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4 *Attorneys for Plaintiff*
5 *Alex Martinez*

6 **ENVIRONMENTAL GENERAL COUNSEL PC**
Catherine Johnson (SBN 135070)
7 1990 N. California Blvd., Suite 20
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8 Telephone: (925) 400-9025
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9 *Attorneys for Defendant*
10 *YYBA Corp d/b/a Wellspring Meds*

11
12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **COUNTY OF LOS ANGELES**

14 ALEX MARTINEZ, an individual,

15 Plaintiff,

16 v.

17 YYBA CORP D/B/A WELLSRING MEDS, a New
18 York corporation; and DOES 1 through 10, inclusive,

19 Defendants.

Case No.: 22STCV33927

**[PROPOSED] STIPULATED
CONSENT JUDGMENT**

(Health & Safety Code § 25249.5, et seq.)

Complaint Filed: October 20, 2022

Trial Date: None Set

1 from Wellspring, which is in violation of California Health and Safety Code section 25249.6. Wellspring
2 denies all material allegations contained in the Notice and Complaint.

3 **1.6** The Parties have entered into this Consent Judgment in order to settle, compromise, and
4 resolve disputed claims and thus avoid prolonged and costly litigation. Nothing in this Consent Judgment
5 nor compliance with this Consent Judgment shall constitute or be construed as an admission by any of the
6 Parties or by any of their respective officers, directors, shareholders, employees, agents, parent companies,
7 subsidiaries, divisions, franchisees, licensees, customers, suppliers, distributors, wholesalers, or retailers
8 of any fact, issue of law, or violation of law.

9 **1.7** Except as expressly set forth herein, nothing in this Consent Judgment shall prejudice,
10 waive, or impair any right, remedy, argument, or defense the Parties may have in any current or future
11 legal proceeding unrelated to these proceedings.

12 **1.8** The Effective Date of this Consent Judgment is the date on which Martinez serves the
13 Notice of Entry of the Consent Judgment.

14 **II. JURISDICTION AND VENUE**

15 **2.1** For purposes of this Consent Judgment and any further court action that may become
16 necessary to enforce this Consent Judgment only, the Parties stipulate that this Court has subject matter
17 jurisdiction over the allegations of violations contained in the Complaint and personal jurisdiction over
18 Wellspring as to the acts alleged in the Complaint.

19 **2.2** For purposes of this Consent Judgment, the Parties stipulate that venue is proper in Los
20 Angeles County, California, and that this Court has jurisdiction to enter this Consent Judgment as a full
21 and final resolution of all claims up through and including the Effective Date that were or could have been
22 asserted in this action based on the facts alleged in the Notice and Complaint.

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1 **III. WARNINGS**

2 **3.1 Clear and Reasonable Warnings**

3 Beginning on January 1, 2023 or, if later, the Effective Date, (the “Compliance Date”) Wellspring
4 agrees to manufacture, import, or purchase for sale in California only Covered Products that are
5 accompanied by the following warning:

6 **WARNING:** This product can expose you to Phenazopyridine Hydrochloride, which is
7 known to the State of California to cause cancer. For more information, go to
8 <https://www.p65warnings.ca.gov/>.

9 The above statement (the “Warning”) must be in a type size no smaller than the largest type size
10 used for other consumer information on the Product. “Consumer information” includes warnings,
11 directions for use, ingredient lists, and nutritional information. “Consumer information” does not include
12 the brand name, product name, company name, location of manufacture, or product advertising. In no
13 case shall the Warning appear in a type size smaller than six (6) point type. In addition, a symbol
14 consisting of a black exclamation point in a yellow equilateral triangle with a bold black outline shall be
15 placed to the left of the text of the Warning, in a size no smaller than the height of the word “WARNING.”
16 Where the label for the product is not printed using the color yellow, the symbol may be in black and
17 white.

