LAW OFFICES BRODSKY SMITH

9595 WILSHIRE BLVD., STE. 900 BEVERLY HILLS, CA 90212 877.534.2590 www.brodskysmith.com

NEW JERSEY OFFICE 1310 NORTH KINGS HIGHWAY CHERRY HILL, NJ 08934 856.795.7250 NEW YORK OFFICE 240 MINEOLA BOULEVARD MINEOLA, NY 11501 516.741.4977 PENNSYLVANIA OFFICE TWO BALA PLAZA, STE. 805 BALA CYNWYD, PA 19004 610.667.6200

January 25, 2024

President/CEO Shalom International Corp. c/o Edward Shouel 8 Nicholas Court, #B Dayton, NJ 08810	President/CEO Shalom International Corp. c/o Edward Shouel 8 Nicholas Court Dayton, NJ 08810
President/CEO Shalom International Corp. c/o Scott Haigh 479 Alan Road Santa Barbara, CA 93109	President/CEO Shalom International Corp. 39 West 37 th Street New York, NY 10018
President/CEO Shalom International Corp. 415 West Foothill Blvd., Suite 234 Claremont, CA 91711	President/CEO Shalom International Corp. Mezzanine Level 3 West 35 th Street New York, NY 10001
President/CEO Ross Stores, Inc. c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801 President/CEO	President/CEO Ross Stores, Inc. c/o CT Corporation System 330 N. Brand Blvd., Suite 700 Glendale, CA 91203
Ross Stores, Inc. 5130 Hacienda Drive Dublin, CA 94568	

60-Day Notice of Violation of California Safe Drinking Water and Toxic Enforcement Act1

To Whom It May Concern:

This Notice of Violation (the "Notice") is provided to you pursuant to and in compliance with California Health & Safety Code § 25249.7(d).

Brodsky Smith represents Ema Bell ("Bell"), a citizen of the State of California 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.

¹ The public enforcement agencies that have been served with copies of this Notice are identified in the attached distribution list accompanying the Certificate of Service.

With respect to the Product herein, Bell has identified a 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. This violation has occurred and continues to occur because the alleged Violator(s) failed to provide a clear and reasonable health hazard warning in connection with the sale or use of the Product in California. Health & Safety Code § 25249.6 provides that "[n]o person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the State to cause cancer or reproductive toxicity without first providing a clear and reasonable warning to such individual ..." Without proper warnings regarding the toxic effects of exposures to the Listed Chemical resulting from use of the Product, California citizens lack the information necessary to make informed decisions on whether and/or how to eliminate (or reduce) the risk of exposure to the Listed Chemical from the reasonably foreseeable use of the Product.

I. <u>DESCRIPTION OF THE VIOLATION</u>

- Enforcer: Ema Bell, 222 S. Figueroa St. Apt. 1212, Los Angeles, CA 90012-2581; (Ph) 424-332-3817.
- 2. Alleged Violator(s): Shalom International Corp.; Ross Stores, Inc.
- **3. Time Period of Exposure**: Violations have been occurring since at least January 25, 2024 and are continuing to this day.
- **4. Listed Chemical**: Di(2-ethylhexyl) phthalate (DEHP). DEHP is listed under Proposition 65 as a chemical known to the State to cause cancer and birth defects or other reproductive harm.

5. Product:

Product ²	Non- Exclusive Examples of the Product
Hat	Piper & Jax 2 pc. Hat and Glove Set
	UPC# 020748383067

6. Description of Exposure: The exposures that are the subject of this Notice result from the purchase, acquisition, handling and recommended use of the Product. The primary route of exposure to the Listed Chemical is through dermal absorption directly through the skin when consumers use, touch, or handle the Products. Some amount of exposure through ingestion can occur by touching the Product with subsequent touching of the user's hand to mouth. No clear and reasonable warning is provided with the Products regarding the health hazards of exposure to the Listed Chemical.

