

ALVANDI LAW GROUP
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April 24, 2024

**SIXTY-DAY NOTICE OF INTENT TO SUE FOR VIOLATION OF THE SAFE DRINKING
WATER AND TOXIC ENFORCEMENT ACT OF 1986**
(*Cal. Health & Safety Code § 25249.5, et seq.*) (“Proposition 65”)

Re: **Violations of Proposition 65 related to alcoholic beverages**

TO: **Office of the California Attorney General**
*Prop 65 Enforcement Reporting. Via upload to the Office of the Attorney General's website
at the following web address:*
<https://oag.ca.gov/prop65/add-60-day-notice>

Bristol Farms – Adam Caldecott, CEO
915 E. 230th Street, Carson, CA 90745

FROM: *Golden State Consumer Law Group, Inc., by and through Alvandi Law Group*

Dear Alleged Violators and Public Enforcement Agencies:

This office, Alvandi Law Group, P.C. (hereinafter "ALG"), represents Golden State Consumer Law Group, Inc., (“Claimant”), who serves this Notice of Violation (“Notice”) on Bristol Farms (collectively “Violator(s)”) pursuant to California Health & Safety Code section 25249.7(d) and in compliance with Proposition 65. The violations alleged by this Notice consist of types of harm that may potentially result from exposures to the toxic chemicals: ethyl alcohol in alcoholic beverages; alcoholic beverages, when associated with alcohol abuse; and alcoholic beverages, which were listed as a known hazardous substances in 1987, 1988 and 2011, respectively. This Notice satisfies a prerequisite for Claimant to commence an action against Violators in any Superior Court of California to enforce Proposition 65.

I. INTRODUCTION:

This Notice is provided to the public agencies listed above and in the attached proof of service pursuant to California Health & Safety Code § 25249.6, et seq. (“Proposition 65”). As noted above, notice is also being provided to the violator(s). 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 including but not limited to (the “Chemicals”) as follows:

The listed chemicals involved in these violations are: ethyl alcohol in alcoholic beverages; alcoholic beverages, when associated with alcohol abuse; and alcoholic beverages, known to the State of California to cause cancer, birth defects 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 alleged violators knowingly and intentionally also have exposed and continued to knowingly expose consumers within the State of California to the listed chemicals at levels that, upon reasonable use of the product, exceed the maximum allowable dose level without providing clear and reasonable warning of that exposure. More specifically, the product does not warn that it contains a chemical known to the State of California to cause cancer/reproductive toxicity. Additionally, the violators do not provide Prop 65 warnings on their internet website or mobile device application where the products are sold to California consumers, as required by amendments to Prop 65 effective August 30, 2018.

Proposition 65 requires that a "clear and reasonable" warning be provided prior to exposure to certain listed chemicals. The Violator(s) is/are in violation of Proposition 65 because the Violator(s) has/have failed to provide a warning to consumers that they are being exposed to Chemicals. While in the course of doing business, the Violator(s) is/are "knowingly and intentionally" exposing consumers to Chemicals without first providing a "clear and reasonable" warning. See *Cal. Health and Safety Code § 25249.6*.

Bristol Farms is a retailer selling alcoholic beverages to residents of California through, among other websites, Amazon's websites (www.amazon.com). No clear and reasonable Proposition 65 warning is provided with these products, neither on the product pages nor at the point of sale, regarding the presence of the Listed Chemicals in the products. More specifically, at no time during the purchase and sale process through the website or mobile device application are consumers provided any Proposition 65 warnings whatsoever. There are no Proposition 65 warning hyperlinks or other warnings displayed for consumers at any time during the purchase and sale process. Likewise, there are no Proposition 65 warnings provided to consumers after completing the purchase, and no warnings are provided on any receipts and/or order confirmation documents provided to consumers post purchase. Furthermore, when the products are delivered to consumers, they do not contain any Proposition 65 warnings on the products themselves, on the product packaging, and/or on any shipping and/or packaging materials accompanying the products.

Without such warnings, California citizens lack the information necessary to make informed decisions as to whether and/or how to eliminate or reduce the risk of exposure to the Chemical at the Location(s). Claimant is a citizen of the State of California who is acting in the interest of the general public to promote awareness of exposures to toxic chemicals and to improve human health and the environment by reducing hazardous substances. Claimant intends to bring a private enforcement action, pursuant to Cal. Health & Safety Code §25249.7(d), to address these violations. Claimant is represented by the undersigned and may be contacted through the undersigned at the telephone number and address set forth in the letterhead above.

