

# SIXTY-DAY NOTICE OF VIOLATION

SENT IN COMPLIANCE WITH CALIFORNIA HEALTH & SAFETY CODE §25249.7(d)

**DATE:** April 26, 2024

**TO:** Andy Jassy, CEO – Amazon.com, Inc.  
California Attorney General’s Office;  
District Attorneys and Certain City Attorneys Throughout California

**FROM:** Jay Epps

My name is Jay Epps. I am a citizen of the State of California acting in furtherance of the public interest. I seek to promote awareness of exposures to certain toxic chemicals in products sold in California and, if possible, to improve human health by reducing hazardous substances contained in such items. 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, this letter is also being provided to the alleged violator, Amazon.com, Inc., which is a person in the course of doing business in California (the “Violator”). The violations covered by this notice consist of the product exposure, routes of exposure and types of harm potentially resulting from exposure to the hazardous substance identified below (listed chemical), as follows:

Products:	Lead tape, Including Kits Containing Such Items
Listed chemical:	Lead
Routes of Exposure:	Ingestion and Dermal
Types of Harm:	Cancer and Birth Defects and Other Reproductive Harm

## **I. NATURE OF ALLEGED VIOLATION (CONSUMER PRODUCT EXPOSURE)**

The specific types of products that are causing consumer exposures and potentially occupational exposures, in violation of Proposition 65, and that are covered by this letter shall be referred to hereinafter as the “Products.” Exposures to the listed chemical from the use of the Products have been occurring without the “clear and reasonable warning” required by Proposition 65, dating as far back as April 26, 2020. Without proper warnings regarding the toxic effects of exposures to the listed chemical resulting from the use of 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.

California citizens, through the act of buying, acquiring, receiving or utilizing the Products, are exposed to the listed chemical. By way of example, consumers, and other individuals, including women of childbearing age, ingest the listed chemical when they, among other activities, touch the Products and transfer the listed chemical from the Products to their mouths through hand-to-mouth activities that may continue to occur for a significant period after one or more contacts with the Products ceases.

Additionally, consumers and other individuals, including women of childbearing age, are exposed to the listed chemical through direct dermal contact when they, among other activities, handle, touch or otherwise use the Products. Further, there are reasonably foreseeable uses of the Products that result in direct ingestion of the toxic metal.

The California State Plan for Occupational Safety and Health incorporates the provisions of Proposition 65, as approved by Federal OSHA on June 6, 1997. This approval specifically placed certain conditions with regard to occupational exposures on Proposition 65, including that it does not apply to the conduct of manufacturers, by which the Products are branded (e.g. manufacturer's name appears on Product label), occurring outside the State of California so long as the named manufacturer is in the United States. The approval also provides that a United States employer may use the means of compliance in the general hazard communication requirements to comply with Proposition 65. It also requires that supplemental enforcement be subject to the supervision of the California Occupational Safety and Health Administration.

Any settlement, civil complaint or substantive court orders in this matter must be submitted to the state Attorney General. It is important to note that the sale of the Products through online means of transaction must provide the customer with a clear and reasonable warning for the risk of cancer and reproductive toxicity pursuant to Proposition 65 and its implementing regulations, even if the Violator's role is limited that of an online retail seller.

## **II. CONTACT INFORMATION**

Please direct all questions concerning this notice to me through my counsel's office at the following address, email and/or telephone number:<sup>1</sup>

Jay Epps  
c/o Clifford A. Chanler  
Chanler, LLC  
72 Huckleberry Hill Road  
New Canaan, CT 06840-3801  
Telephone: (475) 277-2932  
clifford@chanlerllc.com

Jay Epps  
c/o Steven Y. Chen  
Steven Y. Chen, APLC  
2650 River Avenue, Unit A  
Rosemead, California 91770  
Telephone: (626) 782-5017  
schen@schenlaw.com

## **III. PROPOSITION 65 INFORMATION**

For general 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. For the Violator's reference, I have attached a copy of "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary" which has been prepared by OEHHA.

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<sup>1</sup> Should your attempt to contact me through my counsel be unsuccessful, I can be reached by mail at 1010 Liberty Drive, Suisun, CA 94585, or by phone at (415) 849-6181.

