

June 22, 2021

Current President or CEO  
9248-9202 Quebec Inc.  
235 Rue Ness  
Quebec, H4T 1S1, CANADA

Amazon.com Services, Inc.  
CSC – Lawyers Incorporating Service  
2710 Gateway Oaks Drive, Suite 150 N  
Sacramento CA 95833

Current President or CEO  
Amazon.com Service Inc.  
440 Terry Avenue North  
Seattle, WA 98109

Current President or CEO  
Vvivid Vinyl  
235 Rue Ness  
Quebec, H4T, 1S1, CANADA

Amazon.com Inc.  
c/o Corporation Service Company  
251 Little Falls Dr.,  
Wilmington, DE 19808

Re: **Cal. Health & Safety Code §§25249.6 et seq. [Proposition 65]**  
**60 Day Notice of Violation Cal. Health & Safety Code (§25249.7(d))**

To: The Alleged Violators and Designated Public Enforcement Agencies:

Our firm represents Mrs. Beyza Yildirim, a citizen of the State of California who hereby shall act in the interest of the general public to foster awareness of exposures to carcinogenic and toxic chemicals from consumer products that are sold in California. By her purchase of ORACAL 651 Multi-Color Vinyl, Starter Kit Bundle on Amazon.com, she has found that it exposes her and others to a known toxic substance that requires your immediate attention.

The link to the purchase site can be located here: <https://www.amazon.com/ORACAL-Multi-Color-Silhouette-Installation-Transfer/dp/B07288RTS2?th=1>

Please be aware that this correspondence serves as notice to the individuals and parties referenced above for violations of Proposition 65, also known as the “Safe Drinking Water and Toxic Enforcement Act” (*California Health & Safety Code §25249.6 et seq.* Specifically, the violations referenced in this notice comprise of exposure to Di(2-ethylhexyl)phthalate (DEHP) and Diisononyl phthalate (DINP), both carcinogens listed under Proposition 65 that may cause cancer as well as developmental and reproductive harm to adults and children.

As provided by §25249.6, those conducting business shall not “*knowingly and intentionally expose any individual to a chemical known to the State to cause cancer or reproductive toxicity without first providing a clear and reasonable warning to such individual.*” The violation in this notice persists due to the alleged violators’ failure to provide clear and reasonable warning that such a toxic substance exists in the product as mandated by Proposition 65.

The harm attributed to DEHP is not new. Since January 1, 1988, Di(2-ethylhexyl)phthalate (DEHP) has been listed as a carcinogen, and further listed on October 24, 2003 as causing developmental and reproductive harm to those exposed. DEHP’s carries various routes of exposure to consumers, namely: dermal absorption, ingestion, as well as inhalation. Thus, the violation thereby puts consumers in California at risk and obstructs them from making informed decisions to avoid, eliminate, or reduce their risk of exposure to this chemical through the reasonably foreseeable use of the product in question. Similarly, Diisononyl phthalate (DINP) was listed a carcinogen December 20, 2013.

<b>Consumer Product Name:</b>	<b>ORACAL 651 Multi-Color Vinyl Starter Kit Bundle</b>
<b>Product ID(s):</b>	<b>UPC: 700549288708, EAN: 0700549288708</b>
<b>Manufacturer:</b>	<b>VVivid Vinyl Inc.</b>
<b>Retailer/Distributors:</b>	<b>Amazon.com, Inc., VVivid Vinyl, Inc.,</b>
<b>Listed Chemical(s):</b>	<b>Di(2-ethylhexyl)phthalate (DEHP), Diisononyl phthalate (DINP)</b>
<b>Exposure Period:</b>	<b>Since at least November 11, 2016</b>

June 22, 2021

Re: Cal. Health & Safety Code §§25249.6 et seq. [Proposition 65]

Page 2 of 6

**Our firm will initiate a private enforcement action sixty (60) days after effective service of this notice (§25249.7(d)).**

Resolving this claim would be appropriate and consistent with the public interest goals of Proposition 65 and our firm may facilitate the correction to these violations. The alleged violators in this notice may avoid a costly and time consuming citizen enforcement lawsuit by entering into an enforceable agreement to: [1] immediately reformulate the products to forestall the exposure of the listed chemical, [2] recall any product already sold to customers/clients, [3] provide the required warning on the label(s) of the product sold, [4] attach or provide a clear and reasonable warning that complies with Proposition 65 to all consumers in California, and [5] pay the appropriate civil penalty proportionate to the factors enumerated within §25249.7(b).

