

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.



SIXTY-DAY NOTICE OF VIOLATION

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

DATE: February 17, 2021

TO: Alibaba Group Holding Ltd – Chief Executive Officer;
Alibaba Group (U.S.) Inc. – Chief Executive Officer;
California Attorney General’s Office; and
District Attorneys and Certain City Attorneys Throughout California

FROM: Paul Wozniak

My name is Paul Wozniak. 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 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, Alibaba Group Holding Ltd and Alibaba Group (U.S.) Inc., which are persons in the course of doing business in California (Violator). The violations covered by this notice consist of the product exposure, routes of exposure and types of harm potentially resulting from exposure to the hazardous substances identified below (listed chemical), as follows:

Products:	Bath Toys
Listed Chemical:	di(2-ethylhexyl) phthalate (DEHP)
Routes of Exposure:	Ingestion and Dermal
Types of Harm:	Birth Defects and Other Reproductive Harm

I. NATURE OF ALLEGED VIOLATION (CONSUMER PRODUCT EXPOSURE)

Examples of bath toys that are causing consumer 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 February 17, 2018. 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.

California citizens, through the act of buying, acquiring, receiving or utilizing the Products, are exposed to the listed chemical. Consumers, particularly children (some of whom are under five years of age), ingest the listed chemical when they, among other activities, handle 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 and/or place the items directly in their mouths.

Additionally, consumers, including children, are exposed to the listed chemical through direct dermal contact when they, among other activities, handle, play with or otherwise use the Products.

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.

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:

Paul Wozniak
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 notice, I intend to file a citizen enforcement action against the Violator unless such alleged person in the course of doing business enters into a binding written agreement (and/or upstream party enters into an agreement which would resolve the relevant branded products shipped to the Violator) 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 DEHP (or undertake best efforts to ensure upstream entities in the chain of commerce such as manufacturers or exporters 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 II 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 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 four city attorneys who received this notice.

V. ADDITIONAL NOTICE INFORMATION

Certain Products that were recently purchased or observed as being available for purchase or use in California that are covered by this notice are photographed and identified on Exhibits A and B attached hereto. Based on publicly available information and belief, the vendor, supplier, seller, exporter or other person in the course of doing business are also provided on Exhibit A. 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.^{1 2}

The specifically identified examples of the Products that are subject to this 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 bath toys described above that may have been manufactured, imported, distributed, sold, shipped, stored, marketed online or otherwise within the notice recipient’s 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.

¹ If the manufacturer or supplier of one or more of the specific Products does not have a known agent for process of service in California or employs less than ten employees as defined by the operative regulation, then the online retail seller is alleged to have heightened regulatory responsibilities beyond 27 CCR §25600.2(d) especially if the Violator is also an importer or fulfills additional upstream roles in the commercial marketplace.

² In accordance with 27 CCR §25600.2(g), please “promptly” answer the questions on **Exhibit C**, and return with receipt confirmation to Paul Wozniak c/o Clifford Chanler, Chanler, LLC, 72 Huckleberry Hill Road, New Canaan, CT 06840, or via email to clifford@chanlerllc.com, on or before **March 1, 2021**.

Exhibit A

<i>Products</i>	<i>Supplier/Manufacturer</i>
Baby Love Toy Baby Bathtub Floating Farm Vinyl Animal Duck Squeeze Rubber Pig Bath Toys with Life Buoy, As Illustrated in Exhibit B ³	Shantou City BHX Toys Co., Ltd.

³ Exhibit B includes product labels on one or two sides of the products assuming there is any identifying information on the immediate container and/or snapshots of the online marketing sites, some of which may be redacted but in no event is any health hazard warning included in such redaction.

Exhibit B



Exhibit C

As it relates to *each* of the Products, including those identified on **Exhibit A**, provide the full legal entity name and any known contact information (on or before March 1, 2021) 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 exporters
- (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 February 17, 2021, I caused to be served the following documents:

**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 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.

Alibaba Group Holding Ltd
Chief Executive Officer
400 South El Camino Real, Suite 400
San Mateo, CA 94402

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

XXXX **By Federal Express** I deposited in a box inside of the FedEx Office Print & Ship Center located at 464 Main Avenue, Norwalk, CT 06851, maintained by Federal Express, an express carrier service, for collection and overnight mailing, a true and correct copy of the foregoing documents, in a sealed envelope designated by said express service carrier addressed to each interested party as set forth below, with delivery fees paid or provided for.

