

2018 Proposition 65 State Impact Report

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About the Center for Accountability in Science

The Center for Accountability in Science provides a balanced look at the science behind sensational headlines and seeks to debunk junk science and correct public misconceptions. Launched in 2014, CAS is a project of the nonprofit Center for Organizational Research and Education (CORE).

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INTRODUCTION



PROPOSITION 65: THE LAW CRIPPLING BUSINESSES ACROSS THE GLOBE

The Safe Drinking Water and Toxic Enforcement Act of 1986, known as Proposition 65, is a California law that requires warnings on products and areas containing chemicals “known to the State of California” to cause cancer, birth defects, or reproductive harm. The law was supposed to keep people safe from toxic chemicals, but today it is responsible for meaningless warnings on everyday items like coffee, flip-flops, and toothbrushes. The warnings are everywhere, and consumers have tuned them out.

Instead of protecting public health, Proposition 65 has evolved into a tool for trial lawyers to earn millions at the expense of small businesses whose products don't actually put consumers in harm's way - even if the businesses are located outside California.

⚠ WARNING: This product can expose you to **acrylamide**, which is known to the state of California to cause **cancer** and birth defects or other reproductive harm. For more information go to www.P65Warnings.ca.gov.



THE ELEMENTS OF A PROPOSITION 65 SETTLEMENT

Proposition 65 settlements consist of three components: a civil penalty, a payment in lieu of further penalty, and reimbursement for attorney costs and associated fees.

Civil penalties can reach \$2,500 for every day that a business fails to post a Proposition 65 warning. The penalties fund California's Office of Environmental Health Hazard Assessment (OEHHA), the agency in charge of maintaining the Proposition 65 chemical list. The law also allows plaintiffs to collect up to one quarter of the penalty's total value.

Plaintiffs may also divert this civil penalty to fund their own private work through a payment in lieu of further penalty, or PILP, which can effectively increase their payout five-fold. Due to rampant abuse of the PILP system, judges now oversee settlements involving a PILP. But today, the financial ceiling remains high enough that the promise of multiplying one's payout still incentivizes predatory lawsuits.

Settling businesses also reimburse the attorney costs and legal fees plaintiffs incur bringing a Proposition 65 violation to their attention. California's Attorney General has expressed concern over the “frequency and magnitude of attorney's fees recoveries” for Proposition 65 settlements involving an insignificant exposure to a listed chemical, but the proportion of settlements going to attorneys has only increased in recent years.

CALIFORNIA USES WEAK EVIDENCE TO LIST CHEMICALS UNDER PROPOSITION 65

OEHHA can add a chemical to the Proposition 65 list if it is named in the California Labor Code as a carcinogen, or if any one of a number of state or federal government agencies, authoritative bodies, or OEHHA's committees determine that a chemical causes cancer, birth defects or other reproductive harm.

Cancer classifications from one authoritative body, called The International Agency for Research on Cancer (IARC), are especially problematic and impact two of the four pathways through which a chemical can be listed. Chemicals are automatically considered for Proposition 65 when IARC classifies them as carcinogenic to humans (Group 1), probably carcinogenic to humans (Group 2A), or possibly carcinogenic to humans (Group 2B). However, for IARC to classify a chemical in Group 2B, evidence that the chemical can cause cancer in humans does not need to exist. Experimental animal data is sufficient, even if in doses far higher than any person would reasonably encounter. As a result, chemicals can be added to the list even if no human evidence exists to suggest real-world human exposure increases one's risk of cancer.

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The prospect that warnings might be added to every cup of coffee seemed like a joke back in 1986, when opponents of the proposal touted its potential misuse...The fact that the most outlandish prediction may now come true only underscores the need for fixing or replacing this law.

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The Los Angeles Times Editorial Board
September 30, 2017

A LAWSUIT OR SETTLEMENT DOES NOT MEAN A BUSINESS WAS POISONING THE PUBLIC

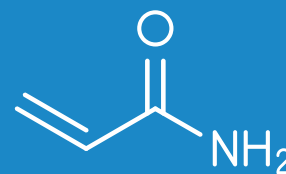
Only about 300 chemicals on the Proposition 65 list are assigned a “safe harbor level.” Exposure to a chemical in amounts smaller than this level isn't expected to harm humans, so products containing a Proposition 65 chemical in levels below this safety threshold don't need to carry a warning.

