

60-DAY NOTICE OF VIOLATION

SENT IN COMPLIANCE WITH
Cal. Health & Safety Code § 25249.5, et seq.
("Proposition 65")

DATE: April 21, 2023

TO: **MANUFACTURER**
National Foods Limited
12/CL-6, Claremont Rd, Civil Lines,
Karachi, Karachi City, Sindh 75530, Pakistan
National Foods USA
13220 Wisteria Dr #N7
Germantown, MD 20874

Retailer
New Indian Super Market
3250 N Tracy Blvd
Tracy, CA 95376

Retailer
Amazon.com Services LLC
Michael Deal, Manager
410 Terry Avenue North
Seattle, WA 98109

DISTRIBUTOR
Thal Golden Spice Inc.
NAVEEN KHOSLA, CEO
2349 Industrial Parkway West
Hayward, CA 94545

FROM: Healthy California LLC

THIS NOTICE IS RELATED TO THE NOTICE OF VIOLATION AG 2022-00774. AND ADDS A DISTRIBUTOR AND A RETAILER TO THE PREVIOUS NOTICE. THIS AMENDS NOTICE OF VIOLATION AG 2022-02508 TO CORRECT A TYPO IN THE BODY, ADD THE CORRECT APPENDIX A AND ADD APPENDIX B AS WELL AS UPDATE CONTACT INFORMATION FOR THE PRIVATE ENFORCER. ALL AMAZON PRODUCTS FAIL TO LIST A MANUFACTURER AS REQUIRED BY THE FDA UNDER 12 CFR 101.5

I. INTRODUCTION

Healthy California LLC ("HC") is the noticing entity, acting in the interest of the general public. It seeks to reduce or eliminate the presence of hazardous substances in consumer products sold in California, and to ensure that California consumers are aware of the presence of such substances in consumer goods so that they can make an educated effort to limit their own exposure where deemed necessary.

This Notice is provided to the public agencies listed above pursuant to California Health & Safety Code § 25249.6, *et seq.* ("Proposition 65"). As noted above, notice is also being provided to the violators: Thal Golden Spice Inc, New Indian Super Market, Amazon, and National Foods Ltd, and National Foods USA (the "Violators"). The violations covered by this Notice consists of a summary of Proposition 65, Statement of Violation, Number and Duration of Violation, Product Category/Type, Listed Chemical(s), Preservation of Evidence, Product Exposure, Routes of Exposure and type of harm resulting from exposure to the chemicals ("Listed Chemicals") as follows:

Product Exposure:	See Section VI. and VII. Exhibit A
Listed Chemical:	Lead
Routes of Exposure:	Ingestion and Dermal Absorption
Type of Harm:	Cancer, Birth Defect and other Reproductive Harm

II. PROPOSITION 65 INFORMATION – SUMMARY

A summary of Proposition 65 and its implementation regulations, prepared by the Office of Environmental Health Hazard Assessment, the lead agency designated under Proposition 65, is enclosed with the copy of the Notice served on the Notice Recipients. For more information concerning the provisions of Proposition 65, please feel free to contact the Office of Environmental Health Hazard Assessment's ("OEHHA") Proposition 65 Implementation Office at (916) 445- 6900.

III. STATEMENT OF VIOLATIONS

The specific type of product that is causing consumer exposures in violation of Proposition 65, and that is covered by this Notice, is listed under "Product Category/Type" in section VI. and the specific toxicant(s)/Listed Chemical(s) is set forth in Exhibit A of Section VII. All products within the category covered by this Notice shall be referred to hereinafter as the "Covered Product(s)" or "Product(s)". Exposures to the Listed Chemical from the use of the Products have been occurring without the "clear and reasonable warning" required by Proposition 65. The method of the warning should be a label on the product itself. Without proper warnings regarding the toxic effects of exposures to the Listed Chemical resulting from contact with the Products, California citizens lack the information necessary to make informed decisions on whether and how to eliminate (or reduce) the risk of exposure to the Listed Chemical from the reasonably foreseeable use of the Products.