#### **IV. POTENTIAL RESOLUTION OF NOTICED CLAIMS**

Based on the assertions set forth in this notice, I intend to file a citizen enforcement action against the Violator unless such alleged person in the course of doing business enters into a binding written agreement (and/or upstream party such as a supplier enters into an agreement which would resolve one or more of the Products at issue shipped to the Violator) to: (a) recall Products already sold; (b) provide “clear and reasonable warnings” for Products to be sold in the future or, preferably, reformulate such Products to eliminate the lead exposures (or undertake best efforts to ensure upstream selling entities in the chain of commerce such as manufacturers, exporters, importers or distributors do so); and (c) pay an appropriate civil fine, if any, based on the factors enumerated in California Health & Safety Code §25249.7(b). If the alleged Violator is particularly interested in resolving this dispute without resorting to litigation, please feel free to contact my counsel identified in Section II above. It should be noted that neither my counsel nor I can finalize any settlement with the Violator until after the statutory sixty-day notice period has expired for the covered Products; nor speak for the state Attorney General, any state district attorney or the city attorneys who received this notice.

#### **V. ADDITIONAL NOTICE INFORMATION**

Examples of Products that were recently purchased and witnessed as being available for purchase or use in California that are within the Product categories covered by this notice are identified on Exhibit A. I allege that the sale of the offending Products has also occurred without the requisite Proposition 65 “clear and reasonable warning.”<sup>2 3</sup>

The examples on the attachments are for the recipient’s benefit to assist in its investigation of, among other things, the magnitude of potential exposures to the listed chemical from other items within the definition of Products. These examples are not meant to be an exhaustive list of each specific offending Product. Further, it is this citizen’s position that the alleged Violator is obligated to continue to conduct in good faith an investigation into other specific Products within the type or category described above that may have been manufactured, imported, distributed, facilitated for sale, sold, shipped, stored, or was otherwise within the notice recipient’s custody or control during the relevant period so as to ensure that the requisite toxic warnings were and continue to be provided to California citizens prior to purchase, especially if the upstream vendor (i.e., party with whom the Violator entered into a contract to sell the Products at issue) is exempt from a duty to warn or enforcement under Proposition 65.

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<sup>2</sup> If an applicable manufacturer, supplier, seller, and/or importer of one or more of the Products does not have a known agent for process of service in California and/or employs less than ten people as defined by the operative regulation, then the Violator is alleged to have heightened regulatory responsibilities beyond 27 CCR §25600.2(d) especially if it is also an importer and/or fulfills additional roles in the commercial marketplace such as being a “drop shipper” of the Product.

<sup>3</sup> In accordance with 27 CCR §25600.2(g), please “promptly” answer the questions on **Exhibit B**, and return with receipt confirmation to Jay Epps c/o Clifford Chanler, Chanler, LLC, 72 Huckleberry Hill Road, New Canaan, CT 06840, or via email to clifford@chanlerllc.com on or before May 13, 2024.

## EXHIBIT A

<i>Exemplar of Products</i>	<i>ASIN#</i>
Nebudo 1/4 × 197 Inch Lead Tape for Tennis Racquet Golf Club Pickleball Paddle Racket Head Lead Weight Lead Weighted Strips Roll 0.25 Gram/Inch	B09KWY8Q3Z
Lead Tape for Golf Pickleball Paddles 1/2 inch, 1 Grams Per Inch High Density Self-Adhesion Lead Tape 100 inch, 10 mil	B0CB6H4PGJ
TANGXIA Golf Lead Tape 1/2" x 60", 2 Grams Per Inch High Density, Add Swing Weight Self-Adhesion for Golf Fishing Tennis Racket Pickleball Paddle	B0C4DSW7XZ
PEUTIER 40pcs Pickleball Lead Tape, Weighted 3g Lead Tape for Pickleball Paddles Adhesive Lead Tape Pickleball Accessory for Paddle Edge Guard Increase Power and Swing Speed (Black)	B0CB5C7H4S
Surtiyerii W 1/2" x L 100" High Density Lead Tape Self-Adhesion for Golf Wood Iron Putter Wedge Clubs Head Tennis Pickleball Paddles Racket	B0BHQXY7TD
2 Grams Per Inch High Density Lead Tape   1/2"x 60" Adhesive Lead Tape   Add Swing Weight for Golf Tennis Racket Pickleball Paddle Adjust Weight	B0BYRRSN9R
SummerHouse 2 Grams Per Inch High Density Golf Lead Tape 1/2" x 100" and 1/2" x 60" Available 0.025 Inch Thickness for Tennis and Fishing	B06VVFYWNQ
SummerHouse 1 Gram Per Inch Golf Tennis Pickleball Paddles Racket High Density Lead Tape Weight with Black Color Coated 1/2" x 100"	B07QL88B21
FINGER TEN Golf Lead Tape High Density 0.5 Gram Per Inch 30g 50g 100g Add Weight Thickness Fit All Wood Irons Putter Wedge Clubs Head for Golfer Training Tennis Pickleball Fishing	B08V8R7LJR
ArlinaL Lead Tape Adhesive Weight Lead for Tennis Rackets Pickleball Paddles, Tennis Racquet Grip Tape 1/4 × 197 Inch	B0C9WYSL13
SummerHouse 1 Gram Per Inch High Density Lead Tape Self-Adhesion for Golf Wood Iron Putter Wedge Clubs Head Tennis Pickleball Paddles Racket - 1/2"x 100"	B01CQRAU0Y

