

## COVID-19 STATEMENT

Please be advised that the citizen enforcer issuing the enclosed sixty-day notice is taking into consideration the backdrop of the coronavirus that has gripped much of the country and globe alike, while following the process set forth under California Health and Safety Code §25249.6 *et seq.* and its implementing regulations.

We have communicated with the California Attorney General's Office that if it needs a reasonable amount of additional time before deciding whether to exercise its primary jurisdiction under the statute, my client will stand down for a mutually agreeable period. That said, if the parties can reach an out-of-court agreement in furtherance of the public health after the requisite waiting period, and with the required information uploaded to the Department of Justice's website, my client will conclude such negotiations since it will not only provide a substantial benefit to the public, but also avoid the need to involve the judiciary during a time that its resources are stretched.

In sum, my client is neither oblivious nor insensitive to the impact of COVID-19 as it relates to people of all ages especially the most vulnerable. At the same time, our client is continuing on a reduced pace to investigate and, potentially enforce, the right-to-know toxics initiative passed in 1986 by California voters.

Please feel free to contact me directly with any questions regarding the underlying claims in the enclosed document. As always, my client will negotiate financial terms (e.g., civil fines) in good faith after the non-monetary terms such as reformulation have been agreed upon between the parties.



# SUPPLEMENTAL SIXTY-DAY NOTICE OF VIOLATION

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SENT IN COMPLIANCE WITH CALIFORNIA HEALTH & SAFETY CODE § 25249.7(d)

**DATE:** October 30, 2020

**To:** Jeffrey P. Bezos, Chief Executive Officer – Amazon.com, Inc.  
California Attorney General's Office;  
District Attorney's Office for 58 Counties; and  
City Attorneys for San Francisco, San Diego, San Jose, Sacramento and Los Angeles

**FROM:** Laurence Vinocur

This letter supplements the notices issued on August 8, 2020, related to lead fishing sinkers or weights (AG numbers 2020-02015, 02016, 02017, 02018, 02019, 02020, 02021, 02022, 02023, 02024, and 02025) (hereinafter, supplemental notice). My name is Laurence Vinocur. I am a citizen of the State of California acting in furtherance of the public interest. I seek to promote awareness of exposures to certain toxic chemicals in products sold in California and, if possible, to improve human health by reducing hazardous substances contained in such items. This supplemental notice is provided to the public agencies listed above pursuant to California Health & Safety Code §25249.6 *et seq.* (Proposition 65). As noted above, this letter is also being provided to the alleged violator, Amazon.com, Inc., a person in the course of doing business in California (Violator). The violations covered by this supplemental notice consist of the product exposure, routes of exposure and types of harm potentially resulting from exposure to the hazardous substance identified below (listed chemical), as follows:

Products:	Lead Fishing Sinkers/Weights <sup>1</sup>
Listed Chemical:	Lead
Routes of Exposure:	Ingestion and Dermal
Types of Harm:	Birth Defects and Other Reproductive Harm

## **I. NATURE OF ALLEGED VIOLATION (PRODUCT EXPOSURE)**

Examples of lead fishing sinkers/weights that are causing consumer exposures and potentially occupational exposures, in violation of Proposition 65, and that are covered by this letter, are listed on Exhibit A. All such products covered by this notice shall be referred to hereinafter as the “Products.” Exposures to the listed chemical from the use of the Products have been occurring without the “clear and reasonable warning” required by Proposition 65, dating as far back as October 30, 2017. Without proper warnings regarding the toxic effects of exposures to the listed chemical resulting from the use of the Products, California citizens lack the information necessary to make informed decisions on whether and how to eliminate (or reduce) the risk of exposure to the identified toxicant.

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<sup>1</sup> The specific products covered by this letter are limited to those items which reference the toxicant “lead” in: (i) the product’s name; (ii) the product description or information referenced prominently near the online display for the item; (iii) the search “filter,” if any, used to market the products online; (iv) the product packaging or container; or (v) in any other conspicuous manner likely to be read by the online purchaser before payment without considerable effort to be undertaken by the electronic purchaser.

California citizens, through the act of buying, acquiring, receiving or utilizing the Products, are exposed to the listed chemical. By way of example, consumers, workers and other individuals, including women of childbearing age, ingest the listed chemical when they, among other activities, touch the Products and transfer the listed chemical from the Products to their mouths through hand-to-mouth activities that may continue to occur for a significant period after one or more contacts with the Products ceases.

Additionally, consumers, workers and other individuals, including women of childbearing age, are exposed to the listed chemical through direct dermal contact when they, among other activities, handle, touch or otherwise use the Products. Further, there are reasonably foreseeable uses of the Products that result in direct ingestion.