II. PROPOSITION 65 INFORMATION

For the Violators' reference, enclosed is a copy of "Proposition 65: A Summary" that has been prepared by the Office of Environmental Health Hazard Assessment ("OEHHA"). For more information concerning the provisions of Proposition 65, contact OEHHA at 916.445.6900.

² The specifically identified example of the Product in this Notice is to assist the recipients' investigation of, among other things, the magnitude of potential exposures to the Listed Chemical from other items within the definition of Products. This example is not intended to be an exhaustive or comprehensive identification of each specific offending Product. It is Bell's position that the alleged Violators are obligated to conduct a good faith investigation into other Products that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the alleged Violators' custody or control) during the relevant period to ensure that requisite health hazard warnings were and are provided to California citizens prior to purchase and use.

III. RESOLUTION OF THE CLAIMS

Based on the allegations set forth in this Notice, Brodsky Smith intends to file a citizen enforcement lawsuit on behalf of Bell against the alleged Violator(s) unless such Violator(s) agree in a binding written agreement to: (1) recall Products already sold; (2) provide Proposition 65 compliant exposure warnings for Products sold in the future or reformulate the Products to eliminate exposures to the Listed Chemical; and (3) pay an appropriate civil penalty based on the factors enumerated in Health & Safety Code § 25249.7(b). Consistent with the public interest goals of Proposition 65 and the desire to have these violations of California law quickly rectified, Bell is interested in seeking a constructive resolution of the claims in this Notice without engaging in costly and protracted litigation.

Bell has retained me as legal counsel in connection with this Notice. Please direct all communications regarding this Notice to my attention at Brodsky Smith, 9595 Wilshire Blvd., Ste. 900, Beverly Hills, CA 90212, (877) 534-2590, esmith@brodskysmith.com.

Sincerely,

Evan J. Smith

Attachments

Certificate of Merit Certificate of Service

The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary

CERTIFICATE OF MERIT

Health & Safety Code Section 25249.7(d)

I, Evan J. Smith, hereby declare:

- (1) This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged the parties identified in the notice have violated Health & Safety Code Section 25249.6 by failing to provide clear and reasonable warnings.
- (2) I am the attorney for the noticing party, Ema Bell.
- (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 chemicals that are the subject of the action.
- (4) Based on the information obtained through these 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 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(s) 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 & Safety Code Section 25249.7(h)(2), i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Dated: January 25, 2024

Evan J. Smith

Attorney for Ema Bell

CERTIFICATE OF SERVICE

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 a citizen of the United States, over the age of 18 years of age, and am not a party to the within action. My business address is 2 Bala Plaza, Suite 805, Bala Cynwyd, Pennsylvania. I am employed in Montgomery County where the mailing occurred.

On January 25, 2024 I served the following documents: Notice of Violation of California Health & Safety Code §25249.5, et seq.; Certificate of Merit; The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary on the following entities and individuals listed below by placing a true and correct copy thereof in a sealed envelope, addressed to the person or entity listed below and depositing it in a US Postal Service Office with postage fully prepaid for delivery by Certified Mail:

President/CEO Shalom International Corp. c/o Edward Shouel 8 Nicholas Court, #B Dayton, NJ 08810	President/CEO Shalom International Corp. c/o Edward Shouel 8 Nicholas Court Dayton, NJ 08810
President/CEO Shalom International Corp. c/o Scott Haigh 479 Alan Road Santa Barbara, CA 93109	President/CEO Shalom International Corp. 39 West 37 th Street New York, NY 10018
President/CEO Shalom International Corp. 415 West Foothill Blvd., Suite 234 Claremont, CA 91711	President/CEO Shalom International Corp. Mezzanine Level 3 West 35 th Street New York, NY 10001
President/CEO Ross Stores, Inc. c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801 President/CEO Ross Stores, Inc.	President/CEO Ross Stores, Inc. c/o CT Corporation System 330 N. Brand Blvd., Suite 700 Glendale, CA 91203
5130 Hacienda Drive Dublin, CA 94568	

On January 25, 2024 I served the following documents: Notice of Violation of California Health & Safety Code §25249.5, et seq.; Certificate of Merit; The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary on each of the individuals on the service list attached hereto as Appendix B by placing a true and correct copy thereof in a sealed envelope, addressed to the person or entity listed below and depositing it in a US Postal Service Office with postage fully prepaid for delivery by Priority Mail.