<p>HOW TRUE Golf Lead Tape, 0.5 Grams Per Inch High Density Lead Tape, 1/2"x 100" Lead Tape for Golf Clubs Tennis Racket Pickleball Paddle, 2 Pcs</p>	<p>B083TKPRMF</p>
<p>TRINKA Golf Lead Tape 1/2" x 60", 2 Grams Per Inch High Density Adhesive Lead Tape with Tape Measure &amp; U-Shaped Scissors, Add Swing Weight for Golf Tennis Racket Pickleball Paddle Adjust Weight</p>	<p>B0CJY6JQLT</p>
<p>Yeshom Golf Weighted Lead Tape 1/2" x 60", Add Swing Weights 2 Grams Per Inch High Density Adhesive Accessories for Golf Clubs, Pickleball Paddle, Tennis Racket Grips</p>	<p>B0CNRH41BP</p>

## EXHIBIT B

As it relates to *each* of the Products, including those identified on **Exhibit A**, provide the full legal entity name and any known contact information (on or before May 13, 2024) for:

- (a) Any and all manufacturers
- (b) Any and all producers
- (c) Any and all packagers
- (d) Any and all direct vendors
- (e) Any and all exporters
- (f) Any and all shippers, and
- (g) Any and all sellers

Please email (or send via overnight delivery) the above-requested information to one of the addresses provided in Section II. Thank you.

# PROOF OF SERVICE

I, the undersigned, declare under penalty of perjury:

I am over the age of 18 years and not a party to the within action. I am a resident or employed in the county where the mailing occurred. My business address is 72 Huckleberry Hill Road, New Canaan, CT 06840.

On **April 26, 2024**, I caused to be served the following documents:

**SIXTY-DAY NOTICE OF VIOLATION SENT IN COMPLIANCE WITH HEALTH & SAFETY CODE § 25249.7(d); CERTIFICATE OF MERIT; AND THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY**

XXXX **By First Class Certified Mail** through the United States Postal Service by placing true and correct copies of the above documents in a sealed envelope, addressed to each alleged violator listed below and providing such envelope to a United States Postal Service representative.

Andy Jassy, CEO  
Amazon.com, Inc.  
410 Terry Avenue N  
Seattle, WA 98109

On **April 26, 2024**, I caused to be served the following documents:

**SIXTY-DAY NOTICE OF VIOLATION SENT IN COMPLIANCE WITH HEALTH & SAFETY CODE § 25249.7(d); AND CERTIFICATE OF MERIT**

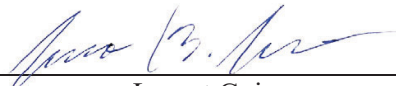
XXXX **By Electronic Mail** by sending true and correct copies of the above documents to the electronic notification addresses on the attached "Email Service List."

On **April 26, 2024**, I caused to be served the following documents:

**SIXTY-DAY NOTICE OF VIOLATION SENT IN COMPLIANCE WITH HEALTH & SAFETY CODE § 25249.7(d); CERTIFICATE OF MERIT; AND CERTIFICATE OF MERIT ATTACHMENTS**

XXXX **By Electronic Upload** by causing true and correct copies of the above documents to be uploaded to the California Attorney General's website at the web address on the attached "Electronic Upload Service List."

Executed on April 26, 2024, in New Canaan, Connecticut.