Safe harbor levels are very conservative estimates for safety. For reproductive toxins, Proposition 65 requires this level to be set 1,000 times lower than the chemical's “no observable effect level,” which is the amount shown not to harm humans or laboratory animals. Even if a chemical exceeds the safe harbor threshold, it may still be present at low enough levels that it can't cause birth defects or other reproductive harm. For chemicals listed as cancer causing, the “no significant risk level” is low enough that exposure wouldn't cause more than one case of cancer per 100,000 individuals over a 70-year lifetime.

For the more than 500 chemicals without a safety threshold, companies can be sued if their product contains any amount of the chemical – even if that amount meets established federal safety guidelines and would never be harmful to consumers.

As the recent high-profile case between Starbucks and ninety other coffee manufacturers shows, even with no evidence that a product (coffee, in this case) causes cancer, companies still risk losing their case if they choose to fight Proposition 65 in court.

HOW CONSERVATIVE ARE PROPOSITION 65 LIMITS?



ACRYLAMIDE

EPA safety estimate:

Less than 44 mg per day for the average man

Prop 65 Safe Harbor Level:

Less than 0.0002 mg per day for everyone

Proposition 65's safety threshold is 220000x smaller than what the EPA thinks could actually cause cancer.



THE PUBLIC IS NOT BENEFITING FROM PROPOSITION 65 WARNINGS

Although Proposition 65 has been in effect for more than three decades, evidence supporting a public benefit is scant. According to the Centers for Disease Control and Prevention, California's rate of seven common cancers – Non-Hodgkin's lymphoma, and ovarian, testicular, and stomach cancers among them – are either no different from or higher than the national average.

When it comes to evidence of reproductive health, California also fails to distinguish itself from other states. The National ART Surveillance System reports that California has among the highest percentage of births resulting from assisted reproductive technology, such as in vitro fertilization, and the National Birth Defects Prevention Network reports that the state faces higher than average rates of central nervous system defects, and certain cardiovascular and musculoskeletal defects.

Since businesses are pressured into warning about or reformulating products that contain a negligible amount of a listed chemical in the first place, reformulations inspired as a result of Proposition 65 aren't having a measurable effect on public health.

In a 2016 paper, academics with Harvard and Vanderbilt Universities also suggested that the overabundance of warnings resulting from regulations like Proposition 65 have conditioned consumers to tune them out since they come to believe the warnings rarely connote a serious threat. The potential spillover effects that Proposition 65 may have on other legitimate warnings is a cause for concern.

“

Regulations should benefit the public, not line the pockets of lawyers with frivolous law suits. The unfortunate effect of all the warning labels is that they have become white noise to consumers who simply ignore them. The public health benefits from Proposition 65 warnings appear to be negligible to non-existent for California residents.”

Joseph Perrone, Sc.D.
Chief Science Officer, Center for
Accountability in Science



HOW ARE OUT-OF-STATE BUSINESSES SUED UNDER PROPOSITION 65?

Under Proposition 65, any business with ten or more employees is subject to its labeling requirements if California consumers visit their place of business or buy their products -- even if the product is purchased online or sold through another retailer.

Small businesses end up bearing the brunt of Proposition 65 settlement costs, since large national retail chains often use indemnity agreements to shift their liability onto a product's supplier or manufacturer. If the retailer receives a 60-day notice, it's the manufacturer – who may be headquartered out of state and who doesn't directly sell to California consumers – who typically settles the lawsuit.

Come August 2018, updates to Proposition 65 expressly shift liability to the manufacturer, producer, packager, importer, supplier or distributor in most cases without retailers needing an indemnity agreement.

REPORT OVERVIEW

Although California's Attorneys General have prepared annual Proposition 65 settlement reports detailing the plaintiffs, defendants, and breakdown of settlement values since 2000, analyses of the law's impact have reported its toll in terms of national, or overall impact. Without data to illustrate the financial impact that Proposition 65 has extracted from state economies, stakeholders outside California haven't had the means to rally opposition to the state's law.