Please also note, that this notice also serves as a demand that the parties addressed above preserve all relevant evidence relating to the existence or detection of any Di(2-ethylhexyl)phthalate (DEHP) or Diisononyl phthalate (DINP) in the identified product(s) or any other listed chemical enumerated under Proposition 65. This may include any reports, documents, or electronic communications having to do with testing or screening for carcinogenic contaminants or substances that are known to cause reproductive or developmental harm. You are hereby required to preserve and maintain any such documentation as it applies to all relevant evidence subject to discovery regardless of its

You may direct all inquiries related to this notice to SKT, Law P.C. to the person whose contact information is provided below.

Very truly yours,



SKT LAW, P.C.

Bart Kaspero, Esq.,

Attorneys for Mrs. Beyza Yildirim

[bkaspero@skt.law](mailto:bkaspero@skt.law)

Enclosures:

\*Certificate of Merit;

\*Certificate of Service;

\*OEHHA (Office of Environmental Health Hazard Assessment) California Environmental Protection Agency; Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) Summary;

June 22, 2021

Re: Cal. Health & Safety Code §§25249.6 et seq. [Proposition 65]

Page 3 of 6

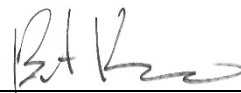
**CERTIFICATE OF MERIT**

*Health & Safety Code §25249.7(d)*

I, Bart Kaspero, hereby declare:

- (1) This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged the parties identified in the notice have violated Health & 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;
- (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 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 will be able to establish any of the affirmative defenses set forth in the statute;
- (5) The copy of this Certificate of Merit serviced on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including information identified in 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: June 22, 2021



---

Bart Kaspero, Esq.  
*Attorney for Mrs. Beyza Yildirim*

June 22, 2021

Re: Cal. Health & Safety Code §§25249.6 et seq. [Proposition 65]

Page 4 of 6

**CERTIFICATE OF SERVICE (27 CCR §25903)**

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 and over the age of 18 years of age. My business address is 7755 Center Avenue, 12<sup>th</sup> Floor, Suite 1225, Huntington Beach, CA 92647. I am a resident or employed in the country where the mailing occurred. The envelope or package was placed in the mail at Huntington Beach, California.

On **June 22, 2021**, I caused to be served the following documents: **60 Day Notice of Violation for Cal. Health & Safety Code §§25249.6 et seq. [Proposition 65]; The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65) Summary; Certificate of Merit**; on the following entities and individuals listed below by placing a true and correct copy in a sealed, addressed to each of the parties below and providing the envelope via deposit to a United States Postal Service (USPS) office with the postage paid in full for Certified Mail delivery:

**Current President or CEO  
9248-9202 Quebec Inc.  
235 Rue Ness  
Quebec, H4T 1S1, CANADA**

**Amazon.com Services, Inc.  
CSC – Lawyers Incorporating Service  
2710 Gateway Oaks Drive, Suite 150 N  
Sacramento CA 95833**

**Current President or CEO  
Amazon.com Service Inc.  
440 Terry Avenue North  
Seattle, WA 98109**

**Current President or CEO  
Vvivid Vinyl  
235 Rue Ness  
Quebec, H4T, 1S1, CANADA**

**Amazon.com Inc.  
c/o Corporation Service Company  
251 Little Falls Dr.,  
Wilmington, DE 19808**

Additionally, on **June 22, 2021**, I caused to be served the following documents: **60 Day Notice of Violation for Cal. Health & Safety Code §§25249.6 et seq. [Proposition 65]; Certificate of Merit; Supporting Information for the Certificate of Merit Pursuant to California H&S Code §25249.7(d)(1)** were provided and served on the following party by causing true and correct copies of the above documents to via electronic upload on the State of California's Attorney General's website:

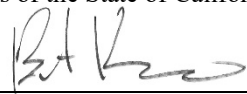
Office of the California Attorney General  
Proposition 65 Enforcement Reporting  
ATTN: Prop 65 Coordinator  
P.O. Box 70550  
Oakland, CA 94612-0550  
<https://oag.ca.gov/prop65/add-60-day-notice>

Furthermore, on **June 22, 2021**, I caused to be served the following documents: **60 Day Notice of Violation for Cal. Health & Safety Code §§25249.6 et seq. [Proposition 65]; The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65) Summary; Certificate of Merit**; on the following entities and individuals listed below:

- (a) to the attached "USPS Mail Service List" by placing a true and correct copy in a sealed, addressed to each of the parties and providing the envelope via deposit to a United States Postal Service (USPS) office with the postage paid in full for delivery by First Class mail;
- (b) (a) by sending true and correct copies of the above documents to the electronic notification E-mail accounts provided on the attached "E-Mail Service List".

