

# SIXTY-DAY NOTICE OF VIOLATION

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

**DATE:** June 5, 2025

**To:** Joshua D. Silverman, CEO – Etsy, 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, Etsy, Inc. (in its role as an online retailer), which is a person in the course of doing business in California (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 substances identified below (listed chemical), as follows:

Products:	Artist Paste Paints
Listed Chemical:	Cadmium
Routes of Exposure:	Inhalation, Ingestion and Dermal
Types of Harm:	Developmental; Male Reproductive

Products:	Artist Paste Paints
Listed Chemicals:	Cadmium and Cadmium Compounds
Routes of Exposure:	Inhalation, Ingestion and Dermal
Types of Harm:	Cancer

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

The specific 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 cadmium and cadmium compounds (listed chemical or cadmium) from the use of the Products have been occurring without the “clear and reasonable warning” required by Proposition 65, dating as far back as June 5, 2021. 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 a reasonably foreseeable use of the Products.

California citizens, through the act of buying, acquiring, receiving and/or utilizing the Products, are exposed to the listed chemical. By way of example, consumers and other individuals, including men,

ingest the listed chemical when they, during as well as after use, touch the Products and transfer the listed chemical from their fingers to their mouths through hand-to-mouth activities. Further, a reasonably foreseeable use of the Products results in cadmium exposure through the pathway of inhalation which may continue to occur for a significant period of time after contact with the Product ceases.

Additionally, consumers, workers and other individuals are exposed to the listed chemical through: (a) direct dermal contact when they, among other activities, touch the paste paint; as well as (b) direct ingestion when the paste paint touches their mouth directly.

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 transactions 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: (203) 722-4514  
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**

---

<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.

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.

#### **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 it enters into a binding written agreement (and/or upstream parties enter into an agreement) to: (a) recall Products already sold; (b) provide "clear and reasonable warnings" for Products to be sold online in the future or, preferably, undertake best efforts to ensure upstream selling entities in the chain of commerce reformulate such Products to eliminate the cadmium content in the Products; or delist the offending Products from the Violator's website; 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 any 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 whom received this notice.

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

Examples of the Products that were recently purchased by California consumers and remain available for purchase or use in California 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," as far back as June 5, 2021.

The examples on the attachment are for the recipients' benefit to assist in its investigation of, among other things, the magnitude of potential exposures to the listed chemical from other items within the product category at issue. To reiterate, the exemplars noted on Exhibit A are not meant to be a list of each offending Product within the specific type of artist paste paints.

The alleged Violator is obligated to conduct a good faith investigation into Products in addition to the exemplars that were offered for sale especially since the notice recipient has had actual or constructive notice of the cadmium content, since June 5, 2021, to determine whether a clear and reasonable warning was provided for the applicable toxic endpoints. The requisite warning shall be provided on the product display pages prior to each Product purchased by a California citizen (or purchases made by non-California residents, but shipped to an address in California). Further, such investigation should also ensure that all online offering pages for the Products going forward contain the requisite conspicuous placement of, and clear language for, the risk of cancer and reproductive toxicity associated with exposure to the listed chemical.

## EXHIBIT A

<i>Products</i>	<i>Listing ID</i>
Grumbacher Pre Tested Artist Permanant Oil Colors, Vintage 37 ml Tubes in Original Plastic Cases - Cadmium Orange	1656769015
Ferrario Designer Gouache Tiepolo 20ml - Cadmium Red Deep #13	717346716
Ferrario Designer Gouache Tiepolo 20ml - Cadmium Yellow Deep4	717346716
Ferrario Designer Gouache Tiepolo 20ml - Cadmium Red Light #12	717346716
Ferrario Designer Gouache Tiepolo 20ml - Cadmium Yellow Lit#3	717346716
Ferrario Idroil Professional Artist Quality Water-soluble Oil Colours - 60ml Tube - Cadmium Red Light #9	596521606
Ferrario Idroil Professional Artist Quality Water-soluble Oil Colours - 60ml Tube - Cadmium Yellow Med#7	596521606

# 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 2650 River Avenue, Unit A, Rosemead, CA 91770.

On **June 5, 2025**, 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 Personal Service** by causing true and correct copies of the above documents to be personally delivered to each alleged violator, their agents or to the party or person authorized to receive the above documents for the alleged violator listed below.

Joshua D. Silverman, CEO  
Etsy, Inc.  
c/o United Agent Group Inc.  
7801 Folsom Boulevard, #202  
Sacramento, CA 95826

On **June 5, 2025**, 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 **June 5, 2025**, 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 **June 5, 2025**, in Rosemead, California.



---

Steven Chen

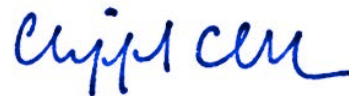
# CERTIFICATE OF MERIT

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: June 5, 2025



---

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  
CEPDProp65@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  
SanDiegoDAProp65@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@sfcityattty.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  
ECLD@sonoma-county.org

Mark Ankorn, 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.gov

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  
mdda@mariposacounty.org

Christopher Dalbey, Deputy DA  
Santa Barbara County  
1112 Santa Barbara St.  
Santa Barbara, CA 93101  
DAProp65@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.gov

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 Alcala 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>