The California State Plan for Occupational Safety and Health incorporates the provisions of Proposition 65, as approved by Federal OSHA on June 6, 1997. This approval specifically placed certain conditions with regard to occupational exposures on Proposition 65, including that it does not apply to the conduct of manufacturers occurring outside the State of California so long as they are based in the United States. The approval also provides that a United States employer may use the means of compliance in the general hazard communication requirements to comply with Proposition 65. It also requires that supplemental enforcement be subject to the supervision of the California Occupational Safety and Health Administration.

Any settlement, civil complaint or substantive court orders in this matter must be submitted to the state Attorney General. Additionally, it is important to note that the sale of the Products through online means of transaction must provide the customer with a clear and reasonable warning for the risk of reproductive toxicity pursuant to Proposition 65 and its implementing regulations including 27 CCR §25600.2(d).

## **II. CONTACT INFORMATION**

Please direct all questions concerning this notice to me through my counsel's office at the following address, email and/or telephone number:

Laurence Vinocur  
c/o Clifford A. Chanler  
Chanler, LLC  
72 Huckleberry Hill Road  
New Canaan, CT 06840-3801  
clifford@chanlerllc.com  
Telephone: (203) 594-9246

## **III. PROPOSITION 65 INFORMATION**

For general information concerning the provisions of Proposition 65, please feel free to contact the Office of Environmental Health Hazard Assessment's (OEHHA) Proposition 65 Implementation Office at (916) 445-6900. For the Violator's reference, I have attached a copy of "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary" which has been prepared by OEHHA.

#### **IV. POTENTIAL RESOLUTION OF NOTICED CLAIMS**

Based on the assertions set forth in this supplemental notice, I intend to file a citizen enforcement action (or amend any existing one) against the Violator unless such alleged person in the course of doing business enters into a binding written agreement to: (a) recall Products already sold or undertake best efforts to ensure that the requisite health hazard warnings are provided to those who have received such Products; (b) provide “clear and reasonable warnings” for Products sold in the future or, preferably, reformulate such Products to eliminate potential exposures to lead (or undertake best efforts to ensure other upstream entities in the chain of commerce such as manufacturers or importers do so); and (c) pay an appropriate civil fine, if any, based on the factors enumerated in California Health & Safety Code §25249.7(b). If the alleged Violator is particularly interested in resolving this dispute without resorting to litigation, please feel free to contact my counsel identified in Section III above. It should be noted that neither my counsel nor I can finalize any settlement until after the statutory sixty-day notice period has expired for any additional covered products unless there are voluntary compliance commitments made by the Violator; nor speak for the state Attorney General, any state district attorney or the five city attorneys who received this supplemental notice.

#### **V. ADDITIONAL NOTICE INFORMATION**

Examples of Products that were recently purchased or observed as being available for purchase or use in California that are covered by this supplemental notice are photographed and identified on Exhibit B attached hereto. Based on publicly available information and belief, the vendor, supplier, seller or other person in the course of doing business are also provided on such exhibit. I allege that the sale of the offending Products has also occurred without the requisite Proposition 65 “clear and reasonable warning” including, but not limited to, transactions made through the internet or over-the-counter.<sup>2 3</sup>

The specifically identified examples of the Products that are subject to this supplemental notice are for the recipient’s benefit to assist in its investigation of, among other things, the magnitude of potential exposures to the listed chemical from other items within the definition of Products. It is important to note that these examples are not meant to be an exhaustive or comprehensive identification of each specific offending Product. Further, it is this citizen’s position that the alleged Violator is obligated to continue to conduct in good faith an investigation into other Products within the category described above that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the notice recipient’s custody or control) during the relevant period so as to ensure that the requisite toxic warnings were and are provided to California citizens prior to purchase and use.

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<sup>2</sup> If the manufacturer or supplier of the Products does not have a known agent for process of service in California or employs less than ten employees, then the online, brick and mortar or other retail seller is alleged to have heightened regulatory responsibilities beyond 27 CCR §25600.2(d).

<sup>3</sup> In accordance with 27 CCR §25600.2(g), please answer the questions on **Exhibit C**, and return with receipt confirmation to Laurence Vinocur c/o Clifford Chanler, Chanler, LLC, 72 Huckleberry Hill Road, New Canaan, CT 06840, or via email to clifford@chanlerllc.com. Thank you.