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

Dated: June 22, 2021

  
\_\_\_\_\_  
Bart Kaspero, Esq., Declarant

June 22, 2021

Re: Cal. Health & Safety Code §§25249.6 et seq. [Proposition 65]

Page 5 of 6

### USPS Mail Service List

Alpine County District Attorney P.O. Box 248 Markleeville, CA 96120	Los Angeles County District Attorney 211 West Temple Street, Suite 1200 Los Angeles, CA 90012	San Mateo County District Attorney 400 County Center Redwood City, CA 94063
Amador County District Attorney 708 Court Street Jackson, CA 95642	Madera County District Attorney 209 West Yosemite Avenue Madera, CA 93637	Shasta County District Attorney 1355 West Street Redding, CA 96001
Butte County District Attorney 25 County Center Drive, Suite 245 Oroville, CA 95965	Marin County District Attorney 3501 Civic Center Drive, Suite 145 San Rafael, CA 94903	Sierra County District Attorney P.O. Box 457 Downieville, CA 95936
Colusa County District Attorney 346 Fifth Street, Suite 101 Colusa, CA 95932	Office of the City Attorney, San Jose 200 East Santa Clara Street, 16th Floor San Jose, CA 95113	Siskiyou County District Attorney 311 4th Street Yreka, CA 96097
Del Norte County District Attorney 450 H Street, Room 171 Crescent City, CA 95531	Mendocino County District Attorney P.O. Box 1000 Ukiah, CA 95482	Solano County District Attorney 675 Texas Street, Suite 4500 Fairfield, CA 94533
El Dorado County District Attorney 778 Pacific Street Placerville, CA 95667	San Benito County District Attorney 419 4th Street Hollister, CA 95023	Stanislaus County District Attorney 832 12th Street, Suite 300 Modesto, CA 95354
Fresno County District Attorney 2220 Tulare Street, Suite 1000 Fresno, CA 93721	Modoc County District Attorney 204 S. Court Street, Suite 202 Alturas, CA 96101	Sutter County District Attorney 463 Second Street, Suite 102 Yuba City, CA 95991
Glenn County District Attorney P.O. Box 430 Willows, CA 95988	Mono County District Attorney P.O. Box 617 Bridgeport, CA 93517	Tehama County District Attorney 444 Oak Street, Room L Red Bluff, CA 96080
Humboldt County District Attorney 825 5th Street, Fourth Floor Eureka, CA 95501	Lake County District Attorney 255 North Forbes Street Lakeport, CA 95453	Trinity County District Attorney P.O. Box 310 Weaverville, CA 96093
Imperial County District Attorney 940 West Main Street, Suite 102 El Centro, CA 92243	Orange County District Attorney 401 Civic Center Drive West Santa Ana, CA 92701	Tuolumne County District Attorney 423 North Washington Street Sonora, CA 95370
Kern County District Attorney 1215 Truxtun Avenue, 4th Floor Bakersfield, CA 93301	Office of the City Attorney, Los Angeles James K. Hahn City Hall East 200 North Main Street, 8th Floor Los Angeles, CA 90012	Yuba County District Attorney 215 Fifth Street Marysville, CA 95901
Kings County District Attorney 1400 West Lacey Boulevard Hanford, CA 93230	San Bernardino County District Attorney 303 West 3rd Street, 6th Floor San Bernardino, CA 92415-0502	

June 22, 2021

Re: Cal. Health & Safety Code §§25249.6 et seq. [Proposition 65]

