

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): KleenBore, LLC and Safariland, LLC.

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 the firearm cleaning tools identified in Exhibit 1 hereto (“Product”). Non-exclusive examples of this specific type of Product are also identified in Exhibit 1.

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 after the firearms 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 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. Exposure to the Listed Chemical(s) can also occur through

¹ The public enforcement agencies are those public agencies identified in the attached proof of service.

dermal absorption. 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”² 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*

EXHIBIT 1

Name of Alleged Violator(s)	Product	Non-Exclusive Examples of Style, SKU, UPC, or Further Description of Product ³
KleenBore, LLC; Safariland, LLC	KleenBore brand firearm cleaning kits	KleenBore PockKIT handgun cleaning kit.

² “Retail Seller” has the same meaning as that set forth in California Code of Regulations Title 27, section 25600.1(l).

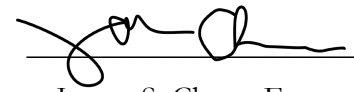
³ The examples of the Product are not intended to be an exhaustive listing of each specific unit constituting the offending Product. Rather, they are provided to assist the recipients in identifying other units that comprise the offending Product.

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 13, 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 13, 2022, at Penryn, California



Janis Dingman

SERVICE LIST

KLEENBORE, LLC BETH E. BROHTERTON, Agent 221 W. MAIN CROSS ST TAYLORVILLE , IL 62568	Safariland, LLC C T CORPORATION SYSTEM, Agent 28 LIBERTY STREET NEW YORK, NY 10005
KLEENBORE, LLC Diana Damarin, Manager 1213 E. Park St. TAYLORVILLE , IL 62568	Safariland, LLC Warren Kanders, CEO One Landmark Square, Suite 1730 Stamford, CT 06901

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.

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- 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 13, 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,
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255 N. Forbes Street
Lakeport, CA 95453

District Attorney,
LASSEN COUNTY
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Susanville, CA 96130

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Napa, CA 94559

District Attorney,
NEVADA COUNTY
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Nevada City, CA 95959

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

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San Jose, CA 95110

District Attorney,
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Santa Cruz, CA 95060

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District Attorney,
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San Diego, CA 92101

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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 13, 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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- 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 13, 2022, at Penryn, California


Janis Dingman

SERVICE LIST

ALAMEDA COUNTY

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Phillip J. Cline, District Attorney
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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 13, 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 13, 2022 at San Diego, California



Jarrett Charo