

December 11, 2022

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

Dear Alleged Violators and Appropriate Enforcement Agencies!:

This office represents Ramy Eden (“Claimant”) who serves this Notice of Violation (“Notice”) pursuant to California Health & Safety Code section 25249.7(d). This Notice serves to inform you that the Alleged Violators identified below (“Alleged Violator(s)”) are in violation of California’s Safe Drinking Water and Toxic Enforcement Act of 1986 (“Proposition 65”) codified at Cal. Health & Safety Code § 25249.5, *et seq.*

Claimant has identified violations of Proposition 65 with respect to the consumer products identified below (“Product”). In violation of Cal. Health & Safety Code § 25249.6, Alleged Violator(s) have manufactured, produced, packaged, imported, supplied, distributed, and/or sold the Product—the use of which exposes individuals to the chemical(s) identified below (“Listed Chemical(s)”) which are known to the State of California to cause cancer, reproductive, and developmental harm—without first giving clear and reasonable warning of such exposure. Without these warnings, California citizens lack the information necessary to make informed decisions as to whether and/or how to eliminate (or reduce) the risk of exposure to the Listed Chemical(s) from the reasonably foreseeable exposure to and/or use of the Product.

Claimant is a citizen of the State of California who is acting in the interest of the general public to promote awareness of exposures to toxic chemicals from use of consumer products sold in California and to improve human health and the environment by reducing hazardous substances. Claimant intends to bring a private enforcement action, pursuant to Cal. Health & Safety Code §25249.7(d), to address these violations. Claimant is represented by the undersigned and may be contacted through the undersigned at the telephone number and address set forth in the letterhead above.

### **Description of Violations:**

Alleged Violator(s): Otis Products, Inc.; Otis Technology.

Time Period of Exposure: Violations have been occurring since at least December 11, 2019 and are continuing to this day.

Listed Chemical(s): Lead and Lead Compounds (“Listed Chemical(s)”), which is listed by the State of California under Prop. 65 as being known to cause cancer, developmental toxicity, male reproductive toxicity, and female reproductive toxicity.

Product: The specific type of product are gun cleaning patches sold under the Otis Technology brand (“Product”). Non-exclusive examples of this Product include the “2 Inch Patches 100 Count”.<sup>2</sup>

Description of Exposure: The exposures that are the subject of this Notice result from the acquisition, purchase, storage, handling, and/or the reasonable foreseeable use of the Product. These exposures take place throughout the State of California. The Product is designed to remove the Listed Chemical(s) from firearms and muzzleloading weapons after they are fired.

When a firearm or muzzleloading weapon (these two types of guns are referred to herein as a “gun” or “guns”) is fired, the Listed Chemical(s) is deposited on various surfaces of the gun. The Product is used to clean guns after they have been fired. The Product is designed to remove the Listed Chemical(s) from the various surfaces of a gun by, *inter alia*, having the Product’s user scrub, scrape, and/or wipe the gun surfaces with the Product. The primary route of exposure to the Listed Chemical(s) is through inhalation and ingestion. When the Product is used in a reasonably foreseeable manner, Listed Chemical(s)—including lead fumes, mist, and dust—are released from the gun that is being cleaned into the air and inhaled by the Product’s user and others nearby. During such reasonably foreseeable use of the Product, Listed Chemical(s) are also transferred—from the gun being cleaned—onto the Product user’s hands and face. During such reasonably foreseeable use of the Product, Listed Chemical(s) are also transferred—from the gun being cleaned—onto work surfaces, onto the Product itself (which is designed to be handled with the Product user’s hands), the Product user’s hair and

<sup>1</sup> The public enforcement agencies are those public agencies identified in the attached proof of service.

<sup>2</sup> The examples of the Product are not intended to be an exhaustive listing of each specific unit constituting the offending Product. Rather, they are provided to assist the recipients in identifying other units that comprise the offending Product.

clothing, and other surfaces. When these surfaces are touched, Listed Chemical(s) are transferred onto the hands of the person touching these surfaces. Lead present on the hands, face, and other surfaces can be ingested when eating, smoking, touching one's hand to their mouth, or by preparing food. No clear and reasonable warning is provided with the Product regarding the carcinogenic and developmental and reproductive toxic hazards of exposure to the Listed Chemical(s).

**Prop. 65 Information:**

For the reference of the Alleged Violator(s), a copy of the Office of Environmental Health Hazard Assessment's *The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary* is being provided to the Alleged Violator(s).

