

**AMENDED 60-DAY NOTICE OF VIOLATION**  
California Safe Drinking Water and Toxic Enforcement Act

<b>Date:</b>	May 31, 2022
<b>To:</b>	<b>Ohaus Corporation</b> <b>Mettler-Toledo International Inc.</b> California Attorney General's Office District Attorney's Office for 58 Counties City Attorneys for San Francisco, San Diego, San Jose, Sacramento and Los Angeles
<b>From:</b>	Michael DiPirro

This Amended Notice of Violation 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, you may contact the Office of Environmental Health Hazard Assessment's ("OEHHA") Proposition 65 Implementation Office at (916) 445-6900. Attached for your reference is a summary, "Appendix A: The Safe Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary," provided by the California Office of Environmental Health Hazard Assessment's ("OEHHA") (copies not provided to public enforcement agencies).

This Amended Notice of Violation is provided by Michael DiPirro. I am a citizen of the State of California acting in the interest of the general public. I am dedicated to protecting the environment, promoting awareness of exposures to toxic chemicals in products sold in California, improving human health and supporting environmentally sound practices.

Identified below are specific examples of products recently purchased and/or witnessed as being available for purchase or use in California that are within the categories or types of offending products covered by this Notice. I believe and allege that the sale of the offending products also has occurred without the requisite Proposition 65 "clear and reasonable warnings" at one or more location and/or via other means including, but not limited to, transactions made over-the-counter, business-to-business, through the internet and/or via a catalog by the Violator(s) and other retailers and distributors of the manufacturer, including, but not limited to the retailer(s) and/or distributor(s) listed below, nor as required in the California workplace.

**Description of Violations:**

<b>Violator(s):</b>	<b>Ohaus Corporation</b> c/o Ted Yan Xia, President <b>Mettler-Toledo International Inc.</b> c/o Patrick Kaltenbach, CEO
<b>Toxic Chemicals:</b>	Diisononyl Phthalate (DINP)
<b>Product Category:</b>	Laboratory Instrument Accessories

<b>Non-exclusive Example of Type of Product<sup>1</sup>:</b>	Ohaus 106-00 Vinyl Dust Cover for Harvard Trip Balances and Vinyl Silver Dust Cover 80780005
<b>Retailer(s):</b>	Fotronic Corporation dba www.testequipmentdepot.com and Amazon.com (on-line purchases)
<b>Manufacturer(s)/ Distributor(s):</b>	Ohaus Corporation
<b>Types of Harm:</b>	Cancer
<b>Description of Exposures:</b>	<p><u>Consumer</u>: These exposures occur in homes, schools, some workplaces and everywhere else throughout California where these products are handled or used. As a result of the sales of these products, exposures to the listed chemical have been occurring without clear and reasonable warnings as required by Proposition 65.</p> <p><u>Occupational</u>: This notice alleges the violation of Proposition 65 with respect to occupational exposures governed by the California State Plan for Occupational Safety and Health. The State Plan 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. The approval also provides that an employer may use the means of compliance in the general hazard communication requirements to comply with Proposition 65. It also requires that supplemental enforcement is subject to the supervision of the California Occupational Safety and Health Administration. Accordingly, any settlement, civil complaint, or substantive court orders in this matter must be submitted to the Attorney General.</p>
<b>Routes of Exposure:</b>	<p>Dermal; Hand-to-mouth</p> <p>Reasonably foreseeable use of the products identified in this Notice of Violation results in human exposures to DINP. The Products contain DINP. The route of exposure for the violations is dermal absorption directly through the skin, when consumers touch, use, or handle the products in ways that are intended and/or foreseeable, as well as hand-to-mouth exposure following dermal contact.</p>
<b>Time Period of Exposure:</b>	The violations have been occurring as far back as February 9, 2019, and are continuing to this day.

**Resolution of Noticed Claims:** Based on the allegations set forth in this Notice of Violation, I intend to file a citizen enforcement lawsuit against the alleged Violator unless such Violator enters into a binding written agreement to: (1) recall products already sold; (2) take effective measures to prevent unwarned DEHP exposures from products sold in the future and to ensure that the requisite health hazard warnings are provided to those who have received such products; and (3) pay an appropriate civil penalty based on the factors enumerated in California Health and Safety Code Section 25249(b). If the alleged Violator is interested

<sup>1</sup> The specifically identified examples of the types of products that are subject to this Notice are for the recipients' benefit to assist in their investigation of, among other things, the magnitude of potential exposures to the listed chemical from other items within the product categories/types listed herein. These examples are not meant to be an exhaustive or comprehensive identification of each specific offending product of the types listed under "Product Category." Further, it is this citizen's position that the alleged Violator(s) are obligated to continue to conduct in good faith an investigation into other specific products within the types or categories described above that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the notice recipients' 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.

in resolving this dispute without resorting to expensive and time consuming litigation, please feel free to contact me through my counsel identified below. It should be noted that neither my counsel nor I can: (1) finalize any settlement until after the 60-day notice period has expired; nor (2) speak for the Attorney General or any District or City Attorney who received this Notice of Violation. Therefore, while reaching an agreement with me will resolve my claims, such agreement may not satisfy the public prosecutors.

**Please direct any inquiries regarding this Notice of Violation to Michael DiPirro through his counsel:**

**Jeremy Fietz at Jeremy Fietz, Attorney-At-Law** 1510 Fourth Street, Santa Rosa CA 95404

Telephone: (707) 236-0088; E-mail: [Jeremy@superawesomelawyer.com](mailto:Jeremy@superawesomelawyer.com); or

**David Bush at Law Office of David R. Bush** 321 South Main Street #502, Sebastopol, CA 95472

Telephone: (707) 321-5028; E-mail: [drbush@drbushlaw.com](mailto:drbush@drbushlaw.com)

**PROOF OF SERVICE**

I declare that:

I am employed in Sonoma County, California; my business address is 1510 4<sup>th</sup> Street, Santa Rosa, CA 95404. I am over the age of 18 years and not a party to the within cause. On May 31, 2022, I served true copies of the following:

**AMENDED 60-DAY NOTICE OF VIOLATION OF CALIFORNIA SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT**

On the alleged Violators:

Mettler-Toledo International Inc.  
1900 Polaris Parkway  
Columbus, OH 43240

Ohaus Corporation  
7 Campus Rive, Suite 310  
Parsippany, NJ 07054

Through their counsel via email:

Will Wagner, Esq.  
ARNOLD & PORTER  
Three Embarcadero Center, 10<sup>th</sup> FL  
San Francisco, CA 94111  
Will.Wagner@ArnoldPorter.com

And the Office of the Attorney General of California by  
upload on its website and courtesy email to:

Susan Fiering, Esq.  
Susan.Fiering@doj.ca.gov

I swear under penalty of perjury under the law of the State of California the foregoing is true and correct. Executed on May 31, 2022, at Santa Rosa, California.

  
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Jeremy Fietz