The Notice Recipients knowingly and intentionally exposed, and continue to knowingly and intentionally expose, consumers within the State of California to the Listed Chemical(s), a chemical known to the State of California to cause cancer, birth defects and other reproductive harm, without first giving clear and reasonable warning of this exposure to such individuals. In particular, the Notice Recipients failed to provide a clear and reasonable warning to consumers that the Listed Product exposes consumers to Listed Chemical(s).

IV. NUMBER AND DURATION OF VIOLATIONS

Each and every sale of a Covered Product to a consumer in California without a clear and reasonable warning is a violation, including transactions made over the counter, through the internet, and/or via catalogue by the Notice Recipients and any other sellers of the Covered Products. These violations have been occurring since at least from the date of purchase of product provide below in Section VI, will continue until "clear and reasonable warning" are provided prior to exposure of the Listed Chemicals.

V. ROUTE OF EXPOSURE

California consumers and other individuals, through the act of using and consuming the Covered Product, are exposed to the Listed Chemical. Consumers ingest the Listed Chemical by eating the Covered Product, or when they touch and handle the Covered Products, transfer the Listed Chemical from the Covered Products onto their fingers and hands, and transfer the Listed Chemical from their fingers and hands to their mouths through hand-to-mouth activities that may continue to occur for a significant period after contact with the Covered Products.

By way of example but not limitation, exposures occur when California Citizens use as an ingredient, eat, sample or otherwise ingest the product. These acts cause consumers and other individuals to be exposed to the Listed Chemical through the routine consumption of all or a portion of the product containing the Listed Chemical. People likely to be exposed include both children and adult including women of childbearing age.

VI. PRODUCT CATEGORY/TYPE

Identified below is a specific example of Covered Products recently purchased and witnessed as being available for purchase or use in California (the “Violating Product”). Based on publicly available information, the retailers, distributors, and/or manufacturers of the Violating Product is also provided.

The Violating Products are identified for the Notice Recipients’ benefit to assist in their investigation of the allegations set forth in this Notice. The Violating Product is not meant to be an exhaustive or comprehensive identification of each specific offending product falling within the specific type or category of Covered Products at issue in this Notice. It is the HC’s position that the Notice Recipients are obligated to conduct a good-faith investigation into other specific products falling within the type or category of Covered Products that have been manufactured, imported, distributed, sold, shipped, stored, or are otherwise within the Notice Recipients’ custody or control, so as to ensure the requisite toxic warnings were and are provided to California citizens prior to purchase.

Product Category: Food

<u>Violating Product</u>	<u>Date of Purchase</u>	<u>Retailer(s)</u>	<u>Distributor(s)</u>	<u>Manufacturer(s)</u>	<u>Toxicant(s)</u>
NATIONAL-BEEF BIRYANI	6/26/2022	New Indian Super Market	Thal Golden Spice Inc.	National Foods Limited	Lead
	4/6/2023	Amazon	UNKNOWN		
NATIONAL-ACHAR GOSHT	6/26/2022	New Indian Super Market	Thal Golden Spice Inc.	National Foods Limited	Lead
	4/6/2023	Amazon	UNKNOWN		
NATIONAL-BIHARI KABAB	6/26/2022	New Indian Super Market	Thal Golden Spice Inc.	National Foods Limited	Lead
	4/6/2023	Amazon	UNKNOWN		
NATIONAL-BIRYANI	6/26/2022	New Indian Super Market	Thal Golden Spice Inc.	National Foods Limited	Lead
	4/6/2023	Amazon	UNKNOWN		
NATIONAL-CHAPLI KABAB	6/26/2022	New Indian Super Market	Thal Golden Spice Inc.	National Foods Limited	Lead
	4/6/2023	Amazon	UNKNOWN		
NATIONAL-DAAL MAKHNI	6/26/2022	New Indian Super Market	Thal Golden Spice Inc.	National Foods Limited	Lead
	4/6/2023	Amazon	UNKNOWN		
NATIONAL-CELHI NIHARI	6/26/2022	New Indian Super Market	Thal Golden Spice Inc.	National Foods Limited	Lead
	4/6/2023	Amazon	UNKNOWN		
NATIONAL-CURRY POWDER	6/26/2022	New Indian Super Market	Thal Golden Spice Inc.	National Foods Limited	Lead
	4/6/2023	Amazon	UNKNOWN		
NATIONAL-DAIHGI	6/26/2022	New Indian Super Market	Thal Golden Spice Inc.	National Foods Limited	Lead