18 **3.1.1 Internet Sales.** For any Product sold over the Internet, the Warning shall be prominently
19 displayed as follows: (a) on the primary display page for the Product; (b) as a clearly marked hyperlink
20 using the word “WARNING” in all capital and bold letters on the Product’s primary display page; so long
21 as the hyperlink goes directly to a page prominently displaying the Warning without content that detracts
22 from the Warning; (c) on the checkout page or any other page in the checkout process when a California
23 delivery address is indicated for any purchase of any Product and with the Warning clearly associated
24 with the Product to indicate that the product is subject to the Warning; or (d) by otherwise prominently
25 displaying the Warning to the purchaser prior to completing the purchase. The Warning is not prominently
26 displayed if the purchaser must search for it in the general content of the website.

1 **IV. MONETARY TERMS.**

2 **4.1** In full satisfaction of all potential civil penalties, additional settlement payments, attorneys’
3 fees, and costs, Wellspring shall make a total payment of \$75,000.00 (the “Total Settlement Amount”) to
4 Martinez within ten (10) business days of the Effective Date (“Due Date”). Wellspring shall make this
5 payment by wire transfer to KJC Law Group, A.P.C., attorneys of record for Martinez, for which KJC
6 Law Group will give Wellspring the necessary wire account information. The Total Settlement Amount
7 shall be apportioned as follows:

8 Civil Penalty

9 Wellspring shall cause to be paid \$15,000 as a Civil Penalty pursuant to California Health and
10 Safety Code section 25249.7(b)(1), to be apportioned in accordance with California Health & Safety Code
11 Section 25192, with 75% of these funds remitted to OEHHA and the remaining 25% of the Civil Penalty
12 remitted to Martinez, as provided by California Health & Safety Code section 25249.12(d).

13 Within ten (10) days of the Effective Date, Wellspring shall cause to be issued two separate checks
14 for the Civil Penalty payment to (a) “OEHHA” in the amount of \$11,250; and (2) to “KJC Law Group in
15 Trust for Martinez” in the amount of \$3,750. Payment owed to Martinez pursuant to this Section shall be
16 delivered to the following payment address:

17 **KJC Law Group, A.P.C.**
18 9701 Wilshire Blvd., Suite 1000
19 Beverly Hills, CA 90212

20 Payment owed to OEHHA (EIN: 68:0284486) pursuant to this Section shall be delivered directly
21 to OEHHA (Memo Line: “Prop 65 Penalties”) at one of the following addresses:

22 If by U.S. Postal Service:

23 Mike Gyurics, Fiscal Operations Branch Chief, Office of Environmental Health Hazard
24 Assessment, P.O. Box 4010, Sacramento, CA 95812-4010.

25 For Non-United States Postal Service Delivery:

26 Mike Gyurics, F Fiscal Operations Branch Chief, Office of Environmental Health Hazard
27 Assessment, 1001 I Street, Sacramento, CA 95814.

1 A copy of the check payable to OEHHA shall be mailed to KJC Law Group as proof of payment
2 to OEHHA.

3 Attorneys' Fees

4 Within ten (10) days of the Effective Date, Wellspring shall cause to be paid \$60,000 to KJC Law
5 Group, A.P.C. (attorneys of record for Martinez) as complete reimbursement for Martinez's attorneys'
6 fees and costs incurred as a result of investigating, bringing this matter to Wellspring's attention, litigating,
7 negotiating, and obtaining judicial approval of a settlement in the public interest.

8 **4.2** In the event that Wellspring fails to remit the Total Settlement Amount owed under Section
9 4 of this Consent Judgment on or before the Due Date, Wellspring shall be deemed to be in material breach
10 of its obligations under this Consent Judgment. Martinez shall provide written notice of the delinquency
11 to Wellspring via electronic mail, to its counsel of record. If Wellspring fails to deliver the Total
12 Settlement Amount within five (5) days from the written notice, the Total Settlement Amount shall accrue
13 interest at the statutory judgment interest rate provided in California Code of Civil Procedure section
14 685.010.

15 Additionally, Wellspring agrees to pay Martinez's reasonable attorneys' fees and costs for any
16 efforts to collect the payment due under this Consent Judgment.

17 **V. MODIFICATION OF CONSENT JUDGMENT**

18 **5.1** This Consent Judgment may be modified only as to injunctive terms (i) by written
19 stipulation of the Parties and upon entry by the Court of a modified consent judgment or (ii) by motion
20 of either Party pursuant to Section 5.3 and upon entry by the Court of a modified consent judgment.