Executed January 25, 2024, in Bala Cynwyd, Pennsylvania.

Evan J. Smith

Ne Honorable Nancy O'Malley	167	The second secon
PARTICUE COUNTY District Attorney	The Romanible Tori Verber Salzar	Honorable Anne Marie Schubert
1 170 Uakport Street String 650	San Josephia Councy District Automoy	Sammento County District Attorney
CAGARA CAGARA	222 E. Weber Avenue, Rosen 202 Stockien, CA 95262	901 G Street
CEPDP mp65@aggiv.org	PACenning Envisonmental@sicds.org	Segargento, CA 95814
The Honorable Alligon Flatan	The Honorable Jeffrey S. Rosell	Prop5@sacda.org
Maga County District A Horney	Sunta Cruz County District Attorney	The Honorable Summer Stephan San Diego County District Attorney
11 12/ Mist St. Smite C	101 Ocean Street	300 West Broadway
Napa, CA 94559	Sunti Cruz, CA 95060	San Diego, CA 92101
CEPD@countyofnapa.org	Propis DA@snomerezeounty.us	SanDiegoDAProp65@sdcda.erg
The Honorable Jeff W. Reisig	Michella Latimer, Program Coordinator	
Yolo County District Attorney	Lassen County	Mark Ankcorn, Deputy City Attorney
Pol Second Street	220 S. Lassen Street	City of San Diego
Woodland, CA 95695	Susaudilla, CA 96130	1200 Third Avenue
ofendia volacounty org	Bridings (CA 90130	San Diego, CA 92101
Bud Porter	(A) A 48 a	CityAstyProp65@sandiego.gov
Supervising Deputy District & Harris	Alethea M. Sargent	Christopher Dulbey,
poarua Ciara Conno		Deputy District Attorney
70 W Fledding Street	San Francisco District Attorney's Office	Saum Barbara County
San Jose, CA 95110	350 Rhode Island Street	1112 Santa Barbara Street
CP Umda.scc2ov.org	San Francisco, CA 94103	Santa Barbara, CA 93101
The Honorable Gregory D. Totten,	alether surrenicostrov org	DAProgés@co.santa-barbara.ce,us
Ventura County District Attorney	The Honorable Barbara Yook	Valerie Lopez, Deputy City Attorney
800 S Victoria Avenue	Calmens County District Attorney	Office of the City Attorney
Ventura, CA 93009	1891 Mountain Ranch Road	1390 Market Street, 7th Floor
daspecialons@ventura.org	Sas Andreas, CA 95249	San Francisco, CA 94102
Stacey Grassini	Propose relayens da us	Valetic, Lepez@afcityatty.org
Deputy District Attorney	Bigs J. Dobroth	Demnine M. Pacioni
Contra Costa County	Deauty District Attorney	Deputy District Attorney
990 Ward Street	Luis Obispo County	Monterey County
Martinez, CA 94553	County Govt Center Annex 4" Floor	1200 Aguajito Road
Samuel CA 94333	San Luis Obispo, CA 93408	Monteray, CA 93940
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The Honorable Thomas Hardy	The Findership Phillip I. Cline	The Honosable Clifford Newell
Tyo County District Attorney	Tulus County District Assumey	Nevada County District Attorney
68 N. Edwards Street	22 i S Mooney Blvd	201 Commercial Street
ndependence, CA 93526	Visalia, CA 95370	Y
work@nyecounty.us	Prop63@so tulare caus	Nevada City, CA 95959
ne Honorable Paul E. Zellerbach	The Honorable Stephan Passalacqua	DA Prophi@so sevada ca us
ATTENDE COUNTY Digterate A Ma	Sanoma County District Attorney	The flororable David Hollister
o o cange Street	560 Administration Drive	Plamas County District Attorney
Werside CA 92501	Sanara Cd Se 102	20 Main Street, Room, 404
RIPAS (Chrivcoda ore	Sonome, CA 95403	Quincy, CA 95971
de Honorable Walter W Wall	thumes@sonome-county.org	davide of the county of the co
ariposa County District Attorney	The Honomble Kinnberly Lewis	The Honorable Morgan Briggs Gire
O Box 730	Minister County District Attorney	Placar County District Attorney
ariposa, CA 95338	900 Wast Main Stepat	10810 Justice Center Drive
ECHANICAL OF THE STATE OF THE S	Mercod, CA 95349	Roseville, CA 95678
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oposition65notices@sunjeseca.gov	Fresno, CA 93721	
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ELECTRONIC UPLOAD SERVICE LIST