**Evidence Preservation Request to Alleged Violator(s):**

*Alleged Violator(s) are hereby requested to preserve any and all evidence relating to the violations described herein.* This includes, without limitation, preserving exemplars of the Product and any accompanying warning materials and all communications regarding warning materials concerning the Product. For any Alleged Violator who is a "Retail Seller"<sup>3</sup> this also includes, without limitation, documenting (through photography and/or video recording) the **present** existence, content, and location of all warning materials—including labels, shelf signs, tags, and Internet warning language—in their retail stores and websites that the Retail Seller contends provides consumers with the "clear and reasonable" warning required by Health & Safety Code section 25249.6 regarding the Product (and preserving any historical depictions of such warning materials). The failure to preserve evidence regarding the violations may result in sanctions and other penalties.

**Request for Information Concerning Source of the Product**

Pursuant to California Code of Regulations Title 27, section 25600.2, any Alleged Violator who is a "Retail Seller" is hereby requested to promptly provide the name and contact information for the manufacturer, producer, packager, importer, supplier, and distributor of the Product.

**Claims Resolution:**

To address the above-described violations, Claimant—through this law firm—intends to bring a private enforcement action against the Alleged Violator(s) pursuant to Cal. Health & Safety Code § 25249.7(d). However, consistent with the public interest goals of Proposition 65 and the desire to have these violations of California law quickly rectified, Claimant is interested in attempting to reach an efficient and equitable resolution of these violations without protracted litigation. Should the Alleged Violator(s) be interested in discussing such a resolution, I welcome them to contact me at the contact information listed in the letterhead above. Please note that Claimant is represented in connection with this matter and **may only be contacted through the undersigned.**

Respectfully,

*Jarrett S. Charo*

JARRETT S. CHARO, ESQ.

Enclosures: Certificate of Merit; Proof of Service; *The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary*

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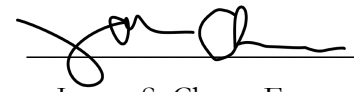
<sup>3</sup> "Retail Seller" has the same meaning as that set forth in California Code of Regulations Title 27, section 25600.1(l).

**Certificate of Merit**

I, Jarrett S. Charo, hereby declare:

- (1) 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.
- (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 the 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 the 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 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: December 11, 2022

  
Jarrett S. Charo, Esq.

## PROOF OF SERVICE BY CERTIFIED MAIL

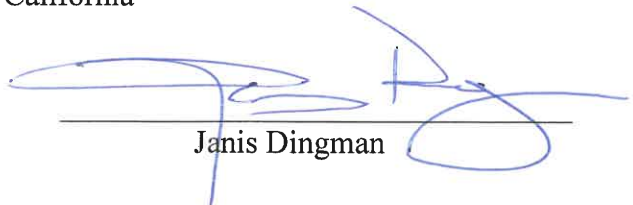
I declare that I am a citizen of the United States and a resident of the County of Placer. I am over the age of eighteen (18) and not a party to the within action. My business address is P.O. Box 740, Penryn, CA 95663.

- On December 12, 2022, I caused the following documents to be served, 60-Day Notice of Violation of California Safe Drinking Water and Toxic Enforcement Act; Certificate of Merit; The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary, as indicated on the attached service list:

SEE ATTACHED SERVICE LIST

- BY CERTIFIED MAIL – by placing a true and correct copy of the original thereof enclosed in a sealed envelope with postage thereon fully prepaid in the firm’s outgoing mail. A signed return receipt was requested. I am “readily familiar” with the firm’s practice of collecting and processing correspondence for mailing. It is deposited with the United States Postal Service on that same day in the ordinary course of business.
- BY HAND DELIVERY – by delivering by hand and leaving a true copy addressed to the person at the address shown above.
- BY EMAIL– by causing a true copy thereof to be electronically transmitted to the parties, by using their email address as indicated above.
- STATE: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 12, 2022, at Penryn, California

  
\_\_\_\_\_  
Janis Dingman

## SERVICE LIST

OTIS PRODUCTS, INC. DBA Shooter's Choice 6897 LAURA STREET LYONS FALLS, NY 13368	LAWRENCE J WILLIAMS, CEO Otis Products, Inc. 6897 LAURA STREET LYONS FALLS, NY 13368
OTIS TECHNOLOGY 6987 Laura St. Lyons Falls, NY 13368	

## PROOF OF SERVICE BY U.S. MAIL

I declare that I am a citizen of the United States and a resident of the County of Placer. I am over the age of eighteen (18) and not a party to the within action. My business address is P.O. Box 740, Penryn, CA 95663.

