

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

December 6, 2019

This Notice of Violation (the "Notice") is provided to you pursuant to and in compliance with California Health and Safety Code Section 25249.7(d).

- For general information regarding the California Safe Drinking Water and Toxic Enforcement Act ("Proposition 65"), please see the attached summary prepared by California's Office of Environmental Health Hazard Assessment.
- This Notice is provided by Maria Elizabeth Romero, a concerned citizen of the State of California and resident of Monterey County.

Description of Violation:

- Violators: MedChemExpress LLC
MedChemExpress USA
Shanghai Haoyuan Chemexpress Co., Ltd.
- Time Period of Exposure: The violations have been occurring since at latest December 6, 2016, and are ongoing.
- Statutory Authority: This Notice is provided for failure to comply with the warning requirements of Proposition 65, found at California Health and Safety Code section 25249.6.
- Chemical Involved: The name of the chemical involved in these violations is all-Trans Retinoic Acid ("Retinoic Acid"). Exposures to Retinoic Acid result from use of the products identified in this Notice.
- Type of Product: The type of product for which notice is hereby given is chemical products which contain Retinoic Acid ("Covered Products"). Identified below is a specific example of a Covered Product recently purchased and witnessed as being available for purchase and use in California (the "Exemplar Product"). The Exemplar Product is provided to assist the Violators in their investigation of allegations set forth in this Notice, and is not the only Covered Product for which violation is alleged.
- Description of Exposure: Foreseeable uses of the Covered Products in academic laboratories, *inter alia*, result in human exposures to Retinoic Acid. The primary routes of exposure include dermal contact, eye contact, inhalation, ingestion, and accidental injection. No clear and reasonable warning of Retinoic Acid's toxicity is provided in connection with the purchase or use of the Covered Products.

Resolution of Noticed Claim:

The purpose of Proposition 65 is to protect the citizens of the State of California from unwitting exposure to reproductive harm and carcinogenic substances. Within the next 60 days, California's Office of the Attorney General and other government attorneys may choose to bring an enforcement action against you in this matter. After this time, Mrs. Romero will file a citizen enforcement lawsuit against you unless you agree in a binding written settlement to: (1) provide Proposition 65-compliant warnings to California residents prior to sales of products containing Listed Chemicals; (2) provide Proposition 65-compliant warnings on the labels of Covered Products sold to California residents (to protect end users); and (3) require that any entity involved in resale of Covered Products also provide compliant warnings – or to cease all sales to residents of California. Any settlement agreement will also contain an enforcement mechanism providing for substantial penalties in case of non-compliance. Please note that final resolution of this matter will be subject to the oversight and approval of public prosecutors.

Exemplar Product:

Retinoic Acid, MedChemExpress Catalog Number HY-14649

Contact Us:

Please consider this a formal notice of anticipated litigation, and preserve all evidence related to the Covered Products, including physical and digital records. Any inquiries regarding this notice should be directed to Mrs. Romero's counsel, Benjamin D. Weston, with Agency D&L, 1968 South Coast Highway, Suite 1200, Laguna Beach, California 92651. Mr. Weston may be contacted by telephone at 650.250.5075, by facsimile at 650.206.9844 and by e-mail at ben@agencydl.com.

Enclosures:

Appendix A (MCE copies only)
Certificate of Merit
Proof of Service
Factual Information (A.G. copy only)

CERTIFICATE OF MERIT

California Safe Drinking Water and Toxic Enforcement Act

December 6, 2019
(Romero v. MedChemExpress LLC, et al.)

I, Benjamin D. Weston, hereby declare:

1. This Certificate of Merit accompanies the attached 60-day notice in which it is alleged the parties identified in the notices have violated California Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.

2. I am the 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 exposures to the listed chemicals that are the subject of the action.

4. Based on the information obtained through those consultations, and on all other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for the private action" means that the information provides a credible basis that all elements of the plaintiff's case can be established and the information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute.

5. The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health and Safety Code section 25249.7(h)(2), i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Respectfully submitted,



Benjamin D. Weston
Cal. Bar No. 240641

Certificate of Service

I, Chris Johnson, hereby declare:

1. I am, and was at the time of service hereinafter mentioned, a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is 498 Calle Principal, Monterey, California 93940.

2. On December 6, 2019, I served the following documents:

- 60-Day Notice of Violation (with Attachments A, B and C)
- Certificate of Merit

on each of the parties on the service list attached hereto by the method described below.

BY MAIL: I deposited such envelope in the mail at Monterey, California, with postage thereon fully prepaid. I am readily familiar with my company's practice of preparing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that service is presumed invalid if the postal cancellation date or postage meter date is more than one (1) day after date of my signature below.

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

Dated: December 6, 2019

Chris Johnson

I, Benjamin D. Weston, hereby declare:

1. I am, and was at the time of service hereinafter mentioned, a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is 1968 South Coast Highway, Suite 1200, Laguna Beach, CA 92651.

