

**SIXTY DAY NOTICE OF INTENT TO SUE FOR VIOLATION OF
SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986
(California Health and Safety Code Section 25249.5 *et seq.*)**

March 25, 2024

I. Description of Violation

Noticing Entity: Mothers Oversight Network for Actionable Response to Contaminant Harm, LLC (“MONARCH”)

All Communications To: Daniel N. Greenbaum, Esq.
GREENBAUM LAW FIRM
7120 Hayvenhurst Ave., Ste. 320
Van Nuys, CA 91406
Phone: (818) 809-2199
Fax: (424) 243-7689
Email: dgreenbaum@greenbaumlawfirm.com

Alleged Violator(s): Ebin New York, Inc; Amazon Inc

Time Period of Exposure: Violations have been occurring since at least November 3, 2023

Covered Product(s): Aerosol Hair Tint

Exemplar Product(s): EBIN NEW YORK Tinted Lace Aerosol

Listed Chemical(s): Titanium Dioxide (airborne, unbound particles of respirable size)

Route(s) of Exposure: Inhalation

Potential Harm: Carcinogen

II. General Information

MONARCH is organized to promote awareness of exposures to toxic chemicals in California and to improve public health and safety. This Notice is provided to the parties listed above pursuant to the Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly referred to as “Proposition 65”) for violations of California Health & Safety Code §25249.6, failure to provide consumers with a clear and reasonable warning of the potential for exposure to chemicals known to the State of California to cause cancer and/or reproductive harm.

The specific product(s) causing consumer exposures in violation of Proposition 65 is/are

listed below. All product(s) within the type covered by this Notice shall be referred to hereinafter as the “Covered Product(s).”

NOTE: While MONARCH identifies Sayward Halling, 573 N Olive St. Ventura, CA 93001, (805) 665-3853 as the responsible individual within the Noticing Entity, all communication must be sent to MONARCH’s attorney, the Greenbaum Law Firm at address above

III. Alleged Violation(s)

Specific examples of products purchased by MONARCH in Los Angeles County, California are identified below. This **exemplar** product does not represent an exhaustive identification of all violative Products. The Violator(s) are obligated to perform an internal investigation into any Products that may have been manufactured, distributed, sold, or shipped during the relevant period.

The Covered Product(s) contain the Listed Chemical(s) and potentially expose consumers to the Listed Chemical(s) in amounts that require warnings to consumers as described by California Health & Safety Code §25249.6, et seq. and 27 C.C.R. 25600.2, et seq. The exemplar product purchased by MONARCH does not provide clear and reasonable warnings that comply with the code and regulations.

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 any warning materials concerning exposure to the Listed Chemical to consumers, and all communications regarding any such exposures. This also includes, without limitation, documenting (through any means, including but not limited to time-stamped photography and/or video recording) the present existence, content, and location of all warning materials—including labels, signs, tags, and other language—that the Alleged Violator(s) contends provides consumers with the “clear and reasonable” warning required by Health & Safety Code section 25249.6 regarding the exposures (and preserving any historical depictions of such warning materials), as well as all testing and sales data related to the Covered Products, and all advertising and/or marketing materials related to the Covered Products. The failure to preserve the requested evidence may result in sanctions and other penalties.

The Covered Product(s) contains the Listed Chemical(s) as an intentionally added ingredient. The Covered Product(s) are designed, manufactured, and marketed to be used by consumers by spraying within the breathing zone. During this use, the Listed Chemical(s) may be inhaled by the consumer. This directly leads to a consumer exposure to the Listed Chemical(s) via inhalation.

| Covered Product(s) | Exemplar Product Information |
|--------------------|-----------------------------------|
| Aerosol Hair Tint | EBIN NEW YORK Tinted Lace Aerosol |

IV. Proposition 65 Information

For general information concerning Proposition 65, please contact the Office of Environmental Health Hazard Assessment (“OEHHA”) Proposition 65 Implementation Office or to visit their website at <http://oehha.ca.gov/proposition-65>.

V. Resolution of Claim(s)

MONARCH intends to file a lawsuit against the alleged Violator(s) unless such Violator(s) enters into a binding written agreement to become compliant with California Health & Safety Code 25249.6 *et seq.* Please feel free to contact the counsel identified above to discuss this further.

Certificate of Merit

I, Daniel N. Greenbaum, 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.