- On December 12, 2022, I caused the following documents to be served, 60-Day Notice of Violation of California Safe Drinking Water and Toxic Enforcement Act; Certificate of Merit, as indicated below:
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Executed on December 12, 2022, at Penryn, California

  
Janis Dingman

**Public Agency Service List (U.S. Mail)**

District Attorney,  
ALAMEDA COUNTY  
1225 Fallon St.  
Oakland, CA 94612

District Attorney,  
ALPINE COUNTY  
P.O. Box 248  
Markleeville, CA 96120

District Attorney,  
AMADOR COUNTY  
708 Court Street, #202  
Jackson, CA 95642

District Attorney,  
BUTTE COUNTY  
25 County Center Drive  
Administration Building  
Oroville, CA 95965

District Attorney,  
CALAVERAS COUNTY  
891 Mountain Ranch Road  
San Andreas, CA 95249

District Attorney,  
CONTRA COSTA COUNTY  
900 Ward Street  
Martinez, CA 94553

District Attorney, COLUSA  
COUNTY  
346 5th Street, Suite 101  
Colusa, CA 95932

District Attorney,  
DEL NORTE COUNTY  
450 H Street, Room 171 Crescent  
City, CA 95531

District Attorney,  
EL DORADO COUNTY  
778 Pacific Street  
Placerville, CA 95667

District Attorney, FRESNO  
COUNTY  
2220 Tulare Street, Suite 1000  
Fresno, CA 93721

District Attorney,  
GLENN COUNTY  
P.O. Box 430  
Willows, CA 95988

District Attorney,  
HUMBOLDT COUNTY  
825 5th Street  
Eureka, CA 95501

District Attorney,  
IMPERIAL COUNTY  
940 West Main Street,  
Suite 102  
El Centro, CA 92243

District Attorney,  
INYO COUNTY  
P.O. Drawer D  
Independence, CA 93526

District Attorney,  
KERN COUNTY  
1215 Truxtun Avenue  
Bakersfield, CA 93301

District Attorney,  
KINGS COUNTY  
1400 West Lacey Blvd.  
Hanford, CA 93230

District Attorney,  
LAKE COUNTY  
255 N. Forbes Street  
Lakeport, CA 95453

District Attorney,  
LASSEN COUNTY  
2950 Riverside Drive, #102  
Susanville, CA 96130

District Attorney,  
LOS ANGELES COUNTY  
211 W. Temple Street  
Suite 1200  
Los Angeles, CA 90012

District Attorney,  
MADERA COUNTY  
209 West Yosemite Avenue  
Madera, CA 93637

District Attorney,  
MARIN COUNTY  
3501 Civic Center Drive  
Room 130  
San Rafael, CA 94903

District Attorney,  
MARIPOSA COUNTY  
P.O. Box 730  
Mariposa, CA 95338

District Attorney,  
MENDOCINO COUNTY  
P.O. Box 1000  
Ukiah, CA 95482

District Attorney,  
MERCED COUNTY  
550 West Main Street  
Merced, CA 95340

District Attorney  
MODOC COUNTY  
204 S. Court Street,  
Room 202  
Alturas, CA 96101

District Attorney,  
MONO COUNTY  
P.O. Box 2053  
Mammoth Lakes, CA 93546

District Attorney,  
MONTEREY COUNTY  
142 W. Alisal Street  
Suite A  
Salinas, California 93901

District Attorney,  
NAPA COUNTY  
1195 Third Street  
Napa, CA 94559

District Attorney,  
NEVADA COUNTY  
201 Commercial Street  
Nevada City, CA 95959

District Attorney,  
ORANGE COUNTY  
300 North Flower St.  
Santa Ana, CA 92703

District Attorney,  
PLACER COUNTY  
10810 Justice Center Drive  
Roseville, CA 95678

District Attorney,  
PLUMAS COUNTY  
520 Main Street,  
Room 404  
Quincy, CA 95971

