

Melvin B. Pearlston  
Senior Counsel



Of Counsel  
Robert B. Hancock

August 1, 2018

**60-DAY NOTICE OF VIOLATIONS OF  
CALIFORNIA HEALTH & SAFETY CODE SECTION 25249.5 ET SEQ.  
(PROPOSITION 65)**

Dear Alleged Violator and the Appropriate Public Enforcement Agencies:

I represent Amy Chamberlin in this matter. Ms. Chamberlin has identified violations of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65"), which is codified at California Health and Safety Code § 25249.5 *et seq.*, with respect to the products identified below. These violations have occurred and continue to occur because the alleged Violator identified below failed to provide required clear and reasonable warnings with the identified products. This letter serves as a notice of these violations to the alleged Violator and the appropriate public enforcement agencies. Pursuant to Section 25249.7(d) of the statute, Ms. Chamberlin intends to file a private enforcement action in the public interest 60 days after effective service of this notice unless the public enforcement agencies have commenced and are diligently prosecuting an action to rectify these violations.

**General Information about Proposition 65.** A copy of a summary of Proposition 65, prepared by the Office of Environmental Health hazard Assessment, is attached with the copy of this letter served to the alleged Violator identified below.

**Alleged Violator.** The names of the company covered by this notice that violated Proposition 65 (hereinafter "the Violator") is:

**The Companion Group d/b/a Charcoal Companion  
Amazon.com, Inc.  
Patio Sites, Inc. d/b/a Wholesale Patio Store**

**Consumer Products and Listed Chemical.** The products that are the subject of this notice and the chemical in those products identified as exceeding allowable levels are:

**Charcoal Companion—Smokeshouse-Style Cherry Wood Pellets—Wood Dust**

On December 18, 2009, the State of California officially listed wood dust as a substance known to cause cancer.

It should be noted that Ms. Chamberlin may continue to investigate other products that may reveal further violations and result in subsequent notices of violations.

**Route of Exposure.** The consumer exposures that are the subject of this notice result from the purchase, acquisition, and recommended use of these products. Consequently, the primary route of exposure to these chemicals has been and continues to be through inhalation.

**Approximate Time Period of Violations.** Ongoing violations have occurred every day since at least August 1, 2017, as well as every day since the products were introduced into the California marketplace, and will continue every day until clear and reasonable warnings are provided to product purchasers or until these known toxic chemicals are either removed from or reduced to allowable levels in the products. Proposition 65 requires that a clear and reasonable warning be provided prior to exposure to the identified chemicals. The method of warning should be a warning that appears on the product label. The Violator violated Proposition 65 because it failed to provide persons using these products with appropriate warnings that they are being exposed to these chemicals.

Consistent with the public interest goals of Proposition 65 and a desire to have these ongoing violations of California law quickly rectified, Ms. Chamberlin is interested in seeking a constructive resolution of this matter that includes an enforceable written agreement by the Violator to: (1) recall any products already sold, or undertake best efforts to ensure that the requisite health hazard warnings are provided to those who have received such products; (2) reformulate the identified products so as to eliminate further exposures to the identified chemicals, or provide appropriate warnings on the labels of these products; and (3) pay an appropriate civil penalty. Such a resolution will prevent further unwarned consumer exposures to the identified chemicals, as well as expensive and time-consuming litigation. It should be noted that counsel cannot (1) finalize any settlement until after the 60-day notice period has expired; or (2) speak for the California Attorney General or any District or City Attorney who has received this notice. Therefore, while reaching an agreement may satisfy the claims alleged herein, such agreement may not be satisfactory to public prosecutors.

Ms. Chamberlin has retained me as legal counsel in connection with this matter. Her address is 1639 Scenic Dr., Trinidad, California 95570. Her telephone number is 707.499.6558. **Please direct all communications regarding this Notice of Violations to my attention at the law office address and telephone number indicated on the letterhead.**

Sincerely,

  
Robert B. Hancock

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

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**Attachments:**

Certificate of Merit

Certificate of Service

OEHHA Summary (to Violators only)

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

**CERTIFICATE OF MERIT**

**Re: Notice of Proposition 65 Violations**

Robert B. Hancock declares:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged the parties identified in the notice violated California 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 have reviewed facts, studies, or other data regarding the exposures to the listed chemicals and the subject of the action.