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: March 25, 2024



Daniel N. Greenbaum, Esq.
Attorney for MONARCH

PROOF OF SERVICE

I hereby declare that I am over the age of 18 and not a party to this case or action. My business address is: **7120 Hayvenhurst Ave., Suite 320, Van Nuys CA 91406**. A True and Correct copy of the document entitled **NOTICE OF VIOLATION** will be served or was served in the manner stated below:

- I. First Class Mail: On March 25, 2024, I served the following persons and/or entities at the last known addresses by placing a true and correct copy thereof in a sealed envelope with the USPS, postage prepaid, and addressed as follows:

| | |
|------------------------|--|
| Attn: CEO or President | EBIN New York Inc 5 Empire Blvd South Hackensack, NJ, 07606-1805 |
| Attn: CEO or President | Amazon Inc 410 Terry Ave N, Seattle, WA 98109 |

- II. California Attorney General (via website Portal): On March 25, 2024, I uploaded a true and correct copy thereof as a PDF file via the California Attorney General's website.
- III. District and City Attorneys (via First Class Mail): On March 25, 2024, I caused to be served the following persons and/or entities at the last known addresses by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and addressed as follows: **SEE ATTACHED SERVICE LIST**.
- IV. District and City Attorneys (via email): On March 25, 2024, I served the following persons and/or entities at the last known electronic addresses via email (the transmission was reported as sent without error): cfepd@yolocounty.org; sgrassini@contracosta.org; Prop65DA@co.monterey.ca.us; epu@da.sccgov.org; CEPD@countyofnapa.org; jbarnes@sonoma-county.org; Prop65@co.tulare.ca.us; cdalbey@co.santa-barbara.ca.us; CityAttyCrimProp65@sandiego.gov; CEPDProp65@acgov.org; DChandler@co.lassen.ca.us; Prop65@rivcoda.org; Prop65@sacda.org; EPU@da.sccgov.org; CityAttyCrimProp65@sandiego.gov; gregory.alker@sfgov.org; edobroth@co.slo.ca.us; DAConsumer.Environmental@sjcda.org; daspecialops@ventura.org; Prop65DA@santacruzcounty.us; Prop65@sfcityatty.org; Prop65env@co.calaveras.ca.us

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

Dated: March 25, 2024



Megan Newman

Service List

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

Amador County District Attorney
708 Court St, #202
Jackson, CA 95642

Butte County District Attorney
25 County Center Dr
Oroville, CA 95965

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

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

El Dorado County District Attorney
778 Pacific St.
Placerville, CA 95667

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

Glenn County District Attorney
P.O. Box 430
Willows, CA 95988

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

Imperial County District Attorney
940 West Main Street, Suite 102
El Centro, CA 92243

Inyo County District Attorney
168 N Edwards St
Independence, CA 93526

Kern County District Attorney
1215 Truxtun Avenue
Bakersfield, CA 93301

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

Lake County District Attorney
255 North Forbes Street
Lakeport, CA 95453

Los Angeles County District Attorney
211 West Temple Street
Los Angeles, CA 90012

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

Marin County District Attorney
3501 Civic Center Drive, Room 130
San Rafael, CA 94903

Mariposa County District Attorney
P.O. Box 730
Mariposa, CA 95338

Mendocino County District Attorney
P.O. Box 1000
Ukiah, CA 95482

Merced County District Attorney 550 W.
Main Street
Merced, CA 95340

Modoc County District Attorney
204 S. Court Street, Suite 202
Alturas, CA 96101

Mono County District Attorney
Po Box 2053
Mammoth Lakes, CA 93546

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

Orange County District Attorney
401 Civic Center Dr West
Santa Ana, CA 92701

Placer County District Attorney
10810 Justice Center Drive
Roseville, CA 95678

Plumas County District Attorney
520 Main Street, Room 404
Quincy, CA 95971

San Benito County District Attorney
419 4th Street
Hollister, CA 95203

San Bernardino County District Attorney
303 West 3rd Street
San Bernardino, CA 92415

San Mateo County District Attorney
400 County Center, Third Floor
Redwood City, CA 94063

Shasta County District Attorney
1355 West Street
Redding, CA 96001

Sierra County District Attorney
100 Courthouse Square
Downieville, CA 95936

Siskiyou County District Attorney
P.O. Box 986
Yreka, CA 96097

Solano County District Attorney
675 Texas Street, Suite 4500
Fairfield, CA 94533

Stanislaus County District Attorney
832 12th Street, Suite 300
Modesto, CA 95354

Sutter County District Attorney
466 Second Street, Suite 102
Yuba City, CA 95991

Tehama County District Attorney
444 Oak Street, Room L
Red Bluff, CA 96080

Trinity County District Attorney
P.O. Box 310
Weaverville, CA 96093

Tuolumne County District Attorney
423 North Washington Street
Sonora, CA 95370

Yuba County District Attorney
215 Fifth Street
Marysville, CA 95901

Office of the City Attorney, Los Angeles
200 North Main Street
Los Angeles, CA 90012

Office of the City Attorney, Sacramento
915 I Street, 4th Floor
Sacramento, CA 95814

Office of the City Attorney, San Diego
1200 Third Avenue, Suite 1620
San Diego, CA 92101

Office of the City Attorney, San Francisco
1 Dr. Carlton B. Goodlett Place, Room 234
San Francisco, CA 94102

Office of the City Attorney, San Jose
200 East Santa Clara Street, 16th
Floor San Jose, CA 95113