District Attorney,  
RIVERSIDE COUNTY  
3960 Orange Street  
Riverside, CA 92501

District Attorney,  
SACRAMENTO COUNTY  
901 G Street  
Sacramento, CA 95814

District Attorney,  
SAN BENITO COUNTY  
419 4th Street  
Hollister, CA 95023

District Attorney,  
SAN BERNARDINO COUNTY  
303 W. 3<sup>rd</sup> Street  
San Bernardino, CA 92415

District Attorney,  
SAN DIEGO COUNTY  
330 W. Broadway  
San Diego, CA 92101

District Attorney,  
SAN FRANCISCO COUNTY  
350 Rhode Island Street  
North Building, Suite 400N  
San Francisco, CA 94103

District Attorney,  
SAN JOAQUIN COUNTY  
P O Box 990  
Stockton, CA 95201

District Attorney,  
SAN LUIS OBISPO  
1055 Monterey Street  
San Luis Obispo, CA 93408

District Attorney,  
SAN MATEO COUNTY  
400 County Center,  
Third Floor  
Redwood City, CA 94063

District Attorney,  
SANTA BARBARA COUNTY  
1112 Santa Barbara Street  
Santa Barbara, CA. 93101

District Attorney,  
SANTA CLARA COUNTY  
70 West Hedding Street  
San Jose, CA 95110

District Attorney,  
SANTA CRUZ COUNTY  
701 Ocean Street  
Rm. 200  
Santa Cruz, CA 95060



District Attorney,  
SHASTA COUNTY  
1355 West Street  
Redding, CA 96001

District Attorney,  
SIERRA COUNTY  
100 Courthouse Square  
Downieville, CA 95936

District Attorney,  
SISKIYOU COUNTY  
P.O. Box 986  
Yreka, CA 96097

District Attorney,  
SOLANO COUNTY  
675 Texas Street, Suite 4500  
Fairfield, CA 94533

District Attorney,  
SONOMA COUNTY  
600 Administration Drive  
Room 212 J  
Santa Rosa, CA 95403

District Attorney,  
STANISLAUS COUNTY  
832 12th Street, Suite 300  
Modesto, CA 95353

District Attorney,  
SUTTER COUNTY  
463 2nd Street  
Suite 102  
Yuba City, CA 95991

District Attorney,  
TEHAMA COUNTY  
P.O. Box 519  
Red Bluff, CA 96080

District Attorney,  
TRINITY COUNTY  
P.O. Box 310  
Weaverville, CA 96093

District Attorney,  
TULARE COUNTY  
221 S. Mooney Blvd  
Room 224  
Visalia, CA 93291

District Attorney,  
TUOLUMNE COUNTY  
423 N. Washington Street  
Sonora, CA 95370

District Attorney,  
VENTURA COUNTY  
800 S. Victoria Avenue  
Suite 314  
Ventura, CA 93009

District Attorney,  
YOLO COUNTY  
301 Second Street  
Woodland, CA 95695

District Attorney,  
YUBA COUNTY  
215 Fifth Street, Suite 152  
Marysville, CA 95901

Los Angeles City Attorney  
200 N. Main St  
Suite 1800  
Los Angeles, CA 90012

Sacramento City Attorney  
915 I Street  
Sacramento, CA 95814

San Diego City Attorney  
1200 Third Ave.  
#1620  
San Diego, CA 92101

San Francisco City Attorney  
City Hall, Room 234  
1 Dr. Carlton B. Doodlett Pl.  
San Francisco, CA 94102

San Jose City Attorney  
200 E. Santa Clara St.  
16th Floor  
San Jose, CA 95113

## PROOF OF SERVICE BY E-MAIL

I declare that I am a citizen of the United States and a resident of the County of Placer. I am over the age of eighteen (18) and not a party to the within action. My business address is P.O. Box 740, Penryn, CA 95663.