IV. TYPE OF PRODUCT AND ROUTE OF EXPOSURE

The type of product causing these violations is alcoholic beverages. Examples of alcoholic beverages may include beer, wine or liquor. The consumer is exposed to the Listed Chemicals through ingestion as a result of drinking the product.

V. NUMBER AND DURATION OF VIOLATIONS

With respect to the products specified above, the violations commenced on the latter of the date that the specified product(s) were first offered for sale in California or the date upon which California law codified the allowable level of the relevant chemical(s) surpassed by the specified product(s); have continued every day since the relevant date the violations started; and will continue every day until the listed chemicals are removed from the specified product(s), reduced to allowable levels, or until a “clear and reasonable” warning is provided to consumers by the noticed parties in accordance with the law. Plaintiff believes that the violations are currently occurring and ongoing and, on information and belief, believes that the Violations have been occurring since at least April 16, 2023.

VI. 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 Chemical at the Location(s) and all communications regarding any such exposures. This also includes, without limitation, documenting (through photography and/or video recording) the present existence, content, and location of all warning materials-including labels, signs, tags, and other language-at the Location(s) that the 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). The failure to preserve the requested evidence may result in sanctions and other penalties.

VII. 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.

VIII. RESOLUTION OF NOTICED CLAIMS

Consistent with the goals of Proposition 65 and a desire to have these violations corrected, ALG is interested in seeking a resolution of this matter. Such a resolution will prevent further unwarned consumer exposure to the Chemical(s), as well as expensive and time-consuming litigation.

Based on the allegations set forth in this Notice, Claimant intends to file a citizen enforcement lawsuit against Bristol Farms unless they agree in a binding written agreement to: (1) recall products already sold or otherwise provided to consumers; (2) provide clear and reasonable warnings for products sold or otherwise provided to consumers in the future to eliminate unknowing exposures or reformulate such products to eliminate Listed Chemicals exposures; and (3) pay an appropriate civil penalty based on the factors enumerated in California Health and Safety Code Section 25249.7(b). If Bristol Farms is interested in resolving this dispute without resort to expensive and time-consuming litigation, please feel free to contact us directly.

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 ALG 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, Claimant 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 date of sending this notice (plus ten (10) calendar days because the place of address is beyond the State of California but within the United States), Claimant 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). Claimant remains open and willing to discussing the possibility of resolving the grievances short of formal litigation.

All communications regarding this notice may be made to Alvandi Law Group at the above-listed firm address and telephone number or by email to bhamilton@alvandigroup.com.

Attachments:

Certificate of Merit

Supporting Documentation for Certificate of Merit (to Attorney General Only)

Proposition 65: A Summary

Proof of Service

CERTIFICATE OF MERIT

Health and Safety Code Section 25249.7(d)

I, Gil Alvandi, Esq., 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 plaintiff’s 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; and
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).

Dated: 4/24/24



Gil Alvandi, Esq.

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 of or employed in the county where the mailing occurred. I am readily familiar with the business' practice for collection and processing of correspondence for mailing with the United States Postal Service. My business address is 20301 SW Acacia Street, Second Floor, Newport Beach, CA 92660.

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

- *60-Day Notice of Violation of Health & Safety Code § 25249.5, ET SEQ.*
- *The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary*
- *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:

Name:	Address:
Bristol Farms, Adam Caldecott, CEO	915 E. 230 th Street, Carson, CA 90745

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 USPS mail:

Name:	Address:
See below	

District Attorney Alpine County PO Box 248 Markleeville, CA 96120	District Attorney Lake County 255 North Forbes Street Lakeport, CA 95453	District Attorney Sierra County PO Box 457 Downieville, CA 95936
District Attorney Amador County 708 Court Street, Suite 202 Jackson, CA 95642	District Attorney Los Angeles County Hall of Justice 211 W. Temple St. Ste 1200 Los Angeles, CA 90012	District Attorney's Office Siskiyou County Courthouse 311 Fourth Street, Room 204 Yreka, CA 96097
District Attorney Butte County 25 County Center Drive, Suite 245 Oroville, CA 95965	District Attorney Madera County 209 West Yosemite Avenue Madera, CA 93637	District Attorney Solano County 675 Texas Street, Ste 4500 Fairfield, CA 94533
District Attorney Del Norte County 450 H Street, Suite 171 Crescent City, CA 95531	District Attorney Mendocino County PO Box 1000 Ukiah, CA 95482	District Attorney Sutter County 446 Second Street Yuba City, CA 95991
District Attorney EL Dorado County 778 Pacific Street Placerville, CA 95667	District Attorney Modoc County 204 S Court Street, Room 202 Alturas, CA 96101-4020	District Attorney Tehama County PO Box 519 Red Bluff, CA 96080
District Attorney Mono County Post Office Box 617 Bridgeport, CA 93517	District Attorney Orange County 300 N Flower St. Santa Ana, CA 92703	District Attorney Trinity County Post Office Box 310 Weaverville, CA 96093