21 **5.2** If Wellspring seeks to modify this Consent Judgment under Section 5.1, then
22 Wellspring must provide written notice to Martinez of its intent ("Notice of Intent"). If Martinez
23 seeks to meet and confer regarding the proposed modification in the Notice of Intent, then Martinez
24 must provide written notice to Wellspring within thirty (30) days of receiving the Notice of Intent. If
25 Martinez notifies Wellspring in a timely manner of Martinez's intent to meet and confer, then the
26 Parties shall meet and confer in good faith as required in this Section. The Parties shall meet in person

1 or via telephone within thirty (30) days of Martinez’s notification of the intent to meet and confer.
2 Within thirty (30) days of such meeting, if Martinez disputes the proposed modification, Martinez
3 shall provide to Wellspring a written basis for its position. The Parties shall continue to meet and
4 confer for an additional thirty (30) days in an effort to resolve any remaining disputes. Should it
5 become necessary, the Parties may agree in writing to different deadlines for the meet-and-confer
6 period.

7 **5.3** In the event that Wellspring initiates or otherwise requests a modification under Section
8 5.1, and the meet and confer process leads to a joint motion or application for a modification of the
9 Consent Judgment, Wellspring shall reimburse Martinez his costs and reasonable attorneys’ fees for
10 the time spent in the meet-and-confer process and filing and arguing the motion or application.

11 **VI. RETENTION OF JURISDICTION, ENFORCEMENT OF CONSENT JUDGMENT**

12 **6.1** This Court shall retain jurisdiction of this matter to enforce, modify, or terminate this
13 Consent Judgment.

14 **VII. APPLICATION OF CONSENT JUDGMENT**

15 This Consent Judgment may apply to, be binding upon, and benefit the Parties and their respective
16 officers, directors, shareholders, members, employees, agents, parent companies, representatives,
17 partners, sister companies, affiliates, manufacturers, suppliers, subsidiaries, divisions, subdivisions,
18 franchisees, licensees, customers, distributors, wholesalers, retailers, predecessors, successors, and
19 assigns. This Consent Judgment shall have no application to any Covered Product that is distributed or
20 sold exclusively outside the State of California and that is not used by California consumers.

21 **VIII. BINDING EFFECT, CLAIMS COVERED AND RELEASED**

22 **8.1** This Consent Judgment is a full, final, and binding resolution between Martinez, on behalf
23 of himself and in the public interest, and Wellspring and its respective officers, directors, shareholders,
24 members, employees, agents, parent companies, representatives, partners, sister companies, affiliates,
25 manufacturers, suppliers, subsidiaries, divisions, subdivisions, suppliers, franchisees, licensees, customers
26 distributors, wholesalers, retailers, and all other upstream and downstream entities in the distribution chain

1 of any Product, and the predecessors, successors, and assigns of any of them (collectively, “Released
2 Parties”).

3 **8.2** Martinez, acting in the public interest, releases the Released Parties from any and all claims
4 for violations of Proposition 65 up to and including the Effective Date based on exposure to
5 Phenazopyridine Hydrochloride from the Product as set forth in the Notice and Complaint.

6 **8.3** Martinez on his own behalf only, and Wellspring on its own behalf only, further waive and
7 release any and all claims they may have against each other for all actions or statements made or
8 undertaken in the course of seeking or opposing enforcement of Proposition 65 in connection with the
9 Notice and Complaint up through and including the Effective Date, provided, however, that nothing in
10 Section 8 shall affect or limit any Party’s right to seek to enforce the terms of this Consent Judgment.

11 **8.4** It is possible that other claims not known to the Parties, arising out of the facts alleged in
12 the Notice and Complaint, and relating to the Covered Products, will develop or be discovered. Martinez
13 on behalf of himself only, and Wellspring on behalf of itself only, acknowledge that this Consent
14 Judgment is expressly intended to cover and include all such claims up through and including the Effective
15 Date, including all rights of action therefore. Martinez and Wellspring acknowledge that the claims
16 released in Sections 8.2 and 8.3 above may include unknown claims, and nevertheless waive California
17 Civil Code section 1542 as to any such unknown claims. California Civil Code section 1542 reads as
18 follows:

19 A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS THAT THE CREDITOR OR
20 RELEASING PARTY DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT
21 THE TIME OF EXECUTING THE RELEASE AND THAT, IF KNOWN BY HIM OR HER, WOULD
22 HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR OR
23 RELEASED PARTY.