DANEDAR HALEEM	4/6/2023	Amazon	UNKNOWN		
NATIONAL-GARAM MASALA	6/26/2022	New Indian Super Market	Thal Golden Spice Inc.	National Foods Limited	Lead
	4/6/2023	Amazon	UNKNOWN		
NATIONAL-HALEEM	6/26/2022	New Indian Super Market	Thal Golden Spice Inc.	National Foods Limited	Lead
	4/6/2023	Amazon	UNKNOWN		
NATIONAL-KOFTA	6/26/2022	New Indian Super Market	Thal Golden Spice Inc.	National Foods Limited	Lead
	4/6/2023	Amazon	UNKNOWN		
NATIONAL-LAHORI FISH	6/26/2022	New Indian Super Market	Thal Golden Spice Inc.	National Foods Limited	Lead
	4/6/2023	Amazon	UNKNOWN		
NATIONAL-MALAI TIKKA	6/26/2022	New Indian Super Market	Thal Golden Spice Inc.	National Foods Limited	Lead
	4/6/2023	Amazon	UNKNOWN		
NATIONAL-MASALENDAR BOMBAY BIRYANI	6/26/2022	New Indian Super Market	Thal Golden Spice Inc.	National Foods Limited	Lead
	4/6/2023	Amazon	UNKNOWN		
NATIONAL-MUTTON BIRYANI	6/26/2022	New Indian Super Market	Thal Golden Spice Inc.	National Foods Limited	Lead
	4/6/2023	Amazon	UNKNOWN		
NATIONAL-PALAK GOSHT	6/26/2022	New Indian Super Market	Thal Golden Spice Inc.	National Foods Limited	Lead
	4/6/2023	Amazon	UNKNOWN		
NATIONAL-SEEKH KABAB	6/26/2022	New Indian Super Market	Thal Golden Spice Inc.	National Foods Limited	Lead
	4/6/2023	Amazon	UNKNOWN		
NATIONAL-SINDHI BIRYANI	6/26/2022	New Indian Super Market	Thal Golden Spice Inc.	National Foods Limited	Lead
	4/6/2023	Amazon	UNKNOWN		
NATIONAL-TURMERIC POWDER	6/26/2022	New Indian Super Market	Thal Golden Spice Inc.	National Foods Limited	Lead
	4/6/2023	Amazon	UNKNOWN		
NATIONAL-QUICK COOK HALEEM	6/26/2022	New Indian Super Market	Thal Golden Spice Inc.	National Foods Limited	Lead
	4/6/2023	Amazon	UNKNOWN		
NATIONAL-QUORMA	6/26/2022	New Indian Super Market	Thal Golden Spice Inc.	National Foods Limited	Lead
	4/6/2023	Amazon	UNKNOWN		
NATIONAL-VEGETABLE BOMBAY BIRYANI	6/26/2022	New Indian Super Market	Thal Golden Spice Inc.	National Foods Limited	Lead
	4/6/2023	Amazon	UNKNOWN		

NATIONAL-VEGETABLE PULAO	6/26/2022	New Indian Super Market	Thal Golden Spice Inc.	National Foods Limited	Lead
	4/6/2023	Amazon	UNKNOWN		
NATIONAL-WHITE KARAHAI	6/26/2022	New Indian Super Market	Thal Golden Spice Inc.	National Foods Limited	Lead
	4/6/2023	Amazon	UNKNOWN		

VII. EXHIBIT A – LISTED CHEMICAL

<u>Toxicant(s)</u>
Lead

VIII. RESOLUTION OF NOTICED CLAIMS

Consistent with goals of Proposition 65 and a desire to have these violations corrected, HC is interested in seeking a resolution of this matter that includes a binding written agreement by the Violators to: (1) recall any products already sold, or undertake best efforts to ensure that the requisite health hazard warnings are provided to those who have received such products; (2) reformulate the Covered Product so as to eliminate further exposures to the Covered Chemical(s), or provide appropriate warnings on the labels of these products; and (3) pay an appropriate civil penalty. Such a resolution will prevent further unwarned consumer exposure to the Covered chemical(s), as well as expensive and time-consuming litigation. It should be noted that counsel cannot (1) finalize any settlement until after the 60-day notice period has expired; or (2) speak for the California Attorney General or any District or City Attorney who has received this notice. Therefore, while reaching an agreement with HC will resolve its claims; such an agreement may not satisfy the public prosecutors.