Office of the California Attorney General
Proposition 65 Enforcement Reporting
ATTN: Prop 65 Coordinator
P.O. Box 70550
Oakland, CA 94612-0550
https://oag.ca.gov/prop65/add-60-day-netice

SERVICE LIST

	T -		
The Honorable Nancy O'relately Alamada County District Alterney	The Honorable Stacey Montgomery	The Honorable Candice Hooper	The Honorable Gragg Cohen
1220 Parton Street, Ropen 900	Lassen County District Attorney 220 South Lassen Street, Ste. 8	San Benito County District Altorney	Tehame County District Attorney 444 Oak Street, Room L
Oakland, CA 94612	Susanville, CA 96130	419 4th Street, Second Floor Hollister, CA 95203	Red Bluff, CA 96080
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The Honorable Terese Orabec	The Honorable Jackie Lacey	The Honorable Michael Ramos	The Henerable Eric Heryland
Alpine County District Attorney	Las Angeles County District Attorney		Trinity County District Attorney
2/V Laramie Street, PO BOX 248	211 West Temple Street, Suite 1200	San Bernardino County District Attorney	P.O. Box 310
Marklesville, CA 96120	Las Angeles, CA 90012	303 West 3rd Street, 6th Floor Sen Bernardine, CA 92415-0502	Weaverville, CA 96093
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The Honorable Todd Riebe	The Honorable Bavid Linn	The Honorable Bonnie Dumanis	The Honorable Tim Ward
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708 Court Street	209 West Yosemite Avenue	330 W. Broadway Street	221 South Mooney Equievard, Am 224
Jackson, CA 95642	Madera, CA 98697	San Diego, CA 92101	Vigalia, CA 92291-4593
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dulle County Chairies are and	Marin County District Attorney	San Francisco County District Attorney	Tuglymne County District Alterney
av Journy Canter Orbie	9501 Cluic Center Orlve, Room 130	850 Bryant Street, Room 322	423 North Washington Street
Oroville, CA 95965	San Ralasi, CA 94903	San Francisco, CA 94103	Songra, CA 95070
The Honorable Sarbara Yook			and the second s
URINVERS County District Alexand	The Honorable Thomas Cooke	The Honorable Tori Verber Salazar	The Honorable Gragory Toltan
891 Mountain Ranch Road	Mariposa County District Attorney	San Jeaquin County District Afterney	Ventura County District Attorney
Jan Andrias CA agaza	5101 Jones Street, P.O. Box 790	222 East Weber Avenue, Floom 202	800 South Victoria Avenue
The Honorable John Poyner	Marinosa, CA 95398	Stockton, OA 95201	Ventura, CA 93009
Colusa County District Attorney	The Honorable C. David Eyster	The Honoratile Can Dow	The Honorable Jeff Reisig
346 Fifth Street	Wendering County District Attended	San Luis Obispo County District Ally	Yala County District Altomey
Colusa, CA 95932	100 North State Street, P.O. Box 1000	1095 Palm Street, 4th Floor	301 Second Street
Die (dem 11 40402	J Unian, CA 95482	San Luis Obisno, CA 93408	Woodland, CA 95695
The Henorable Mark Peterson	The Rongrahlo Larry Moreo II	The Honorable Stephen Wagstalle	The Honorable Patrick McGrath
Contra Costa County District Attorney	Werged County District Altorney	San Mateo County District Attorney	Yuba County District Attorney
POU TYRIN SINAI	550 W. Main Street	400 County Center, Third Floor	215 Fifth Street
Varilnez, CA 94553	Merced, CA 95340	Redwood City, CA 94083	Marysville, CA 95901
The Henerable Dale Trigg	The Honorabia Jordan Funk	The Kengrabin Joyce Dudley	The Honorable Mike Feuer
Del Piasta County District Attorney	Modes County District Attorney	Sanla Barbara County District Attomay	Office of the City Altomay Los Angeles
NU R STERT BOOM 171	204 S. Court Street, Suite 202	1112 Santa Barbara Street	800 City Hall East
Prescent City, CA 95531	Alturas, CA 98101	Santa Barbara, CA 93101	200 North Waln Street
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Users of Pennsylve District Aug.	Mono County Olatrict Attorney	The Honorable Jeffrey Rosen	Office of the City Altomey, Sacramento
	P.O. Box 617	Santa Clara County District Attorney	915 Sireet, 4th Floor
lacerville, CA 98967	Bridgeport, CA 93517	70 Wast Hedding Street, West Wing	Sagramento, CA 95814
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440 Miller Storar Viono	Monterey County District Attorney	Santa Gruz Caunty District Attorney	Office of the City Altorney, San Diego
CENTS. CA 95721	P.O. 80x 1131	701 Ocean Street; Room 200	1200 Third Avenue, Sulte 1620
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	The Honorable Allison Haley	The Honorable Stephen Carlton	The Hongrable Dennis Herrera
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.O. Box 430 Illows, CA 95988	Napa County District Attorney 1127 First Street, Suite C Naps, CA 34559	1355 West Street	Francisco 1 Dr. Callton B. Goodlett Place San Francisco, CA 94102
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num County District Attorney O. Box 430 Illiows, CA 95988 The Portographic Maggie Fleming unshold County District Attorney 25 5th Street	Napa County District Attorney 1127 First Street, Suite C Napa, CA 34559 The Honorable Clifford Newell Newada County Bistrict Attorney 201 Commercial Street	1355 West Street Redding, CA 96001 The Honorable Lawrence Allen Siena County District Altorney	Frandisco 1 Dr. Carlton B. Goodlett Place San Francisco. CA 94102 The Honorable Richard Doyle Office of the City Altomey, San Jose
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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