Page 6 of 6

### E-Mail Service List

<p>Nancy O'Malley, District Attorney Alameda County District Attorney 7776 Oakport Street, Suite 650 Oakland, CA 94621 <a href="mailto:CEPDProp65@acgov.org">CEPDProp65@acgov.org</a></p>	<p>Michael A. Hestrin, District Attorney-Riverside County 3072 Orange Street Riverside, CA 92501 <a href="mailto:Prop65@rivcodca.org">Prop65@rivcodca.org</a></p>	<p>Eric J. Dobroth, Deputy District Attorney San Luis Obispo County County Govt Center Annex, 4th Floor San Luis Obispo, CA 93408 <a href="mailto:edobroth@co.slo.ca.us">edobroth@co.slo.ca.us</a></p>
<p>Allison Haley, District Attorney Napa County 1127 First Street, Suite C Napa, CA 94559 <a href="mailto:CEPD@countyofnapa.org">CEPD@countyofnapa.org</a></p>	<p>Tori Verber Salazar, District Attorney San Joaquin County 222 E. Weber Avenue, Room 202 Stockton, CA 95202 <a href="mailto:DAConsumer.Environmental@sjcda.org">DAConsumer.Environmental@sjcda.org</a></p>	<p>Stephan R. Passalacqua, District Attorney Sonoma County 600 Administration Dr Sonoma, CA 95403 <a href="mailto:jbarnes@sonoma-county.org">jbarnes@sonoma-county.org</a></p>
<p>Alethea M. Sargent, Assistant DA San Francisco County 350 Rhode Island Street San Francisco, CA 94103 <a href="mailto:alethea.sargent@sfgov.org">alethea.sargent@sfgov.org</a></p>	<p>Jeffrey S. Rosell, District Attorney Santa Cruz County 701 Ocean Street Santa Cruz, CA 95060 <a href="mailto:Prop65DA@santacruzcounty.us">Prop65DA@santacruzcounty.us</a></p>	<p>Jeannine M. Pacioni, District Attorney Monterey County 1200 Aguajito Road Monterey, CA 93940 <a href="mailto:Prop65DA@co.monterey.ca.us">Prop65DA@co.monterey.ca.us</a></p>
<p>Bud Porter Supervising Deputy District Attorney Santa Clara County 70 W Hedding St San Jose, CA 95110 <a href="mailto:EPU@da.sccgov.org">EPU@da.sccgov.org</a></p>	<p>Jeff W. Reisig, District Attorney Yolo County 301 Second Street Woodland, CA 95695 <a href="mailto:cfepd@yolocounty.org">cfepd@yolocounty.org</a></p>	<p>Mark Ankcorn, Deputy City Attorney City of San Diego 1200 Third Avenue San Diego, CA 92101 <a href="mailto:CityAttyProp65@sandiego.gov">CityAttyProp65@sandiego.gov</a></p>
<p>Gregory D. Totten, District Attorney Ventura County 800 S Victoria Ave Ventura, CA 93009 <a href="mailto:daspecialops@ventura.org">daspecialops@ventura.org</a></p>	<p>Michelle Latimer, Program Coordinator Lassen County 220 S. Lassen Street Susanville, CA 96130 <a href="mailto:mlatimer@co.lassen.ca.us">mlatimer@co.lassen.ca.us</a></p>	<p>Christopher Dalbey, Deputy District Attorney Santa Barbara County 1112 Santa Barbara St. Santa Barbara, CA 93101 <a href="mailto:DAProp65@co.santa-barbara.ca.us">DAProp65@co.santa-barbara.ca.us</a></p>
<p>Stacey Grassini, Deputy District Attorney Contra Costa County 900 Ward Street Martinez, CA 94553 <a href="mailto:sgrassini@contracostada.org">sgrassini@contracostada.org</a></p>	<p>Anne Marie Schubert, District Attorney Sacramento County 901 G Street Sacramento, CA 95814 <a href="mailto:Prop65@sacda.org">Prop65@sacda.org</a></p>	<p>Phillip J. Cline, District Attorney Tulare County 221 S Mooney Blvd Visalia, CA 95370 <a href="mailto:Prop65@co.tulare.ca.us">Prop65@co.tulare.ca.us</a></p>
<p>Barbara Yook, District Attorney Calaveras County 891 Mountain Ranch Road. San Andreas, CA 95249 <a href="mailto:Prop65Env@co.calaveras.ca.us">Prop65Env@co.calaveras.ca.us</a></p>	<p>Thomas L. Hardy, District Attorney Inyo County 168 North Edwards Street Independence, CA 93526 <a href="mailto:inyoda@inyocounty.us">inyoda@inyocounty.us</a></p>	<p>Valerie Lopez, Deputy City Attorney City of San Francisco 1390 Market Street, 7th Floor San Francisco, CA 94102 <a href="mailto:Valerie.Lopez@sfcityatty.org">Valerie.Lopez@sfcityatty.org</a></p>
<p>Kimberly Lewis, District Attorney Merced County 550 W. Main Street Merced, CA 95340 <a href="mailto:Prop65@countyofmerced.com">Prop65@countyofmerced.com</a></p>	<p>Walter W. Wall, District Attorney Mariposa County P.O. Box 730 Mariposa, CA 95338 <a href="mailto:mcda@mariposacounty.org">mcda@mariposacounty.org</a></p>	<p>Clifford H. Newell, District Attorney Nevada County 201 Commercial Street Nevada City, CA 95959 <a href="mailto:DA.Prop65@co.nevada.ca.us">DA.Prop65@co.nevada.ca.us</a></p>
<p>Morgan Briggs Gire, District Attorney Placer County 10810 Justice Center Drive, Suite 240 Roseville, CA 95678 <a href="mailto:prop65@placer.ca.gov">prop65@placer.ca.gov</a></p>	<p>David Hollister, District Attorney Plumas County 520 Main Street Quincy, CA 95971 <a href="mailto:davidhollister@countyofplumas.com">davidhollister@countyofplumas.com</a></p>	<p>Summer Stephan, District Attorney San Diego County 330 W. Broadway Street San Diego, CA 92101 <a href="mailto:SanDiegoDAProp65@sdcdca.org">SanDiegoDAProp65@sdcdca.org</a></p>

## 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.<sup>1</sup> 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

---

<sup>1</sup> 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](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<sup>2</sup> 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.

---

<sup>2</sup> 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](mailto: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.