Proposition 65 requires that notice of intent to sue be given to the violator(s) sixty (60) days before the suit is filed. *Cal. Health & Safety Code § 25249.7(d)(1)*. With this letter, HC gives notice of the alleged violations to Violator and the appropriate governmental authorities. In absence of any action by the appropriate governmental authorities within sixty (60) calendar days of the sending of this notice HC may file suit. *See Cal. Code Civ. Proc. § 1013; Cal. Health & Safety Code § 25249.7(d)(1); and Cal. Code Regs. Tit. 27 § 25903(d)(1)*. Per *Cal. Code Regs. Tit. 27, § 25600.2(g) (2018)* the retail seller noticed on this 60 Day Notice is hereby requested to promptly provide the names and contact information for the manufacturer(s), producer(s), packager(s), importer(s), supplier(s), and/or distributor(s) of the Listed Products in this Notice.

Healthy California LLC remains open and willing to discuss the possibilities of resolving its grievance short of formal litigation.

IX. PRESERVATION OF EVIDENCE

This Notice also serves as a demand that the Notice Recipients preserve and maintain all relevant evidence, including all electronic document and data, pending resolution of this matter. Such relevant evidence includes but is not limited to all documents relating to the presence of the Listed Chemicals in the Covered Product; purchase and sales information for Covered Products (i.e., list of purchasers and quantity sold; list of manufacturer(s), producer(s), packager(s), importer(s), supplier(s),

and/or distributor(s) and quantity in each transaction, as well as current inventory of the Covered Product in stock); efforts to comply with Proposition 65 with respect to the Covered Products; communications with any person relating to the presence or potential presence of the Listed Chemical in Covered Products; and representative exemplars of each specific model falling within the Covered Products. This demand applies to all relevant evidence for Covered Products sold in the State of California, as far back as February 20, 2018 through the date of any trial of the claims alleged in this Notice.

X. CERTIFICATE OF MERIT

Pursuant to Health & Safety Code §25249.6 and Title 11, California Code of Regulations, section 3100, a Certificate of Merit is attached hereto. A second copy of the entire notice and Certificate of Merit is served on the Attorney General with all supporting documentation required by section 3102 attached hereto.

XI. CONTACT INFORMATION

Healthy California LLC has retained Healthy California Law Group LLP, as legal counsel in this matter. Please direct all communications related to this Notice of Violation to the following:

Michael Vance, Manager
Healthy California LLC.
10407 Brookshire Avenue
Downey, CA 90241
Telephone: (562) 644-4185

Sincerely,

Tyler Michael Vance

Tyler Michael Vance, Esq.

Attachments: Certificate of Merit; Certificate of Service;
The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary The
Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): Special Compliance
Procedure; Confidential Information in Support of Certificate of Merit (Attorney General Only)

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 27001.¹ 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

¹ 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.

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 contaminant² 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.

² 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.

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.

APPENDIX B

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): SPECIAL COMPLIANCE PROCEDURE

This Appendix B contains the notice of special compliance procedure and proof of compliance form 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"). Under the Act, a private party may not file an enforcement action based on certain exposures if the alleged violator meets specific conditions. These exposures are:

- 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.

A private party may not file an action against the alleged violator for these exposures, or recover in a settlement any payment in lieu of penalties any reimbursement for costs and attorney's fees, if the alleged violator has done *all* of the following within 14 days of being served notice:

- Corrected the alleged violation;
- Agreed to pay a civil penalty of \$500 (subject to change in 2019 and every five years thereafter) to the private party within 30 days; and

- Notified the private party serving the notice in writing that the violation has been corrected.

An alleged violator may satisfy these conditions only one time for a violation arising from the same exposure in the same facility or on the same premises. The satisfaction of these conditions does not prevent the Attorney General, a district attorney, a city attorney of a city of greater than 750,000 population, or any full-time city prosecutor with the consent of the district attorney, from filing an enforcement action against an alleged violator.