CT Corporation System
Attn: Agent for Service of Process
For Alibaba Group (U.S.) Inc.
818 Seventh Street, Suite 930
Los Angeles, CA 90017

XXXX **By Electronic Mail** by sending true and correct copies of the above documents to the electronic notification addresses on the attached "Email Service List" and email courtesy copy to counsel:

Carey Ramos, Esq., Quinn Emanuel, careyramos@quinnemanuel.com

**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 February 17, 2021, in New Canaan, Connecticut.



Lorent Guimaraes

CERTIFICATE OF MERIT

California Health & Safety Code §25249.7(d)

I, Clifford A. Chanler, hereby declare:

1. This Certificate of Merit accompanies the attached 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: February 17, 2021


Clifford A. Chanler

EMAIL SERVICE LIST

The Honorable Michael Atwell
Alpine County District Attorney
P.O. Box 248
Markleeville, CA 96120
daoffice@alpinecountyca.gov

The Honorable Todd Riebe
Amador County District Attorney
708 Court Street
Jackson, CA 95642
amadorda@amadorgov.org

The Honorable Michael Ramsey
Butte County District Attorney
25 County Center Drive, Suite 245
Oroville, CA 95965
DA@ButteCounty.net

Michelle Latimer
Lassen County Program Coordinator
220 S. Lassen Street
Susanville, CA 96130
mlatimer@co.lassen.ca.us

The Honorable David Hollister
Plumas County District Attorney
520 Main Street, Room 404
Quincy, CA 95971
davidhollister@countyofplumas.com

The Honorable Lisa Smittcamp
Fresno County District Attorney
2220 Tulare Street, Suite 1000
Fresno, CA 93721
damail@fresnocountyca.gov

The Honorable Maggie Fleming
Humboldt County District Attorney
825 5th Street, Fourth Floor
Eureka, CA 95501
districtattorney@co.humboldt.ca.us

Nancy O'Malley, District Attorney
Alameda County
7776 Oakport Street, Suite 650
Oakland, CA 94621
CEPDProp65@acgov.org

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

The Honorable Phillip J. Cline
Tulare County District Attorney
221 South Mooney Boulevard
Visalia, CA 93291-4593
Prop65@co.tulare.ca.us

The Honorable Tori Verber Salazar
San Joaquin County District Attorney
P.O. Box 990
222 E. Weber Avenue, Room 202
Stockton, CA 95201
DAConsumer.Environmental@sjcda.org

The Honorable Clifford Newell
Nevada County District Attorney
201 Commercial Street
Nevada City, CA 95959
DA.Prop65@co.nevada.ca.us

The Honorable Donna Daly
Trinity County District Attorney
P.O. Box 310
11 Court Street
Weaverville, CA 96093
trinityjournal@dcacable.net

The Honorable Jackie Lacey
Los Angeles County District Attorney
211 West Temple Street, Suite 1200
Los Angeles, CA 90012
info@da.lacounty.gov

The Honorable Sally O. Moreno
Madera County District Attorney
209 West Yosemite Avenue
Madera, CA 93637
Sally.Moreno@co.madera.ca.gov

The Honorable Thomas Hardy
Inyo County District Attorney
P.O. Box Drawer D
Independence, CA 93526
inyoda@inyocounty.us

Valerie Lopez, Deputy City Attorney
Office of the City Attorney, San Francisco
1390 Market Street, 7th Floor
San Francisco, CA 94102
Valerie.Lopez@sfcityatt.org

The Honorable C. David Eyster
Mendocino County District Attorney
100 North State Street, Room G-10
P.O. Box 1000
Ukiah, CA 95482
enviroh@mendocinocounty.org

The Honorable Kimberly Lewis
Merced County District Attorney
550 West Main Street
Merced, CA 95340
Prop65@countyofmerced.com