  
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Lorent Guimaraes

# CERTIFICATE OF MERIT

California Health & Safety Code §25249.7(d)

I, Clifford A. Chanler, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged that the party identified in the notice has 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 alleged exposure to the listed chemical that are the subject of this action and/or the listed chemical in substantially similar products and exposes individuals through the same potential routes;
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 Violator will be able to establish any of the affirmative defenses set forth in the statute;
5. The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate under Health and Safety Code §25249.7(h)(2) including (i) the identity of the persons consulted with and relied on by the certifier, and (ii) certain facts, studies, or other data reviewed by those persons.

Dated: April 26, 2024

  
Clifford A. Chanler



# EMAIL SERVICE LIST

The Honorable Todd Riebe  
Amador County District Attorney  
708 Court Street  
Jackson, CA 95642  
amadorda@amadorgov.org

The Honorable Michael Ramsey  
Butte County District Attorney  
25 County Center Drive, Suite 245  
Oroville, CA 95965  
DA@ButteCounty.net

Devin Chandler, Program Coordinator  
2950 Riverside Drive  
Susanville, CA 96130  
Phone: 530-251-8284  
dchandler@co.lassen.ca.us

The Honorable David Hollister  
Plumas County District Attorney  
520 Main Street, Room 404  
Quincy, CA 95971  
davidhollister@countyofplumas.com

The Honorable Lisa A. Smittcamp  
Fresno County District Attorney  
2220 Tulare Street, Suite 1000  
Fresno, CA 93721  
consumerprotection@fresnocountyca.gov

The Honorable Maggie Fleming  
Humboldt County District Attorney  
825 5th Street, Fourth Floor  
Eureka, CA 95501  
districtattorney@co.humboldt.ca.us

The Honorable Pamela Y. Price  
Alameda County  
7776 Oakport Street, Suite 650  
Oakland, CA 94621  
CEPDP65@acgov.org

The Honorable Allison Haley  
Napa County  
1127 First Street, Suite C  
Napa, CA 94559  
CEPD@countyofnapa.org

The Honorable Phillip J. Cline  
Tulare County District Attorney  
221 South Mooney Boulevard  
Visalia, CA 93291-4593  
Prop65@co.tulare.ca.us

The Honorable Tori Verber Salazar  
San Joaquin County District Attorney  
P.O. Box 990  
222 E. Weber Avenue, Room 202  
Stockton, CA 95201  
DAConsumer.Environmental@sjcda.org

The Honorable Clifford H. Newell  
Nevada County District Attorney  
201 Commercial Street  
Nevada City, CA 95959  
DA.Prop65@co.nevada.ca.us

The Honorable Summer Stephan  
San Diego County District Attorney  
330 West Broadway Street  
San Diego, CA 92101  
SanDiegoDAP65@sdccda.org

The Honorable Donna Daly  
Trinity County District Attorney  
P.O. Box 310  
11 Court Street  
Weaverville, CA 96093  
trinityjournal@dcacable.net

The Honorable Sally O. Moreno  
Madera County District Attorney  
209 West Yosemite Avenue  
Madera, CA 93637  
Sally.Moreno@co.madera.ca.gov

The Honorable Thomas L. Hardy  
Inyo County District Attorney  
P.O. Box Drawer D  
Independence, CA 93526  
inyoda@inyocounty.us

Henry Lifton, Deputy City Attorney  
Office of the City Attorney, San Francisco  
1390 Market Street, 7th Floor  
San Francisco, CA 94102  
Prop65@sfcityatty.org

The Honorable C. David Eyster  
Mendocino County District Attorney  
100 North State Street, Room G-10  
P.O. Box 1000  
Ukiah, CA 95482  
enviroh@mendocinocounty.org

The Honorable Kimberly Lewis  
Merced County District Attorney  
550 West Main Street  
Merced, CA 95340  
Prop65@countyofmerced.com

The Honorable Samuel D. Kylo  
Modoc County District Attorney  
204 South Court Street, Suite 202  
Alturas, CA 96101  
da@co.modoc.ca.us

The Honorable Tim Kendall  
Mono County District Attorney  
278 Main Street  
P.O. Box 617  
Bridgeport, CA 93517  
districtattorney@mono.ca.gov

The Honorable Jeannine M. Pacioni  
Monterey County District Attorney  
1200 Aguajito Road  
Monterey, CA 93940  
Prop65DA@co.monterey.ca.us

The Honorable Jill R. Ravitch  
Sonoma County District Attorney  
600 Administration Drive  
Sonoma, CA 95403  
Jeannie.Barnes@sonoma-county.org