When a private party sends a notice of alleged violation that alleges one or more of the exposures listed above, the notice must include a notice of special compliance procedure, and a proof of compliance form to be completed by the alleged violator as directed in the notice.

The notice and proof of compliance form is reproduced here:

Date:

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Name of Noticing Party or attorney for Noticing Party:

Address:

Phone number:

SPECIAL COMPLIANCE PROCEDURE
PROOF OF COMPLIANCE

You are receiving this form because the Noticing Party listed above has alleged that you are violating California Health and Safety Code §25249.6 (Prop. 65).

The Noticing Party may not bring any legal proceedings against you for the alleged violation checked below if:

- (1) You have actually taken the corrective steps that you have certified in this form.**
- (2) The Noticing Party has received this form at the address shown above, accurately completed by you, postmarked within 14 days of your receiving this notice.**
- (3) The Noticing Party receives the required \$500 penalty payment from you at the address shown above postmarked within 30 days of your receiving this notice.**
- (4) This is the first time you have submitted a Proof of Compliance for a violation arising from the same exposure in the same facility on the same premises.**

PART 1: TO BE COMPLETED BY THE NOTICING PARTY OR ATTORNEY FOR THE NOTICING PARTY

The alleged violation is for an exposure to: (check one)

___Alcoholic beverages that are consumed on the alleged violator's premises to the extent on-site consumption is permitted by law.

___A chemical known to the state to cause cancer or reproductive toxicity in a food or beverage prepared and sold on the alleged violator's premises for immediate consumption on or off premises to the extent: (1) the chemical was not intentionally added; and (2) the chemical 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.

___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.

___Chemicals known to the State to cause cancer or reproductive toxicity in engine exhaust, to the extent the exposure occurs inside a facility owned or operated by the alleged violator and primarily intended for parking noncommercial vehicles.

IMPORTANT NOTES:

- (1) You have no potential liability under California Health and Safety Code §25249.6 if your business has nine (9) or fewer employees.
- (2) Using this form will NOT prevent the Attorney General, a district attorney, a city attorney, or a prosecutor in whose jurisdiction the violation is alleged to have occurred from filing an action over the same alleged violations, and that in any such action, the amount of civil penalty shall be reduced to reflect any payment made at this time.

Date:

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Name of Noticing Party or attorney for Noticing Party:

Address:

Phone number:

PART 2: TO BE COMPLETED BY THE ALLEGED VIOLATOR OR AUTHORIZED REPRESENTATIVE

Certification of Compliance

Accurate completion of this form will demonstrate that you are now in compliance with California Health and Safety Code §25249.6 for the alleged violation listed above. You must complete and submit the form below to the Noticing Party at the address shown above, postmarked within 14 days of you receiving this notice.

I hereby agree to pay, within 30 days of completion of this notice, a civil penalty of \$500 to the Noticing Party only and certify that I have complied with Health and Safety Code §25249.6 by (check only one of the following):

Posting a warning or warnings about the alleged exposure that complies with the law, and attaching a copy of that warning and a photograph accurately showing its placement on my premises;

Posting the warning or warnings demanded in writing by the Noticing Party, and attaching a copy of that warning and a photograph accurately showing its placement on my premises; OR

Eliminating the alleged exposure, and attaching a statement accurately describing how the alleged exposure has been eliminated.

Certification

My statements on this form, and on any attachments to it, are true, complete, and correct to the best of my knowledge and belief and are made in good faith. I have carefully read the instructions to complete this form. I understand that if I make a false statement on this form, I may be subject to additional penalties under the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65).

Signature of alleged violator or authorized representative

Date

Name and title of signatory

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.

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.

CERTIFICATE OF MERIT

Health and Safety Code Section
25249.7(d)

I, Tyler Michael Vance, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged that the parties identified in the notice have violated Health and 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 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 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 Violators 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 information identified in Health and 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).

DATE: April 20, 2023



Tyler Michael Vance

CERTIFICATE OF SERVICE PURSUANT TO 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 over the age of 18 and not a party to this case. I am a resident or employed in the county where the mailing occurred. My business address is 5396 La Bodega Way, Fontana, CA 92336.