2. On December 6, 2019, I served the following documents:

- 60-Day Notice of Violation
- Certificate of Merit

on the following persons by causing a true and correct .PDF copy thereof to be sent via electronic mail to the parties listed below, pursuant to Cal. Code Regs., title. 27, § 25903(c)(l):

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 mлатimer@co.lassen.ca.us	Monterey County District Attorney Prop65DA@co.monterey.ca.us
Napa County District Attorney CEPD@countyofnapa.org	Riverside County District Attorney Prop65@rivcoda.org
Sacramento County District Attorney Prop65@sacda.org	San Diego City Attorney CityAttyProp65@sandiego.gov
San Diego County District Attorney CityAttyCrimProp65@sandiego.gov	San Francisco County District Attorney gregory.alker@sfgov.org
San Francisco City Attorney Valerie.Lopez@sfcityattys.org	San Joaquin County District Attorney DA DAConsumer.Environmental@sjcda.org
San Luis Obispo County District Attorney edobroth@co.slo.ca.us	Santa Barbara County District Attorney DAProp65@co.santa-barbara.ca.us
Santa Clara County District Attorney EPU@da.sccgov.org	Santa Cruz County District Attorney Prop65DA@santacruzcounty.us
Sonoma County District Attorney jbarnes@sonoma-county.org	Tulare County District Attorney Prop65@co.tulare.ca.us
Ventura County District Attorney daspecialops@ventura.org	Yolo County District Attorney cfepd@yolocounty.org

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

Dated: December 6, 2019

Benjamin D. Weston

List for Service by Mail

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

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

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

Colusa County District Attorney
346 Fifth Street, Suite 101
Colusa, CA 95932

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

El Dorado County District Attorney
515 Main Street
Placerville, CA 95667

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

Glenn County District Attorney
P.O. Box 430
Willows, CA 95988

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

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

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

Kings County District Attorney
1400 West Lacey Boulevard
Hanford, CA 93230

Lake County District Attorney
255 North Forbes Street
Lakeport, CA 95453

Los Angeles County District Attorney
211 West Temple Street
Suite 1200
Los Angeles, CA 90012

Madera County District Attorney
209 West Yosemite Avenue
Madera, CA 93637

Marin County District Attorney
3501 Civic Center Drive, Room 130
San Rafael, CA 94903

Mariposa County District Attorney
5101 Jones Street, P.O. Box 730
Mariposa, CA 95338

Mendocino County District Attorney
100 North State Street, P.O. Box 1000
Ukiah, CA 95482

Merced County District Attorney
550 W. Main Street
Merced, CA 95340

Modoc County District Attorney
204 S. Court Street, Suite 202
Alturas, CA 96101

Mono County District Attorney
278 Main St
Bridgeport, CA 93517

Nevada County District Attorney
201 Commercial Street
Nevada City, CA 95959

Orange County District Attorney
401 Civic Center Drive
West Santa Ana, CA 92701

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

Plumas County District Attorney
520 Main Street, Room 404
Quincy, CA 95971

San Benito County District Attorney
419 4th Street, Second Floor
Hollister, CA 95203

San Bernardino County District Attorney
303 West 3rd Street, 6th Floor
San Bernardino, CA 92415-0502

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

Shasta County District Attorney
1355 West Street
Redding, CA 96001

Sierra County District Attorney
100 Courthouse Square
Downieville, CA 95936

Siskiyou County District Attorney
P.O. Box 986
Yreka, CA 96097

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

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

Sutter County District Attorney
466 Second Street, Suite 102
Yuba City, CA 95991

Tehama County District Attorney
444 Oak Street, Room L
Red Bluff, CA 96080

Trinity County District Attorney
P.O. Box 310
Weaverville, CA 96093

Tuolumne County District Attorney
423 North Washington Street
Sonora, CA 95370

Yuba County District Attorney
215 Fifth Street
Marysville, CA 95901

Office of the City Attorney, Los Angeles
City Hall East
200 North Main Street
Los Angeles, CA 90012

Office of the City Attorney, Sacramento
915 I Street, 4th Floor
Sacramento, CA 95814

Office of the City Attorney, San Jose
200 East Santa Clara Street, 16th Floor
San Jose, CA 95113

MEDCHEMEXPRESS USA
Attn: Chief Executive Officer
1 Deer Park Drive, Suite Q,
Monmouth Junction, NJ 08852

MEDCHEMEXPRESS LLC
Attn: Chief Executive Officer
1 Deer Park Drive, Suite Q,
Monmouth Junction, NJ 08852

SHANGHAI HAOYUAN CHEMEXPRESS
CO., LTD.
Attn: Chief Executive Officer
1 Deer Park Drive, Suite Q,
Monmouth Junction, NJ 08852