Mark Ankcorn, Deputy City Attorney  
Office of the City Attorney, San Diego  
1200 Third Avenue, Suite 1620  
San Diego, CA 92101  
CityAttyProp65@sandiego.gov

James Clinchard, Assistant DA  
County of El Dorado  
778 Pacific Street  
Placerville, CA 95667  
EDCDAPROP65@edcda.us

The Honorable Jeff W. Reisig  
Yolo County  
301 Second Street  
Woodland, CA 95695  
cfepd@yolocounty.org

The Honorable Jason Anderson  
San Bernardino County District Attorney  
303 West 3rd Street, 6th Floor  
San Bernardino, CA 92415-0502  
da@sbcda.org

Alexandra Grayner, Assistant DA  
San Francisco District Attorney's Office  
350 Rhode Island Street N. Bldg., 400N  
San Francisco, CA 94103  
alexandra.grayner@sfgov.org

The Honorable Laura L. Krieg  
Tuolumne County District Attorney  
423 North Washington Street  
Sonora, CA 95370  
da@tuolumnecounty.ca.gov

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

The Honorable Susan J. Kronos  
Lake County District Attorney  
255 North Forbes Street  
Lakeport, CA 95453  
Susan.Kronos@lakecountyca.gov

The Honorable Jeffrey S. Rosell  
Santa Cruz County District Attorney  
701 Ocean Street, Room 200  
Santa Cruz, CA 95060  
Prop65DA@santacruzcounty.us

The Honorable Sandra Groven  
Sierra County District Attorney  
100 Courthouse Square, Room B1  
P.O. Box 457  
Downieville, CA 95936  
sgroven@sierracounty.ca.gov

The Honorable Walter W. Wall  
Mariposa County District Attorney  
5085 Bullion Street  
P.O. Box 730  
Mariposa, CA 95338  
mcd@mariposacounty.org

Christopher Dalbey, Deputy DA  
Santa Barbara County  
1112 Santa Barbara St.  
Santa Barbara, CA 93101  
DAP65@co.santa-barbara.ca.us

The Honorable Barbara Yook  
Calaveras County District Attorney  
891 Mountain Ranch Rd.  
San Andreas, CA 95249  
Prop65Env@co.calaveras.ca.us

The Honorable Lori E. Frugoli  
County of Marin  
3501 Civic Center Drive, Room 145  
San Rafael, CA 94903  
consumer@marincounty.org

The Honorable Paul E. Zellerbach  
Riverside County  
3072 Orange Street  
Riverside, CA 92501  
Prop65@rivcoda.org

The Honorable Cynthia Zimmer  
Kern County District Attorney  
1215 Truxtun Avenue, 4th Floor  
Bakersfield, CA 93301  
CZimmer@kernda.org

The Honorable Gregory D. Totten  
Ventura County District Attorney  
800 South Victoria Avenue, Suite 314  
Ventura, CA 93009  
daspecialops@ventura.org

The Honorable Anne Marie Schubert  
Sacramento County District Attorney  
901 G Street  
Sacramento, CA 95814  
Prop65@sacda.org

The Honorable Morgan Briggs Gire  
Placer County District Attorney  
10810 Justice Center Drive, Suite 240  
Roseville, CA 95678  
Prop65@placer.ca.gov

The Honorable Nora V. Frimann  
City of San Jose  
200 E. Santa Clara Street, 16th Floor  
San Jose, CA 96113  
Proposition65notices@sanjoseca.gov

The Honorable James Kirk Andrus  
Siskiyou County District Attorney  
311 4th Street  
Yreka, CA 96097  
da@siskiyouda.org

Bud Porter, Deputy District Attorney  
Santa Clara County  
70 West Hedding Street  
San Jose, CA 95110  
EPU@da.sccgov.org

Eric J. Dobroth, Deputy District Attorney  
San Luis Obispo County  
County Govt Center Annex, 4th Floor  
San Luis Obispo, CA 93408  
edobroth@co.slo.ca.us

The Honorable Susan Alcalá Wood  
Office of the City Attorney, Sacramento  
915 I Street, 4th Floor  
Sacramento, CA 95814  
clerk@cityofsacramento.org

The Honorable Krishna A. Abrams  
Solano County District Attorney  
675 Texas Street, Suite 4500  
Fairfield, CA 94533  
SolanoDA@solanocounty.com

# **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-notice>