ON THE DATE SHOWN BELOW, I SERVE THE FOLLOWING DOCUMENTS:

- 1) **60-Day Notice of Violation of Health & Safety Code § 25249.5, *ET SEQ.***
- 2) **The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary**
- 3) **Certificate of Merit pursuant to Health & Safety Code § 25249.7(d)**

on the following parties by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties listed below and depositing it at a U.S. Postal Service Office with the postage fully prepaid for delivery by Certified Mail:

Thal Golden Spice Inc. NAVEEN KHOSLA, CEO 2349 Industrial Parkway West Hayward, CA 94545	New Indian Super Market 3250 N Tracy Blvd Tracy, CA 95376
National Foods Limited 12/CL-6, Claremont Rd, Civil Lines, Karachi, Karachi City, Sindh 75530, Pakistan	Amazon.com Services LLC Michael Deal, Manager 410 Terry Avenue North Seattle, WA 98109

Additionally,

ON THE DATE SHOWN BELOW, I SERVE THE FOLLOWING DOCUMENTS:

- 1) **60-Day Notice of Violation of Health & Safety Code § 25249.5, *ET SEQ.***
- 2) **The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary**
- 3) **Certificate of Merit pursuant to Health & Safety Code § 25249.7(d)**
- 4) **Additional Supporting Factual Information Sufficient to establish the bases for the Certificate of Merit as required by Health & Safety Code § 25249.7(d)(1)**

on the following party when a true and correct copy thereof was uploaded on the California Attorney General's website, which can be accessed at: <https://oag.ca.gov/prop65/add-60-day-notice>:

Office of the California Attorney General
Prop 65 Enforcement Reporting
1515 Clay Street, Suite 2000
Oakland, CA 94612-0550

Additionally,

ON THE DATE SHOWN BELOW, I SERVE THE FOLLOWING DOCUMENTS:

- 1) **60-Day Notice of Violation of Health & Safety Code § 25249.5, *ET SEQ.***
- 2) **Certificate of Merit pursuant to Health & Safety Code § 25249.7(d)**

on the following parties when a true and correct copy thereof was sent via electronic mail to each of the parties listed below:

Stacey Grassini, Deputy District Attorney Contra Costa County
900 Ward Street
Martinez, CA 94553
sgrassini@contracostada.org

Dije Ndreu, Deputy District Attorney Monterey County
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Prop65DA@co.monterey.ca.us

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CEPD@countyofnapa.org

Paul E. Zellerbach, District Attorney Riverside County
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Anne Marie Schubert, District Attorney Sacramento County
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Gregory Alker, Assistant District Attorney San Francisco County
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Gregory.alker@sfgov.org

Jeff W. Reisig, District Attorney Yolo County
301 Second Street
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District.Attorney@yolocounty.org

Tori Verber Salazar, San Joaquin County District Attorney
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Stockton, CA 95202
DAConsumer.Environmental@sjcda.org

District Attorney, Alameda County
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Oakland, CA 94612-4208
CEPDProp65@acgov.org

District Attorney, Inyo County
PO Drawer D
Independence, CA 93526-0604
inyoda@inyocounty.us

San Diego City Attorney's Office
1200 3rd Avenue, STE
1620 San Diego, CA 92101
CityAttyCrimProp65@sandiego.gov

Michelle Latimer, Program Coordinator Lassen County
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Susanville, CA 96130
mlatimer@co.lassen.ca.us

Eric J. Dobroth, Deputy District Attorney San Luis Obispo County
County Government Center Annex, 4 FL
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edobroth@co.slo.ca.us

Yen Dang, Supervising Deputy District Attorney Santa Clara County
70 W. Hedding St.
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EPU@da.sccgov.org

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Prop65DA@santacruzcounty.us

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jbarnes@sonoma-county.org

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

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Ventura, CA 93009
daspecialops@ventura.org

San Francisco, City Attorney
1 Dr Carlton B Goodlett PL Ste
234 San Francisco, CA 94102-
4604 valerie.lopez@sfcityattv.org

District Attorney, Santa Barbara County
1112 Santa Barbara Street
Santa Barbara, CA 93101
DAProp65@co.santa-barbara.ca.us

District Attorney, Calaveras County
891 Mountain Ranch Road
San Andreas, CA 95249
Prop65Env@co.calaveras.ca.us

San Jose City Attorney's Office 200
East Santa Clara Street, 16th Floor
San Jose, CA 95113-1903
cao.main@sanjoseca.gov

Additionally,

ON THE DATE SHOWN BELOW, I SERVE THE FOLLOWING DOCUMENTS:

- 1) **60-Day Notice of Violation of Health & Safety Code§ 25249.5, *ET SEQ.***
- 2) **Certificate of Merit pursuant to Health & Safety Code§ 25249.7(d)**

on each of the parties on the Service List below and depositing it at a U.S. Postal Service Office with the postage fully prepaid for delivery by First Class Mail.