## **Exhibit A**

<i><b>Examples of Products</b></i>	<i><b>ASIN/SKU/Item/Model No.</b></i>	<i><b>Vendor/Supplier/Seller /Manufacturer</b></i>
Free Fisher Fishing Weights Sinkers, Lead Split Shot, as Illustrated in <b>Exhibit B</b>	B085VWMMM, X002ITIILR; B08BTQ2F25 (various weight/size) B089SX1RVK; B08H2B7X3G; B08G4F8M4B; B089SXYH67; B08G49HPBM (various weight/size)	Amur&FreeFisher; Shanghai FREE Trading Co.,Ltd.
VGEBY Fishing Sinkers, as Illustrated in <b>Exhibit B</b>	B0784FSWHX, PFB9977785; B07B4FBR9T (various weight/size); B07B51CW9S (various weight/size)	Amaus; Xiang Yang You Wei Chuang Shi Ke Ji Co., Ltd
Plusinno Fishing Kits with Fishing Weights, as Illustrated in <b>Exhibit B</b>	B07PLXGSPZ, X0025WCO8X; B08GSDK5YS; B08K2XQLWP	PLUSINNO; Plus Innovations Co., Ltd.; Shenzhen Plus Innovations Electronics Co.,Ltd.
JORCC Fishing Weights Fishing Sinker Drop Shot Weights Lead Fishing Weights Kit, as Illustrated in <b>Exhibit B</b>	B07WDJ8XT9, X002A0XQC3	JORCC
Skinny Finesse Lead Drop Shot Fishing Weights Sinkers, as Illustrated in <b>Exhibit B</b>	B07F42TY2N, B079L1F6H6	RG Indoor and Outdoor Supply; Nanjing Red Girl E-Commerce Co., Ltd
Fishing Worm Lead Weight Sinkers, as Illustrated in <b>Exhibit B</b>	B07C6B2QYF, B07C696DJS	RG Indoor and Outdoor Supply; Nanjing Red Girl E-Commerce Co., Ltd
QualyQualy Fishing Lead Sinkers, as Illustrated in <b>Exhibit B</b>	B07KWVTM5K; B08C9RZDJ1; B088T7GWPG;	SFKZ Co., Ltd.; Wuhan Shan Kou Fei Zi Dian Zi Shang Wu Co.,Ltd.
Mythik Lures Lead Fishing Weight Sinkers, as Illustrated in <b>Exhibit B</b>	B07FCYH1CX, X001U2WKND; B07FCTJ8QP	Mythik Lures LLC
Scotank Fishing Tackle Box/Kit with Fishing Weights, as Illustrated in <b>Exhibit B</b>	B07HJ3MMKW, X001WHJIF9; B08FTCKGVG	Scotank1; Scotank

<b><i>Products</i></b>	<b><i>ASIN/SKU/Item/Model No.</i></b>	<b><i>Vendor/Supplier/Seller /Manufacturer</i></b>
Tackle Kits with Lead Fishing Jig Heads	B07CQXX8N3	RG Indoor and Outdoor Supply; Nanjing Red Girl E-Commerce Co., Ltd
Thkfish Fishing Lead Sinkers	B074PPQ6B1; B07JQ97ZB6	SFKZ Co., Ltd.; Wuhan Shan Kou Fei Zi Dian Zi Shang Wu Co.,Ltd.
Croch Fishing Lead Sinkers	B08CZ8ZPD7; B07L56YKfV	Ruichi Industry (Shanghai) Co.,Ltd; ruichishiye shanghai youxiangongsi
Croch Lead Jig Heads	B07MJW2JML; B08HVB3NZ7	BO_Store US; Baïou (Shanghai) Jianzhukeji Youxiangongsi
Glarks Fishing Lead Sinkers	B08JC7G3M5; B08J7GFG47	Connectors & Wire & Tools;
Guyouke Fishing Kits with Lead Fishing Weights and Sinkers	B08BPHQL5J; B089FGT7SK	Guyuke; putianshi guyuke trade co.,LTD
Hilitchi Fishing Weights and Sinkers	B07PJV81BJ	Hilitchi;
Konooy Fishing Split Shots	B08FMRPDK8	Chillax-US
LPATTERN Round Split Shots	B08BYNN5CJ	Liyizhou
Swpeet Lead Fishing Sinkers	B08JGDTXQK; B08CKNYYP4	Swpeet
Z&S Round Lead Fishing Split Shots	B08HYD9XJQ	Original-D
Aezek Round Lead Fishing Split Shots	B08BL8GR52	NEOERA

