www.PoulsenLaw.org

282 11th Avenue, Suite 2612
New York, New York 10001

+1 650 296 1014

POULSEN LAW P.C.

contact@PoulsenLaw.org

VIA CERTIFIED FIRST CLASS MAIL

Hans Frisch or Current
Chief Executive Officer or President
Beaver Street Fisheries, Inc.
1741 W Beaver St
Jacksonville, Florida 32209

Hans Frisch or Current
Chief Executive Officer or President
Beaver Street Fisheries, Inc.
c/o Beaver Street Foods, Inc.,
Agent for Service of Process
1741 W Beaver St
Jacksonville, Florida 32209

Current President or CEO
Amazon.com, Inc. and
Amazon.com Services LLC
c/o Corporation Service Company
251 Little Falls Dr.
Wilmington, DE 19808

Michael D. Deal or
Current President or CEO
Amazon.com Services LLC
410 Terry Avenue N.
Seattle, Washington 98109

VIA ELECTRONIC FILING

State of California Department of Justice

Office of Attorney General of California
Filing link: oag.ca.gov/prop65

VIA FIRST CLASS MAIL

District Attorneys of California Counties and City Attorneys, as in the Certificate of Service

VIA E-MAIL

District Attorneys of California Counties and City Attorneys, as in the Certificate of Service

www.PoulsenLaw.org

+1 650 296 1014

282 11th Avenue, Suite 2612
New York, New York 10001

contact@PoulsenLaw.org

RE: Cadmium in Beaver Street Fisheries, Inc., Amazon.com, Inc., and Amazon.com Services LLC products

January 18, 2022

60-DAY NOTICE OF INTENT TO SUE

for violations of the Safe Drinking Water and Toxic Enforcement Act of 1986

Dear alleged violators and public enforcement agencies,

Poulsen Law P.C. represents The Chemical Toxin Working Group, Inc., a California non-profit corporation, doing business as Healthy Living Foundation Inc. ("HLF," "Noticing Party"), a non-profit consumer health organization engaged in supporting public health, implementing measures reducing the amount of chemical toxins in consumer products, improvement of worker and consumer safety from chemical exposures, as well as publishing comparative results of testing foods and consumer products and educating public.

HLF has enforced a large number of Cal. Health & Safety Code violations in the public interest and developed an extensive expertise in investigating and prosecuting manufacturers and distributors of food and consumer products for violations of health laws and consumer safety. These cases have resulted in significant public benefit, including reformulation of products to remove toxic chemicals to make them safer, and putting label warnings on products contaminated with lead, cadmium, acrylamide, dioxane, or removing them from the California market.

HLF's Chief Officer David Steinman is a journalist, a publisher and an author of a bestseller Diet For A Poisoned Planet (Crown ed., 1990, Ballantine 2d ed., 1992, Running Press 3d ed., 2007); his major books also include The Safe Shopper's Bible (Macmillan ed., 1995, Wiley 2d ed., 2000), The Breast Cancer Prevention Program (Macmillan ed., 1997), Living Healthy In A Toxic World (Perseus ed., 1996), Safe Trip To Eden:Ten Steps To Save The Planet Earth From The Global Warming Meltdown (Running Press ed., 2007), along with many publications in periodicals and other media. Mr.Steinman has worked in the National Science Academy and testified before Congress on food safety.

The Safe Drinking Water and Toxic Enforcement Act of 1986, codified in the California Health & Safety Code sections 25249.5, et seq. ("Proposition 65"), requires that a 60-day notice of intent to sue be provided to a violator of Cal. Health & Safety Code § 25249.6.

With this notice of violation (Notice) HLF gives a written notice of the alleged violation, bringing this action in the public interest as defined under the Cal. Health & Safety Code § 25249.7(d), seeking to prosecute the alleged continuing noncompliance and to warn consumers about their exposure to the violative chemical(s), or reduce and/or eliminate consumer exposures from product(s) (collectively, the "Specified Products" and each a "Specified Product") listed in the table below, which are manufactured, distributed and/or sold by Beaver Street Fisheries, Inc., Amazon.com, Inc., and Amazon.com Services LLC (referred to collectively as the "Noticed Parties").

This Notice covers the violations of Proposition 65 that are currently known to the Noticing Party from information now available as specifically related to the violating products listed below and manufactured, distributed or/and sold by and through the Noticed Parties. HLF is continuing its investigation that may reveal further violations.