24 **8.5** Compliance with the terms of this Consent Judgment shall be deemed to constitute
25 compliance with Proposition 65 by any of the Released Parties regarding alleged exposures to the Covered
26 Product as set forth in the Notice and Complaint.

1 **8.6** Nothing in this Consent Judgment is intended to apply to any occupational or
2 environmental exposures arising under Proposition 65, nor shall it apply to any other Wellspring products
3 other than the Covered Product.

4 **IX. SEVERABILITY OF UNENFORCEABLE PROVISIONS**

5 In the event that any of the provisions of this Consent Judgment are held by a court to be
6 unenforceable, the validity of the remaining enforceable provisions shall not be adversely affected.

7 **X. GOVERNING LAW**

8 The terms and conditions of this Consent Judgment shall be governed by and construed in
9 accordance with the laws of the State of California.

10 **XI. PROVISION OF NOTICE**

11 All notices required to be given to either Party to this Consent Judgment by the other shall be in
12 writing and sent to the following agents listed below via first-class mail or via electronic mail where
13 required.

14 **KJC LAW GROUP, A.P.C.**
15 Kevin J. Cole (SBN 321555)
16 9701 Wilshire Blvd., Suite 1000
17 Beverly Hills, CA 90212
18 Telephone: (310) 861-7797
19 e-Mail: kevin@kjclawgroup.com

20 *Attorneys for Plaintiff*
21 Alex Martinez

22 **ENVIRONMENTAL GENERAL COUNSEL PC**
23 Catherine Johnson (SBN 135070)
24 1990 N. California Blvd., Suite 20
25 Walnut Creek, CA 94596
26 Telephone: (925) 400-9025
27 e-Mail: cjohnson@egcounsel.com

28 *Attorneys for Defendant*
 YYBA Corp d/b/a Wellspring Meds

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IT IS SO STIPULATED.

DATED: October 20, 2022

KJC LAW GROUP, A.P.C.
By: /s/ Kevin J. Cole
Kevin J. Cole, Esq.

Attorneys for Plaintiff
Alex Martinez

: 

DATED: October 20, 2022

Plaintiff Alex Martinez

DATED: October 20, 2022

ENVIRONMENTAL GENERAL COUNSEL PC
By: /s/ Catherine Johnson
Catherine Johnson, Esq.

Attorneys for Defendant
YYBA Corp d/b/a Wellspring Meds

DATED: October 19, 2022

YYBA CORP D/B/A WELLSRING MEDS

By: Arthur Kondov

Its: CEO

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Ex. A

Kevin J. Cole, Esq.
e-Mail: kevin@kjclawgroup.com

July 21, 2022

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

YYBA Corp d/b/a Wellspring Meds
c/o Ariel Kondov, Founder & CEO
50 Edison Court, Apartment A
Monsey, NY 10952

YYBA Corp d/b/a Wellspring Meds
c/o Ariel Kondov, Founder & CEO
386 Route 59, Suite 410
Monsey, NY 10952

Re: Proposition 65 Notice of Violation

Dear Mr. Kondov:

We represent Alex Martinez (“Plaintiff”), a citizen of the State of California acting in the interest of the general public. This letter serves as Notice that YYBA Corp d/b/a Wellspring Meds (“Wellspring”) is in violation of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act, commencing with section 25249.5 of the Health and Safety Code (“Proposition 65”). In particular, the violation alleged by this Notice consists of types of harm that may potentially result from exposures to the toxic chemical Phenazopyridine Hydrochloride. This chemical was listed as a carcinogen on January 1, 1988.

The specific type of product that is causing exposures in violation of Proposition 65 is Wellspring’s “WELMATE Urinary Pain Relief” (the “Product”).¹ The route of exposure for the violations is oral ingestion by consumers. These exposures occur through the reasonably foreseeable use of the Product. The sales of this Product have been occurring since at least October 19, 2020, are continuing to this day and will continue to occur as long as the Product subject to this Notice is sold to and used by consumers.