District Attorney Glenn County Post Office Box 430 Willows, CA 95988	District Attorney San Benito County 419 4th Street Hollister, CA 95023	District Attorney Tuolumne County 423 North Washington St. Sonora, CA 95370
District Attorney Humboldt County 825 5th Street 4th Floor Eureka, CA 95501	District Attorney San Bernardino County 316 No. Mountain View Avenue San Bernardino, CA 92415	District Attorney Yuba County 215 Fifth Street, Suite 152 Marysville, CA 95901
District Attorney Imperial County 940 West Main Street, Suite 102 El Centro, CA 92243	District Attorney San Mateo County 400 County Ctr., 3rd Floor Redwood City, CA 94063	Los Angeles City Attorney's Office City Hall East 200 N. Main St., Suite 800 Los Angeles, CA 90012
District Attorney Kern County 1215 Truxtun Avenue Bakersfield, CA 93301	District Attorney Shasta County 1355 West Street Redding, CA 96001	District Attorney Kings County 1400 West Lacey Blvd. Hanford, CA 93230
District Attorney Fresno County 2220 Tulare St., Suite 1000 Fresno, CA 93721		

on the following parties via electronic service:

Name:	Address:
See below	

Alameda County District Attorney CEPDProp65@acgov.org	Calaveras County District Attorney Prop65Env@co.calaveras.ca.us	Contra Costa County District Attorney sgrassini@contracostada.org
Inyo County District Attorney inyoda@inyocounty.us	Lassen County District Attorney mlatimer@co.lassen.ca.us	Mariposa County District Attorney mcda@mariposacounty.org
Merced County District Attorney Prop65@countyofmerced.com	Monterey County District Attorney Pro65DA@co.monterey.ca.us	Napa County District Attorney CEPD@countyofnapa.org
Nevada County District Attorney DA.Prop65@co.nevada.ca.us	Placer County District Attorney Prop65@placer.ca.gov	Plumas County District Attorney davidhollister@countyofplumas.com
Riverside County District Attorney Prop65@rivcoda.org	Sacramento County District Attorney Prop65@sacda.org	San Diego City Attorney CityAttyProp65@sandiego.gov
San Diego County District Attorney SanDiegoDAProp65@sdcca.org	San Francisco County District Attorney alexandra.grayner@sfgov.org	San Francisco City Attorney Valerie.Lopez@sfcityatty.org
San Joaquin County District Attorney DA DAConsumer.Environmental@sjcda.org	San Luis Obispo County District Attorney edobroth@co.slo.ca.us	Santa Barbara County District Attorney DAProp65@co.santa-barbara.ca.us
Santa Clara County District Attorney EPU@da.sccgov.org	Santa Cruz County District Attorney Prop65DA@santacruzcounty.us	Sonoma County District Attorney jbarnes@sonoma-county.org
Tulare County District Attorney Prop65@co.tulare.ca.us	Ventura County District Attorney daspecialops@ventura.org	Yolo County District Attorney Yolo County District Attorney
San Jose City Attorney's Office proposition65notices@sanjoseca.gov	District Attorney Fresno consumerprotection@fresnocountyca.gov	District Attorney of Roseville pwp65@place.ca.gov

Executed on April 24, 2024, in Newport Beach, California.

Kendi Navarrete Campos
 Kendi Navarrete Campos
 Legal Assistant

Proof of Service via Electronic Upload

I declare that I am a citizen of the United States and a resident of the County of Orange. I am over the age of eighteen (18) and not a party to the within action. My business address is 20301 SW Acacia Street, Second Floor, Newport Beach, CA 92660.

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

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

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

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

Executed on April 24, 2024 at Newport Beach, California.

Blair M. Hamilton

Blair M. Hamilton
Senior Paralegal

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 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:

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>.

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.

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

² See Section 25501(a)(4).

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