Executed on April 20, 2023, in Fontana, California.

Tyler Michael Vance

Tyler Michael Vance

Service List

District Attorney, Orange County
401 West Civic Center Drive
Santa Ana, CA 92701-4515

District Attorney, Alpine County
P.O. Box 248
Markleeville, CA 96120-0248

District Attorney, Amador
County
708 Court Street, Suite 202
Jackson, CA 95642-2153

District Attorney, Butte County
25 County Center Drive# 245
Oroville, CA 95965-3370

District Attorney, Sutter County
463 2nd Street
Yuba City, CA 95991-5524

District Attorney, Colusa County
346 Fifth Street Suite 101
Colusa, CA 95932-2413

District Attorney, Del Norte
County
450 H Street, Room 171
Crescent City, CA 95531-4021

District Attorney, El Dorado
County
515 Main Street
Placerville, CA 95667-5609

District Attorney, Fresno County
2220 Tulare Street, Suite 1000
Fresno, CA 93721-2107

District Attorney, Glenn County
Post Office Box 430
Willows, CA 95988-0430

District Attorney, Kings County
1400 West Lacey Boulevard
Hanford, CA 93230-5905

District Attorney, Lake County
255 N. Forbes Street
Lakeport, CA 95453-4759

District Attorney, Los Angeles County
Hall of Justice
211 West Temple St., Ste 1200
Los Angeles, CA 90012-4086

District Attorney, Madera County
209 West Yosemite Avenue
Madera, CA 93637-3534

District Attorney, Marin County
350 I Civic Center Drive, Room
130 San Rafael, CA 94903-5207

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Post Office Box 730
Mariposa, CA 95338-0730

District Attorney, Mendocino County
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Ukiah, CA 95482-4416

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550 W. Main Street
Merced, CA 95340-4716

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Alturas, CA 96101-4020

District Attorney, Mono Cooney
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Bridgeport, CA 93517-0617

District Attorney, Plumas County
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Quincy, CA 95971-9116

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Hollister, CA 95023-3801

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County
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San Bernardino, CA 92415-0205

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330 West Broadway, Suite 1300
San Diego, CA 92101-3826

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400 County Ctr., 3rd Floor
Redwood City, CA 94063-1662

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1215 Truxtun Avenue
Bakersfield, CA 93301-4619

District Attorney, Shasta County
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Redding, CA 96001-1652

District Attorney, Sierra County
PO Box 457
Downieville, CA 95936-0457

District Attorney, Siskiyou County
Post Office Box 986
Yreka, CA 96097-0986

District Attorney, Solano County
675 Texas Street, Ste 4500
Fairfield, CA 94533-6340

District Attorney, Trinity County
PO Box 310
Weaverville, CA 96093-0310

District Attorney, Tuolumne
County
423 N. Washington Street
Sonora, CA 95370-5525

District Attorney, Yuba County
215 Fifth Street, Suite 152
Marysville, CA 95901-5737

Los Angeles City Attorney's Office
City Hall East
200 N. Main Street, Suite 800
Los Angeles, CA 90012-4133

District Attorney, Humboldt County
825 5th Street 4th Floor Eureka,
CA 95501-1107

District Attorney, Tehama County
PO Box 519
Red Bluff, CA 96080-0519

District Attorney, Placer County
10810 Justice Center Drive #240
Roseville, CA 95678-6231

District Attorney, Stanislaus County
832 12th Street, STE 300
Modesto, CA 95354-2327

District Attorney, Imperial County
940 West Main Street, STE 102
El Centro, CA 92243-2880

District Attorney, Nevada County
201 Commercial Street
Nevada City, CA 95959-2506