Proposition 65 requires that a clear and reasonable warning be provided regarding exposures to Phenazopyridine Hydrochloride caused by ordinary use of the Product. Wellspring is in violation of Proposition 65 by failing to provide such warnings to consumers. As a result of the sales of this Product, exposures to Phenazopyridine Hydrochloride have been occurring without proper warnings for almost two years.

Based on the allegations set forth in this Notice, Plaintiff intends to file a citizen enforcement lawsuit against Wellspring unless it agrees in a binding written instrument to: (1) immediately cease causing unwarned exposures to Phenazopyridine Hydrochloride; (2) provide clear and reasonable warnings for past and ongoing exposures to Phenazopyridine Hydrochloride from the Product; and (3) pay appropriate civil penalties based on the factors enumerated in California Health and Safety Code section 25249.7(b). If Wellspring is interested in resolving this dispute without resort to litigation, please feel free to contact me. However, the parties cannot: (1)

¹ “WELMATE” is a trademark owned by Wellspring. *See, e.g.*, USPTO Trademark Serial Number 90169263.

finalize any settlement until after the 60-day notice period has expired, nor (2) speak for the Attorney General or any District or City Attorney who received the 60-day Notice. Therefore, while reaching an agreement with Plaintiff will resolve these claims, such agreement may not satisfy the public prosecutors.

This Notice also serves as a demand that Wellspring preserve and maintain all relevant evidence, including all electronic documents and data, pending resolution of this matter. Such relevant evidence includes but is not limited to all documents relating to the use of Phenazopyridine Hydrochloride in the Product; efforts to comply with Proposition 65 with respect to the use of Phenazopyridine Hydrochloride in the Product; communications with any person relating to Phenazopyridine Hydrochloride in the Product; and the length of time at which Wellspring sold the Product into the California marketplace.

If you have any questions or wish to discuss any of the above, please contact me.

Sincerely,



Kevin J. Cole, Esq.
KJC Law Group, A Professional Corporation

See attached distribution list

Attachments:

- Certificate of Merit
- Certificate of Service
- Proposition 65 Summary (to the alleged violator only)
- Additional Supporting Information for Certificate of Merit (to the California Attorney General only)

CERTIFICATE OF MERIT

I, Kevin J. Cole, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged the party identified in the notice has violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.

2. I am an 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 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, 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: July 21, 2022

A handwritten signature in black ink, appearing to read 'Kevin J. Cole', with a stylized flourish at the end.

Kevin J. Cole, Esq.
KJC Law Group, A Professional Corporation

CERTIFICATE OF SERVICE

I, Chen Wang, declare that I am over the age of 18 years, and am not a party to the within action. I am employed in the County of Los Angeles, California, where the mailing occurs; and my business address is 9701 Wilshire Blvd., Suite 1000, Beverly Hills, CA 90212.

On July 21, 2022, I served the following documents: **(1) 60-DAY NOTICE OF VIOLATION SENT IN COMPLIANCE WITH HEALTH & SAFETY CODE SECTION 25249.7(d); (2) CERTIFICATE OF MERIT; (3) PROPOSITION 65: A SUMMARY; and (4) CERTIFICATE OF MERIT ATTACHMENT (served only on the Attorney General)** on the party listed below by placing a true and correct copy thereof in a sealed envelope, addressed to the party listed below and depositing it at my business address with the U.S. Postal Service for delivery by Certified Mail with the postage thereon fully prepaid:

Via Certified Mail

YYBA Corp d/b/a Wellspring Meds
c/o Ariel Kondov, Founder & CEO
50 Edison Court, Apartment A
Monsey, NY 10952

YYBA Corp d/b/a Wellspring Meds
c/o Ariel Kondov, Founder & CEO
386 Route 59, Suite 410
Monsey, NY 10952

On July 21, 2022, I served the California Attorney General (via website Portal) by uploading a true and correct copy thereof as a PDF file via the California Attorney General's website.