This report seeks to fill the gap of state-level data by pairing settling defendants with the state in which they were headquartered at the time of the settlement.

METHODOLOGY

This report uses public data from the California's Attorney General's Office annual Proposition 65 settlement reports to estimate how much money businesses headquartered outside of California lost settling Proposition 65 lawsuits from 2010 to 2017.

Business headquarters were assigned based on a variety of public sources, including the company's website, Bloomberg Business profile, LinkedIn profile, and address listed in settlement documents. Where possible, multiple sources were used to confirm the location of a company's headquarters at the time of the settlement.

Settlement fees and penalties were assigned to companies involved in multiple defendant settlements according to the settlement terms. Where the exact proportion of payments was unspecified, settlement costs were divided evenly between all defendants listed as settling the case.

KEY FINDINGS

STATE ANALYSIS

Between 2010 and 2017, businesses lost a total of \$182.1 million settling Proposition 65 lawsuits -- a figure that does not include the amount paid from cases that actually went to trial.

Roughly three out of every four of these businesses were headquartered outside California. Businesses from the most severely impacted states – New York (#2), New Jersey (#3), Illinois (#4), Florida (#5), and Texas (#6) -- paid a combined \$57.8 million in violation of the California law. New Jersey was home to the largest settlement paid by a single company, which reached more than \$1.1 million. A total of 28 state economies -- more than half the nation -- lose an average of at least \$100,000 every year settling Proposition 65 litigation.

Although compliance costs after businesses settle a Proposition 65 lawsuit were beyond the scope of this report, interviews with business owners who have faced litigation indicate that a company may spend hundreds of thousands of dollars in subsequent years to comply with the law.

ATTORNEY PROFITS

Proposition 65 lawsuits are extremely lucrative for law firms. In fact, more than \$128.5 million -- 70 percent of the total costs incurred from 2010 to 2017 went directly to reimbursing attorney costs and legal fees. During this period, plaintiffs and their lawyers targeted businesses more than 4,700 times, averaging more than 11 settlements every week for eight years. The frequency is unsurprising, considering plaintiffs and their lawyers targeting business in the top 30 states pocket roughly \$30,000 for each successful Proposition 65 settlement.

In 2000, the first year in which California's Attorney General released a Proposition 65 Settlement Report, lawyers collected approximately \$7.4 million settling Proposition 65 lawsuits. In 2017, the annual reported cost jumped to \$19.5 million. Even accounting for inflation, today's lawyers are pocketing 184 percent more settling Proposition 65 suits than they did in 2000.

State	Overall Rank	Settlement Costs 2010 - 2017
California	1	\$51,258,222
New York	2	\$20,457,500
New Jersey	3	\$11,222,308
Illinois	4	\$9,858,770
Florida	5	\$8,367,108
Texas	6	\$7,916,615
Ohio	7	\$5,866,565
Pennsylvania	8	\$5,337,228
Utah	9	\$4,631,617
Washington	10	\$4,095,726
North Carolina	11	\$3,604,494
Massachusetts	12	\$3,211,968
Georgia	13	\$2,975,404
Minnesota	14	\$2,973,600
Virginia	15	\$2,730,305
Connecticut	16	\$2,709,672
Wisconsin	17	\$2,586,350
Tennessee	18	\$2,350,399
Missouri	19	\$2,280,039
Arizona	20	\$2,092,016
Indiana	21	\$1,948,320
Michigan	22	\$1,899,015
Nevada	23	\$1,886,000
Oregon	24	\$1,584,525
Colorado	25	\$1,525,682
Oklahoma	26	\$1,398,000
Maryland	27	\$1,259,500
Rhode Island	28	\$1,210,900
Iowa	29	\$718,800
Idaho	30	\$654,549



INDIVIDUAL AND SPECIAL INTEREST PROFITS

Between 2010 and 2017, Proposition 65 settlements included more than \$22.5 million in payments in lieu of further civil penalty (PILP). Plaintiffs and their lawyers use these payments to circumvent Proposition 65's requirement that plaintiffs surrender at least three fourths of a settlement's civil penalty to OEHHA. Recent reforms limiting the amount of money a PILP may contain have successfully reduced the settlement component from a peak of over \$4.1 million in 2010 to roughly \$1.4 million today.