On December 12, 2022, I caused the following documents to be electronically served, 60-Day Notice of Violation of California Safe Drinking Water and Toxic Enforcement Act; Certificate of Merit, as indicated on the attached service list:

SEE ATTACHED SERVICE LIST

- BY MAIL – by placing a true and correct copy of the original thereof enclosed in a sealed envelope with postage thereon fully prepaid in the firm’s outgoing mail. A signed return receipt was requested. I am “readily familiar” with the firm’s practice of collecting and processing correspondence for mailing. It is deposited with the United States Postal Service on that same day in the ordinary course of business.
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Executed on December 12, 2022, at Penryn, California

  
\_\_\_\_\_  
Janis Dingman

## SERVICE LIST

### ALAMEDA COUNTY

Nancy O'Malley, District Attorney  
CEPDProp65@acgov.org

### CALAVERAS COUNTY

Barbara Yook, District Attorney  
Prop65Env@co.calaveras.ca.us

### CONTRA COSTA COUNTY

Stacey Grassini, Deputy District Attorney  
sgrassini@contracostada.org

### FRESNO COUNTY

Lisa A. Smittcamp, District Attorney  
consumerprotection@fresnocountyca.gov

### INYO COUNTY

Thomas L. Hardy, District Attorney  
inyoda@inyocounty.us

### LASSEN COUNTY

Michelle Latimer, Program Coordinator  
mlatimer@co.lassen.ca.us

### MARIPOSA COUNTY

Walter W. Wall, District Attorney  
mca@mariposacounty.org

### MERCED COUNTY

Kimberly Lewis, District Attorney  
Prop65@countyofmerced.com

### MONTEREY COUNTY

Jeannine M. Pacioni, District Attorney  
Prop65DA@co.monterey.ca.us

### NAPA COUNTY

Allison Haley, District Attorney  
CEPD@countyofnapa.org

### NEVADA COUNTY

Clifford H. Newell, District Attorney  
DA.Prop65@co.nevada.ca.us

### SANTA CLARA COUNTY

Bud Porter, Supervising Deputy District Attorney  
EPU@da.sccgov.org

### SANTA CLARA

Nora V. Frimann, City Attorney  
Proposition65notices@sanjoseca.gov

### SANTA CRUZ COUNTY

Jeffrey S. Rosell, District Attorney  
Prop65DA@santacruzcounty.us

### YOLO COUNTY

Jeff W. Reisig, District Attorney  
cfepd@yolocounty.org

### PLACER COUNTY

Morgan Briggs Gire, District Attorney  
prop65@placer.ca.gov

### PLUMAS COUNTY

David Hollister, District Attorney  
davidhollister@countyofplumas.com

### RIVERSIDE COUNTY

Paul E. Zellerbach, District Attorney  
Prop65@rivcoda.org

### SACRAMENTO COUNTY

Anne Marie Schubert, District Attorney  
Prop65@sacda.org

### SAN DIEGO COUNTY

Summer Stephan, District Attorney  
SanDiegoDAProp65@sdca.org

### SAN DIEGO

Mark Ankorn, Deputy City Attorney  
CityAttyProp65@sandiego.gov

### SAN FRANCISCO COUNTY

Alexandra Grayner, Assistant District Attorney  
alexandra.grayner@sfgov.org

### SAN FRANCISCO

Henry Lifton, Deputy City Attorney  
Starla.Sousa@sfcityatty.org

### SAN JOAQUIN COUNTY

Tori Verber Salazar, District Attorney  
DAConsumer.Environmental@sjcda.org

### SAN LUIS OBISPO COUNTY

Eric J. Dobroth, Deputy District Attorney  
edobroth@co.slo.ca.us

### SANTA BARBARA COUNTY

Christopher Dalbey, Deputy District Attorney  
DAProp65@co.santa-barbara.ca.us

### SONOMA COUNTY

Jill Ravitch, District Attorney  
Jeannie.Barnes@sonoma-county.org

### TULARE COUNTY

Phillip J. Cline, District Attorney  
Prop65@co.tulare.ca.us

### VENTURA COUNTY

Gregory D. Totten, District Attorney  
daspecialops@ventura.org

**Electronic Upload Proof of Service**

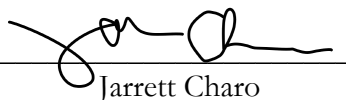
I declare that I am a citizen of the United States and a resident of the County of San Diego. I am over the age of eighteen (18) and am not a party to the within action. My business address is 4079 Governor Dr., No. 1018, San Diego, CA 92122.

On December 12, 2022, I caused the following documents to be electronically served upon the Office of the Attorney General, State of California, via upload to the Office of the Attorney General's website at the following web address: <https://oag.ca.gov/prop65/add-60-day-notice>

60-Day Notice of Violation of California Safe Drinking Water and Toxic Enforcement Act; and Certificate of Merit, with confidential attachment.

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

Executed December 12, 2022 at San Diego, California

  
\_\_\_\_\_  
Jarrett Charo