On July 21, 2022, I transmitted via electronic mail the above-listed documents to the electronic mail addresses of the City and/or District Attorneys who have specifically authorized email service and the authorization appears on the Attorney General's website.

See Attached Service List

On July 21, 2022, I served the following persons and/or entities at the last known address by placing a true and correct copy thereof in a sealed envelope and depositing it at my business address with the U.S. Postal Service for delivery with the postage thereon fully prepaid, and addressed as follows:

See Attached Service List

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on July 21, 2022 in Los Angeles, California.



Chen Wang

Appendix A

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT CALIFORNIA PROTECTION AGENCY THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACTION 1986 (PROPOSITION 65): A SUMMARY

The following summary has been prepared by the office of Environmental Health Hazard Assessment, the lead and Toxic Enforcement Act 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 law. The reader is directed to the statute and its implementing regulations (See citations below) for further information.

Proposition 65 appears in California law as Health and Safety Code Sections 25249.5 through 25249.13. 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 Regulations, Sections 250000 through 27000.

WHAT DOES PROPOSITION 65 REQUIRE?

The "Governor's List" Proposition 65 requires the Governor to publish a list of chemicals that are known to the State of California to cause cancer, or birth defects or other reproductive harm. This list must be updated at least once a year. Over 725 chemicals have been listed as of November 16, 2001. Only those chemicals that are on the list are regulated under this law. Businesses that produce, use, release, or otherwise engage in activities involving those chemicals must comply with the

following:

Clear and Reasonable Warnings. A business is required to warn a person before "knowingly and intentionally" exposing that person to a listed chemical. 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. Exposures are exempt from the warning requirement if they occur less than twelve months after the date of the listing of the chemical.

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. Discharges are exempt from this requirement if they occur less than twenty months after the date of the listing of chemical.

DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?

Yes. The law exempts:

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.

Exposures that pose no significant risk of cancer. For chemicals that are listed as known to the State to cause cancer (“carcinogens”), a warning is not required if the business 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 for more than 250 listed carcinogens.

Exposures that will produce no observable reproductive effect at 1,000 times the level in question. For chemicals known to the State to cause birth defects or other reproductive harm (“reproductive toxicants”), a warning is not required if the business 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 (NOEL),” divided by a 1,000- fold safety or uncertainty factor. The “no observable effect level” is the highest dose level which has not been associated with an observable adverse reproductive or developmental effect.

Discharge that do not result in a “significant amount” of the listed chemical entering into 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 list chemical has not, does not, or will not enter any drinking water source, and that the discharge complies with all other applicable laws, regulations, permits, requirements, or orders. A “significant amount” means any

detectable amount; expect an amount that would meet the “ no significant risk” or “no observable effect” test if an individual were exposed to such an 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 (those in cities with a population exceeding 750,000). Lawsuit 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. A notice must comply with the information and procedural requirements specified in regulations (Title 27. California Code of Regulations, Section 25903). A private party may not pursue an enforcement action directly under Proposition 65 if one of the governmental officials noted above initiates an action within sixty days of 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 of law to stop committing the violation.

FOR FURTHER INFORMATION...

Contact the Office of Environmental Health Hazard Assessment’s Proposition 65 Implementation Office at (916)445-6900

E-Mail Service List

Stacey Grassini, Deputy District Attorney
CONTRA COSTA COUNTY
900 Ward Street
Martinez, CA 94553
sggrassini@contracostada.org

Michelle Latimer, Program Coordinator
LASSEN COUNTY
220 S. Lassen Street
Susanville, CA 96130
mlatimer@co.lassen.ca.us

Jeannine M. Pacioni, District Attorney
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Monterey, CA 93940
Prop65DA@co.monterey.ca.us

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Napa, CA 94559
CEPD@countyofnapa.org

Paul E. Zellerbach, District Attorney
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CityAttyCrimProp65@sandiego.gov

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Valerie.Lopez@sfcityatty.org

Eric J. Dobroth, Deputy District Attorney
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edobroth@co.slo.ca.us

Bud Porter, Supervising Deputy District Attorney
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Stephan R. Passalacqua, District Attorney
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Phillip J. Cline, District Attorney
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Gregory D. Totten, District Attorney
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800 S Victoria Ave
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