The Specified Product(s) subject to this Notice, the chemical(s) in the Specified Product(s) identified as exceeding allowable levels, and the Noticed Parties responsible for sales of the Specified Products, are as follows:

Specified Products	**Violative chemical**	**Noticed Party**
Sea Best Bay Scallops, Water Added, Premium Raw	Cadmium	Beaver Street Fisheries, Inc., Amazon.com, Inc., and Amazon.com Services LLC

The primary route of exposure has been through ingestion.

Noticed Parties have manufactured, marketed, distributed and/or sold the Specified Products which, according to the test results, have exposed and continue to expose consumers within the State of California to Cadmium.

Cadmium ("Cadmium") is listed pursuant to Proposition 65 as a chemical known to the State of California to cause reproductive toxicity and male developmental toxicity. Cal. Health & Safety Code § 25249.6 requires that a "clear and reasonable" warning be provided prior to exposure to chemicals listed under Proposition 65. The Noticed Parties are in violation of Proposition 65 because the Noticed Parties have failed to provide a warning to consumers that they are being exposed to Cadmium. While in the course of doing business, the Noticed Parties are knowingly and intentionally exposing consumers to Cadmium without first providing a "clear and reasonable" warning.

The method of warning should be a warning that appears on the product's label. See Cal. Code Regs. tit. 27, § 25602, subd. (a)(3), and subd. (b) for internet purchases also at the point of sale, as applicable. The Noticed Parties have not provided any Proposition 65 warnings as required by law or any other appropriate warnings that persons handling, ingesting and/or otherwise using the Specified Products are being exposed to Cadmium.

With respect to each Specified Product listed above, the violation commenced on the latter of the date that the Specified Product was first offered for sale in California or the date upon which California law codified the allowable level of the relevant chemical; has continued every day since the relevant date the violation commenced; and will continue every day henceforth until Cadmium is removed from each Specified Product, reduced to allowable levels, or until a "clear and reasonable" warning is provided to consumers by the Noticed Parties, as applicable, in accordance with the law.

Pursuant to Title 27, C.C.R. § 25903(b), copies of the following documents are attached hereto for reference by the Noticed Parties:

(i) "The Safe Drinking Water and Toxic Enforcement act of 1986 (Proposition 65): A Summary."

(ii) Pursuant to Title 11, C.C.R. § 3100, the "Certificate of Merit" is attached hereto (only for California Attorney General).

HLF intends to file a lawsuit after 60 days based on the facts set forth in this Notice. Meanwhile we encourage a prompt resolution of this matter within the said period of 60 days where the Noticed Parties agree in a written agreement to (1) eliminate Cadmium in the Specified Products or reduce it to an allowable level or, as an alternative, (2) provide a Proposition 65- compliant warning on the label of the Specified Products and at the point of sale; and (3) pay applicable civil penalties and costs of bringing this action.

Prompt action of the Noticed Parties on this Notice will prevent further consumer exposures to a dangerous chemical without warning, therefore rectifying these alleged ongoing violations of the California law and afford the Noticed Parties the opportunity to avoid increasing costs associated with incompliance and costly litigation.

Please direct all communication regarding this Notice to this office.

Sincerely,

Aida Poulsen | Managing attorney | NY | CA
contact@poulsenlaw.org

ATTACHMENTS

1. Certificate of Merit (to Attorney General only);
2. Confidential Factual Information supporting Certificate of Merit (to Attorney General only);
3. Certificate of Service;
4. Appendix "A" - "The Safe Drinking Water and Toxic Enforcement act of 1986 (Proposition 65): A Summary" (to the Noticed Parties only);

www.PoulsenLaw.org

+1 650 296 1014

282 11th Avenue, Suite 2612
New York, New York 10001

contact@PoulsenLaw.org

To:	California Attorney General
Notice of Violation:	January 18, 2022
Noticing Party:	Chemical Toxin Working Group Inc. dba Healthy Living Foundation Inc.
Noticed Parties:	Beaver Street Fisheries, Inc., Amazon.com, Inc., and Amazon.com Services LLC

January 18, 2022

CERTIFICATE OF MERIT

Health and Safety Code Section 25249.7(d)

To the Notice of Violation

I, Aida Poulsen, attorney at law, hereby declare:

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

I am the attorney for the Noticing Party.