Between a PILP and the quarter of a civil penalty that a plaintiff may claim, settlement documents indicate that individual and special interests used Proposition 65 to successfully extract up to \$30.2 million for themselves between 2010 and 2017.

A CASE STUDY IN SPECIAL INTERESTS:

In one of the worst examples of settlement abuse, citizen enforcer David Steinman and the nonprofit Chemical Toxin Working Group (CTWG) jointly claimed over \$239,000 in one settlement by taking portions of the civil penalty, attorney fees, and payments in lieu of further penalty for themselves.

Steinman is the founder and a current employee of CTWG.



CONCLUSION

This report is the first to account for the financial devastation Proposition 65 has wreaked on individual states in recent years. With a financial impact totaling \$310.6 million since California's Attorney General began releasing summaries of Proposition 65 settlements in 2000, it requires no stretch of the imagination to conclude that Proposition 65 is hurting businesses across the nation.

Compliance costs are to be expected for laws that protect human and environmental health, but it is clear that after more than thirty years since the passage of Proposition 65 that the law has failed to accomplish its objective to keep consumers safe from harmful chemicals.

If California's legislature cannot take up the reins to amend Proposition 65's most severe defects – the lack of safe harbor levels and existence of exorbitant attorney costs and payments in lieu of penalty chief among them – it's time for federal action to prevent the law from harming businesses and consumers beyond the state's borders.

For these reasons, the Center for Accountability in Science calls on Congress to stop California's broken chemical law.

Since 2010



In total, California's Proposition 65 has cost businesses more than \$310.6 million since 2000.

What could businesses have done with that money?





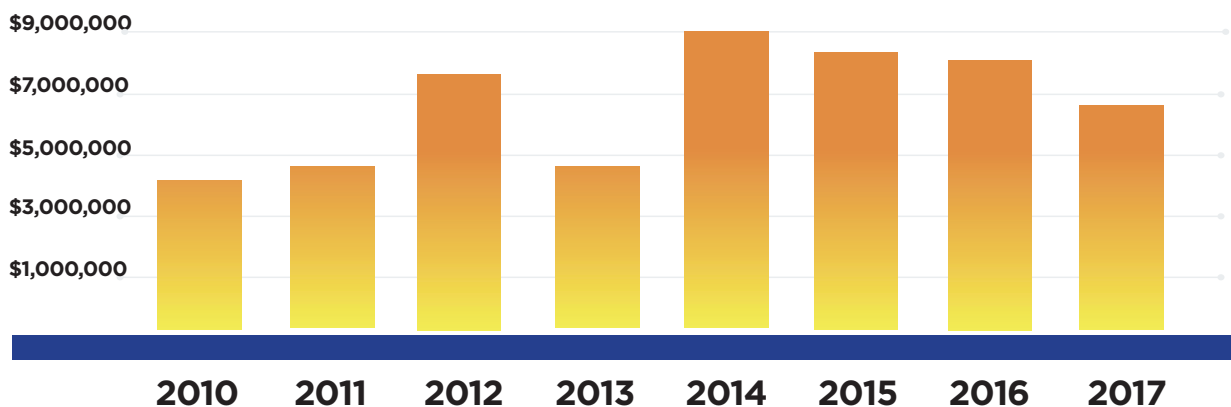
CALIFORNIA

\$51,258,222

It comes as no surprise that California, home state to Proposition 65, also suffers the law’s most severe financial consequences. The roughly 1,300 California businesses that settled Proposition 65 litigation between 2010 and 2017 paid more civil penalties, more attorney fees, and more payments in lieu of further penalty than businesses in every other state. Proposition 65’s financial toll affected nearly every sector of the state’s diverse economy, although settlements were especially painful for retail, dining, and manufacturing companies. While the amount lost to Proposition 65 settlements has decreased slightly in recent years, California’s businesses still lost 245 percent more than runner-up New York in 2017.