## Exhibit B

### Free Fisher Fishing Weights Sinkers



### VGEBY Fishing Sinkers



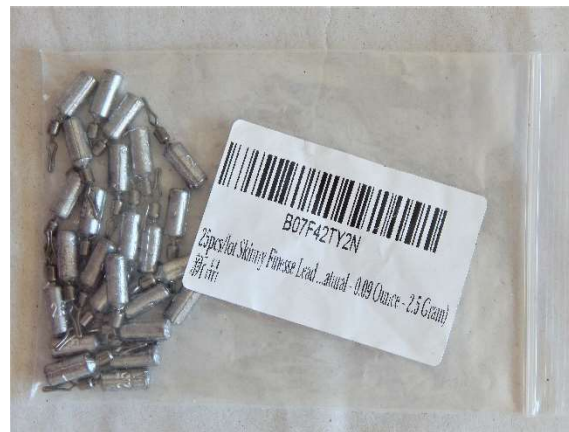
### Plusinno Fishing Kits with Fishing Weights



## JORCC Fishing Weights Fishing Sinker Drop Shot Weights Lead Fishing Weights Kit



## Skinny Finesse Lead Drop Shot Fishing Weights Sinkers



## Fishing Worm Lead Weight Sinkers





### QualyQualy Fishing Lead Sinkers



### Mythik Lures Lead Fishing Weight Sinkers



### Scotank Fishing Tackle Box/Kit with Fishing Weights



## **Exhibit C**

As it relates to *each* of the Products identified on **Exhibit A**, please provide (within five business days of your receipt of the Supplemental Notice) the full legal entity name and any known contact information for:

- (a) Any and all manufacturers
- (b) Any and all producers
- (c) Any and all packagers
- (d) Any and all direct vendors
- (e) Any and all importers
- (f) Any and all shippers, and
- (g) Any and all sellers

Please email the above-requested information to the address provided in Section II. Thank you.

## PROOF OF SERVICE

I, the undersigned, declare under penalty of perjury:

I am over the age of 18 years and not a party to the within action. I am a resident or employed in the county where the mailing occurred. My business address is 72 Huckleberry Hill Road, New Canaan, CT 06840.

On October 30, 2020, I caused to be served the following documents:

**SUPPLEMENTAL SIXTY-DAY NOTICE OF VIOLATION SENT IN  
COMPLIANCE WITH HEALTH & SAFETY CODE § 25249.7(d);**

**CERTIFICATE OF MERIT; AND**

**THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986  
(PROPOSITION 65): A SUMMARY**

XXXX **By First Class Certified Mail** through the United States Postal Service by placing true and correct copies of the above documents in a sealed envelope, addressed to each alleged violator listed below and providing such envelope to a United States Postal Service Representative.

Jeffrey P. Bezos, CEO  
Amazon.com, Inc.  
410 Terry Avenue N  
Seattle, WA 98109

On October 30, 2020, I caused to be served the following documents:

**SUPPLEMENTAL SIXTY-DAY NOTICE OF VIOLATION SENT IN  
COMPLIANCE WITH HEALTH & SAFETY CODE § 25249.7(d); AND**

**CERTIFICATE OF MERIT**

XXXX **By Electronic Mail** by sending true and correct copies of the above documents to the electronic notification (Email) address(es) on the attached "Email Service List."

On October 30, 2020, I caused to be served the following documents:

**SUPPLEMENTAL SIXTY-DAY NOTICE OF VIOLATION SENT IN  
COMPLIANCE WITH HEALTH & SAFETY CODE § 25249.7(d);**

**CERTIFICATE OF MERIT; AND**

**CERTIFICATE OF MERIT ATTACHMENTS**

XXXX **By Electronic Upload** by causing true and correct copies of the above documents to be uploaded to the California Attorney General's website at the web address on the attached "Electronic Upload Service List".

Executed on October 30, 2020, in New Canaan, Connecticut.

  
Lorent Guimaraes

# CERTIFICATE OF MERIT

California Health & Safety Code Section 25249.7(d)

I, Clifford A. Chanler, hereby declare:

1. This Certificate of Merit accompanies the attached supplemental sixty-day notice in which it is alleged that the party identified in the notice has violated Health and Safety Code §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* exposure to the listed chemical that is the subject of this action and/or the listed chemical in substantially similar products and exposes individuals through the same potential routes;
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 under Health and Safety Code §25249.7(h)(2) including (i) the identity of the persons consulted with and relied on by the certifier, and (ii) certain facts, studies, or other data reviewed by those persons.

Dated: October 30, 2020

  
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Clifford A. Chanler

# EMAIL SERVICE LIST

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# **ELECTRONIC UPLOAD SERVICE LIST**

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