4. Based on the information obtained through those consultants, and on 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 information provides a credible basis that all elements of the plaintiff's case can be established and that the information did not prove that the alleged Violator will be able to establish any of the affirmative defenses set forth in the statute.

5. Along with the copy of this Certificate of Merit served on the Attorney General is attached additional factual information sufficient to establish the basis for this certificate, including the information identified in California Health & Safety Code § 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: August 1, 2018

  
\_\_\_\_\_  
Robert B. Hancock

**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:

I am a citizen of the United States, over the age of 18 years of age, and am not a party to the within action.

On August 1, 2018, I served the following documents: **NOTICE OF VIOLATIONS OF CALIFORNIA HEALTH & SAFETY CODE § 25249.5 ET SEQ.; CERTIFICATE OF MERIT; "THE SAFE 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 the party listed below and depositing it in a US Postal Service Office with the postage fully prepaid and delivery by Certified Mail:

Current CEO or President  
The Companion Group d/b/a Charcoal  
Companion  
1250 9th Street  
Berkeley, CA 94710-1501

Current CEO or President  
Patio Sites, Inc. d/b/a Wholesale Patio Store  
234 Oak Street  
Brentwood, CA 94513

Current CEO or President  
Amazon.com, Inc.  
410 Terry Avenue North  
Seattle, WA 98109-5210

On August 1, 2018, I served the following documents: **NOTICE OF VIOLATION 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)** on the following parties by uploading the foregoing documents at the webpage listed below:

Office of the California Attorney General  
Prop 65 Enforcement Reporting  
1515 Clay Street, Ste. 2000  
P.O. Box 70550  
Oakland, CA 94612-0550  
<https://oag.ca.gov/prop65/add-60-day-notice>

On August 1, 2018, I served the following Documents: **NOTICE OF VIOLATION CALIFORNIA HEALTH & SAFETY CODE § 25249.5 ET SEQ.; CERTIFICATE OF MERIT** on each of the parties on the Service List attached hereto. As to those parties listed by mailing address only, I effected service 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 postage fully prepaid for delivery by Priority Mail. As to those parties having an e-mail address listed, I effected service by transmitting the document via electronic transmission to the email address listed.

Executed under penalty of perjury pursuant to the laws of the State of California on August 1, 2018.

  
\_\_\_\_\_  
Robert B. Hancock

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

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**Service List**

District Attorney,  
Alameda County  
1225 Fallon Street, Room 900  
Oakland, CA 94612

District Attorney, Alpine County  
P.O. Box 248  
Markleeville, CA 96120

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

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

District Attorney, Calaveras County  
891 Mountain Ranch Road  
San Andreas, CA 95249

District Attorney, Colusa County  
547 Market Street  
Colusa, CA 95932

District Attorney,  
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Crescent City, CA 95531

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515 Main Street  
Placerville, CA 95667

District Attorney, Fresno County  
2220 Tulare Street, #1000  
Fresno, CA 93721

District Attorney, Placer County  
10810 Justice Center Drive, Ste 240  
Roseville, CA 95678

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520 Main Street, Room 404  
Quincy, CA 95971

District Attorney, Riverside County  
3960 Orange Street  
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Sacramento, CA 95814  
[Prop65@sacda.ca.us](mailto:Prop65@sacda.ca.us)

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San Bernardino, CA 92415-0004

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San Diego, CA 92101

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San Luis Obispo, CA 93408  
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San Francisco, CA 94102

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El Centre, CA 92243

District Attorney, Inyo County  
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Independence, CA 93526

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Bakersfield, CA 93301

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1400 West Lacey Boulevard  
Hanford, CA 93230

District Attorney, Lake County  
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Lakeport, CA 95453

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Madera, CA 93637

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Redwood City, CA 94063

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Santa Barbara, CA 93101  
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Yreka, CA 96097

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Mariposa, CA 95338  
District Attorney,  
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Ukiah, CA 95482

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Merced, CA 95340

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Alturas, CA 96101-4020

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Red Bluff, CA 96080

District Attorney, Trinity County  
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Woodland, CA 95695

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200 N. Main Street, Rm 800  
Los Angeles, CA 90012

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City of Sacramento  
915 I Street, 4th Floor  
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