The Honorable Samuel D. Kylo
Modoc County District Attorney
204 South Court Street, Suite 202
Alturas, CA 96101
da@co.modoc.ca.us

The Honorable Tim Kendall
Mono County District Attorney
278 Main Street
P.O. Box 617
Bridgeport, CA 93517
districtattorney@mono.ca.gov

The Honorable Jeannine M. Pacioni
Monterey County District Attorney
1200 Aguajito Road
Monterey, CA 93940
Prop65DA@co.monterey.ca.us

The Honorable Jill R. Ravitch
Sonoma County District Attorney
600 Administration Drive
Sonoma, CA 95403
jbarnes@sonoma-county.org

Mark Ankcorn, Deputy City Attorney
Office of the City Attorney, San Diego
1200 Third Avenue, Suite 1620
San Diego, CA 92101
CityAttyProp65@sandiego.gov

Jeff W. Reisig, District Attorney
Yolo County
301 Second Street
Woodland, CA 95695
cfejd@yolocounty.org

The Honorable Jason Anderson
San Bernardino County District Attorney
303 West 3rd Street, 6th Floor
San Bernardino, CA 92415-0502
da@sbcda.org

Alethea Sargent, Assistant District Attorney
San Francisco District Attorney's Office
350 Rhode Island Street N. Bldg., 400N
San Francisco, CA 94103
Alethea.sargent@sfgov.org

The Honorable Laura L. Krieg
Tuolumne County District Attorney
423 North Washington Street
Sonora, CA 95370
da@tuolumnecounty.ca.gov

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

The Honorable Susan J. Krones
Lake County District Attorney
255 North Forbes Street
Lakeport, CA 95453
Susan.Krones@lakecountyca.gov

The Honorable Jeffrey S. Rosell
Santa Cruz County District Attorney
701 Ocean Street, Room 200
Santa Cruz, CA 95060
Prop65DA@santacruzcounty.us

The Honorable Summer Stephan
San Diego County District Attorney
330 West Broadway Street
San Diego, CA 92101
SanDiegoDAProp65@sdccda.org

The Honorable Sandra Groven
Sierra County District Attorney
100 Courthouse Square, Room B1
P.O. Box 457
Downieville, CA 95936
sgroven@sierracounty.ca.gov

The Honorable Walter Wall
Mariposa County District Attorney
5085 Bullion Street
P.O. Box 730
Mariposa, CA 95338
mcda@mariposacounty.org

Christopher Dalbey, Deputy District Attorney
Santa Barbara County
1112 Santa Barbara St.
Santa Barbara, CA 93101
DAProp65@co.santa-barbara.ca.us

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

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

The Honorable Cynthia Zimmer
Kern County District Attorney
1215 Truxtun Avenue, 4th Floor
Bakersfield, CA 93301
caomailbox@kerncounty.com

The Honorable Gregory D. Totten
Ventura County District Attorney
800 South Victoria Avenue, Suite 314
Ventura, CA 93009
daspecialops@ventura.org

The Honorable Anne Marie Schubert
Sacramento County District Attorney
901 G Street
Sacramento, CA 95814
Prop65@sacda.org

The Honorable Morgan Briggs Gire
Placer County District Attorney
10810 Justice Center Drive, Suite 240
Roseville, CA 95678
Prop65@placer.ca.gov

The Honorable Richard Doyle
Office of the City Attorney, San Jose
200 East Santa Clara Street, 16th Floor
San Jose, CA 95113
cao.main@sanjoseca.gov

The Honorable James Kirk Andrus
Siskiyou County District Attorney
311 4th Street
Yreka, CA 96097
da@siskiyouda.org

The Honorable Krishna A. Abrams
Solano County District Attorney
675 Texas Street, Suite 4500
Fairfield, CA 94533
SolanoDA@solanocounty.com

Bud Porter, Supervising Deputy District Attorney
Santa Clara County
70 West Hedding Street
San Jose, CA 95110
EPU@da.sccgov.org

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

The Honorable Susan Alcalá Wood
Office of the City Attorney, Sacramento
915 I Street, 4th Floor
Sacramento, CA 95814
clerk@cityofsacramento.org

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>