I have reviewed the facts of this case and have consulted with one or more persons with relevant and appropriate experience and expertise who have reviewed facts, studies, and/or other data regarding the alleged exposures to the listed chemical that is the subject of the attached Notice of Violation dated January 18, 2022 (the "Notice").

I have reviewed the laboratory testing results for the chemical subject to the Notice and rely on these results. The testing was conducted by a reputable accredited testing laboratory and by experienced scientists with doctoral and other degrees in relevant sciences. The facts, studies and other data derived through this investigation overwhelmingly demonstrate that the alleged violators have exposed persons to the listed chemical that is the subject of the Notice and is known to the State of California to cause reproductive and/or developmental harm, and/or cancer.

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"

www.PoulsenLaw.org

+1 650 296 1014

282 11th Avenue, Suite 2612
New York, New York 10001

contact@PoulsenLaw.org

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.

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.

Dated: January 18, 2022

By:

Aida Poulsen | Managing attorney | NY | CA
contact@poulsenlaw.org

www.PoulsenLaw.org

+1 650 296 1014

282 11th Avenue, Suite 2612
New York, New York 10001

contact@PoulsenLaw.org

CERTIFICATE OF SERVICE

I, Jonathan Newell, am over the age of eighteen years and am not a party to the action, process or case related to or arising out of the Notice of Violation being served under this Certificate of Service. My address is 18653 Ventura Blvd. Ste. 136, Tarzana, California 91356.

On January 18, 2022, between 11:00 a.m. and 5:00 p.m. Pacific Time, I served the following documents:

1. Notice of Violations of California Health & Safety Code Section 25249.5 et seq. by Beaver Street Fisheries, Inc., Amazon.com, Inc., and Amazon.com Services LLC;
2. Certificate of Merit;
3. Appendix "A" - "The Safe Drinking 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 parties below, and causing it to be deposited at a United States Postal Service Office in Los Angeles County, California, for delivery by Certified Mail:

Hans Frisch or Current Chief Executive Officer or President Beaver Street Fisheries, Inc. 1741 W Beaver St Jacksonville, Florida 32209	Hans Frisch or Current Chief Executive Officer or President Beaver Street Fisheries, Inc. c/o Beaver Street Foods, Inc., Agent for Service of Process 1741 W Beaver St Jacksonville, Florida 32209
Current President or CEO Amazon.com, Inc. and Amazon.com Services LLC c/o Corporation Service Company 251 Little Falls Dr. Wilmington, DE 19808	Michael D. Deal or Current President or CEO Amazon.com Services LLC 410 Terry Avenue N. Seattle, Washington 98109

On January 18, 2022, between 11:00 a.m. and 11:30 p.m. Pacific Time, I served the following documents:

1. Notice of Violations of California Health & Safety Code Section 25249.5 et seq. by Beaver Street Fisheries, Inc., Amazon.com, Inc., and Amazon.com Services LLC;
2. Certificate of Merit;
3. Confidential Factual Information and Supporting Documentation Required by Title 11, C.C.R. § 3102

www.PoulsenLaw.org

+1 650 296 1014

282 11th Avenue, Suite 2612
New York, New York 10001

contact@PoulsenLaw.org

on the following parties by filing electronically a true and correct copy thereof as permitted through the website of the California Office of the Attorney General via link at oag.ca.gov/prop65:

State of California Department of Justice;
Office of the Attorney General of California.

On January 18, 2022, between 11:00 a.m. and 5:00 p.m. Pacific Time, I served the following documents:

1. Notice of Violations of California Health & Safety Code Section 25249.5 et seq. by Beaver Street Fisheries, Inc., Amazon.com, Inc., and Amazon.com Services LLC;
2. Certificate of Merit

on the following parties below by placing a true and correct copy thereof in a sealed envelope, addressed to each of the District Attorney and City Attorney offices listed below, and causing each envelope to be deposited at a United States Postal Service mail box for delivery by First Class Mail:

