explaining this exemption can be found in Section 25501.

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

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[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.