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 employe 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 8 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 extent on-site consumption is permitted by law.	d violator's premises to the
A chemical known to the state to cause cancer or repriseverage prepared and sold on the alleged violator's prenconsumption on or off premises to the extent: (1) the chemical added; and (2) the chemical was formed by cooking or simple to the components necessary to render the food or be microbiological contamination.	nises for immediate nical was not intentionally
Environmental tobacco smoke caused by entry of person premises owned or operated by the alleged violator what any location on the premises.	sons (other than employees) nere smoking is permitted at
Chemicals known to the State to cause cancer or representation of the extent the exposure occurs inside a facility alleged violator and primarily intended for parking noncon	command or anarotan by the

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:

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

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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 to and attaching a copy of that warning and a photograph accurately placement on my premises; [] Posting the warning or warnings demanded in writing by the attaching a copy of that warning and a photograph accurately my premises; OR [] Eliminating the alleged exposure, and attaching a statement how the alleged exposure has been eliminated.	tely showing its Noticing Party, and showing its placement on
My statements on this form, and on any attachments to it, are correct to the best of my knowledge and belief and are made carefully read the instructions to complete this form. I understatement on this form, I may be subject to additional penaltic Water and Toxic Enforcement Act of 1986 (Proposition 65).	in good faith, I have
Signature of alleged violator or authorized representative	 Date
Name and title of signatory	
FOR FURTHER INFORMATION	

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.