District Attorney Alpine County PO Box 248 Markleeville, CA 96120	District Attorney Lake County 255 North Forbes Street Lakeport, CA 95453	District Attorney Sierra County PO Box 457 Downieville, CA 95936
District Attorney Amador County 708 Court Street, Suite 202 Jackson, CA 95642	District Attorney Los Angeles County Hall of Justice 211 West Temple St. Ste 1200 Los Angeles, CA 90012	District Attorney's Office Siskiyou County Courthouse 311 Fourth Street, Room 204 Yreka, CA 96097
District Attorney Butte County 25 County Center Drive, Suite 245 Oroville, CA 95965	District Attorney Madera County 209 West Yosemite Avenue Madera, CA 93637	District Attorney Solano County 675 Texas Street, Ste 4500 Fairfield, CA 94533
District Attorney Colusa County 310 6th Street Colusa, CA 95932	District Attorney Marin County 3501 Civic Center Drive, Room 130 San Rafael, CA 94903	District Attorney Stanislaus County 832 12th Street, Ste 300 Modesto, CA 95354
District Attorney Del Norte County 450 H Street, Suite 171 Crescent City, CA 95531	District Attorney Mendocino County PO Box 1000 Ukiah, CA 95482	District Attorney Sutter County 446 Second Street Yuba City, CA 95991

www.PoulsenLaw.org

+1 650 296 1014

282 11th Avenue, Suite 2612
New York, New York 10001

contact@PoulsenLaw.org

District Attorney EL Dorado County 778 Pacific Street Placerville, CA 95667	District Attorney Modoc County 204 S Court Street, Room 202 Alturas, CA 96101-4020	District Attorney Tehama County PO Box 519 Red Bluff, CA 96080
District Attorney Fresno County 2220 Tulare Street Suite 1000 Fresno, CA 93721	District Attorney Orange County 300 N Flower St. Santa Ana, CA 92703	District Attorney Trinity County Post Office Box 310 Weaverville, CA 96093
District Attorney Glenn County Post Office Box 430 Willows, CA 95988	District Attorney San Benito County 419 4th Street Hollister, CA 95023	District Attorney Tuolumne County 423 North Washington St. Sonora, CA 95370
District Attorney Humboldt County 825 5th Street 4th Floor Eureka, CA 95501	District Attorney San Bernardino County 316 No. Mountain View Avenue San Bernardino, CA 92415	District Attorney Yuba County 215 Fifth Street, Suite 152 Marysville, CA 95901
District Attorney Imperial County 940 West Main Street, Suite 102 El Centro, CA 92243	District Attorney San Mateo County 400 County Ctr., 3rd Floor Redwood City, CA 94063	Los Angeles City Attorney's Office City Hall East 200 N. Main Street, Suite 800 Los Angeles, CA 90012
District Attorney Kern County 1215 Truxtun Avenue Bakersfield, CA 93301	District Attorney Shasta County 1355 West Street Redding, CA 96001	San Jose City Attorney's Office 200 East Santa Clara Street, 16th Floor San Jose, CA 95113
District Attorney Kings County 1400 West Lacey Blvd. Hanford, CA 93230	District Attorney Mono County Post Office Box 617 Bridgeport, CA 93517	

On January 18, 2022, between 11:00 a.m. and 11:30 p.m. Pacific Time, I served the following documents:

1. Notice of Violations of California Health & Safety Code Section 25249.5 et seq. by Beaver Street Fisheries, Inc., Amazon.com, Inc., and Amazon.com Services LLC;
2. Certificate of Merit

www.PoulsenLaw.org

282 11th Avenue, Suite 2612
New York, New York 10001

+1 650 296 1014

POULSEN LAW P.C.

contact@PoulsenLaw.org

on each of the parties below, all of which have requested electronic service only via the following email addresses:

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 mlatimer@co.lassen.ca.us	Mariposa County District Attorney mcda@mariposacounty.org
Merced County District Attorney Prop65@countyofmerced.com	Monterey County District Attorney Prop65DA@co.monterey.ca.us
Napa County District Attorney CEPD@countyofnapa.org	Nevada County District Attorney DA.Prop65@co.nevada.ca.us
Placer County District Attorney Prop65@placer.ca.gov	Plumas County District Attorney davidhollister@countyofplumas.com
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 SanDiegoDAProp65@sdcda.org
San Francisco County District Attorney alethea.sargent@sfgov.org	San Francisco City Attorney Valerie.Lopez@sfcityatty.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, Jonathan Newell, declare under penalty of perjury that the foregoing is true and correct.

Signature

Jonathan Newell

January 18, 2022

18653 Ventura Blvd. Ste. 136
Tarzana, California 91356