

# SIXTY-DAY NOTICE OF VIOLATION

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

**DATE:** June 28, 2025

**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. (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 28, 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 to their lips and/or into their mouths. 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 lips or into 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**

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

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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.

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 that covers all of the Products) 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 28, 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 28, 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>ASINs</i>
Heavy Body Acrylics by GOLDEN, Cadmium Red Medium, 2 fl oz Tube, Professional Acrylic Paint, Opaque	B0006TU78K
Rembrandt Oil Color 40/ml Cadmium Red Deep	B0014ZP17W
Rembrandt Oil Color 40/ml Cadmium Light Red	B0014ZWGFM
Maimeri Puro Oil Colors - Cadmium Orange 40 ml	B00A6WNOZU
Williamsburg Artist Oil Colour by GOLDEN, Cadmium Yellow Extra Deep 37 ml tube, Opaque	B0006OJCH2

# 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 28, 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.

Andy Jassy, CEO  
Amazon.com, Inc.  
c/o CSC - Lawyers Incorporating Service  
2710 Gateway Oaks Drive  
Sacramento, CA 95833

On **June 28, 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 28, 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 28, 2025**, in Rosemead, California.



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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 28, 2025



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Clifford A. Chanler