<p>BETWEEN 2010 AND 2017</p> <p>PROP 65 COST CALIFORNIA BUSINESS \$51.2 MILLION</p>	<p>THAT’S ROUGHLY \$123,000 LOST EVERY WEEK FOR EIGHT YEARS</p>	<p>63 PLAINTIFFS WERE RESPONSIBLE FOR ALL THE PROP 65 SETTLEMENTS IN CALIFORNIA</p>
	<p>\$35.4 MILLION WENT STRAIGHT TO ATTORNEY FEES AND COSTS</p>	<p>THAT AMOUNTS TO 69% PERCENT OF ALL SETTLEMENT MONEY</p>
	<p>ON AVERAGE, PLAINTIFFS & THEIR LAWYERS POCKETED \$30,000 FOR EVERY SUCCESSFUL SETTLEMENT</p>	<p>SPECIAL INTERESTS CLAIMED \$7.3 MILLION.</p>

TOTAL PROPOSITION 65 SETTLEMENT COSTS IN CALIFORNIA 2010 - 2017





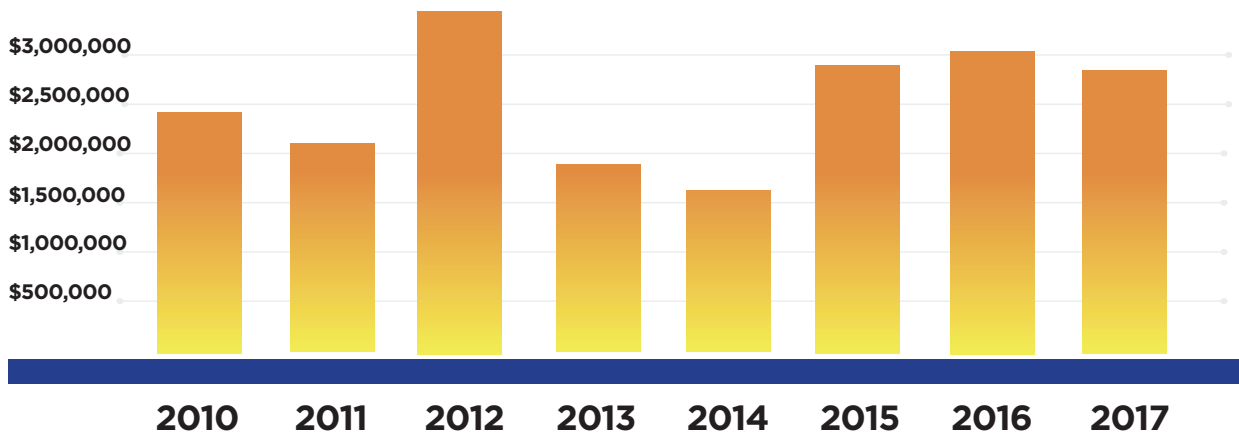
NEW YORK

\$20,457,500

For a state that houses the world's largest capital markets, New York has forgotten businesses in their own backyard. Between 2010 and 2017, New York businesses spent almost \$15 million dollars in attorney fees alone, the second highest of any state. One serial litigator, the California-based Center for Environmental Health, amassed settlements approaching \$6 million against just 142 businesses. For New York businesses, settlement costs routinely come close to double neighboring New Jersey's total settlement costs.

<p>BETWEEN 2010 AND 2017</p> <p>PROP 65 COST NEW YORK BUSINESS</p> <p>\$20.5 MILLION</p>	<p>THAT'S ROUGHLY \$49,000 LOST EVERY WEEK FOR EIGHT YEARS</p>	<p>39 PLAINTIFFS WERE RESPONSIBLE FOR ALL THE PROP 65 SETTLEMENTS IN NEW YORK</p>
	<p>\$14.9 MILLION WENT STRAIGHT TO ATTORNEY FEES AND COSTS</p>	<p>THAT AMOUNTS TO 73% PERCENT OF ALL SETTLEMENT MONEY</p>
	<p>ON AVERAGE, PLAINTIFFS & THEIR LAWYERS POCKETED \$28,000 FOR EVERY SUCCESSFUL SETTLEMENT</p>	<p>SPECIAL INTERESTS CLAIMED \$2.5 MILLION.</p>

TOTAL PROPOSITION 65 SETTLEMENT COSTS IN NEW YORK 2010 - 2017





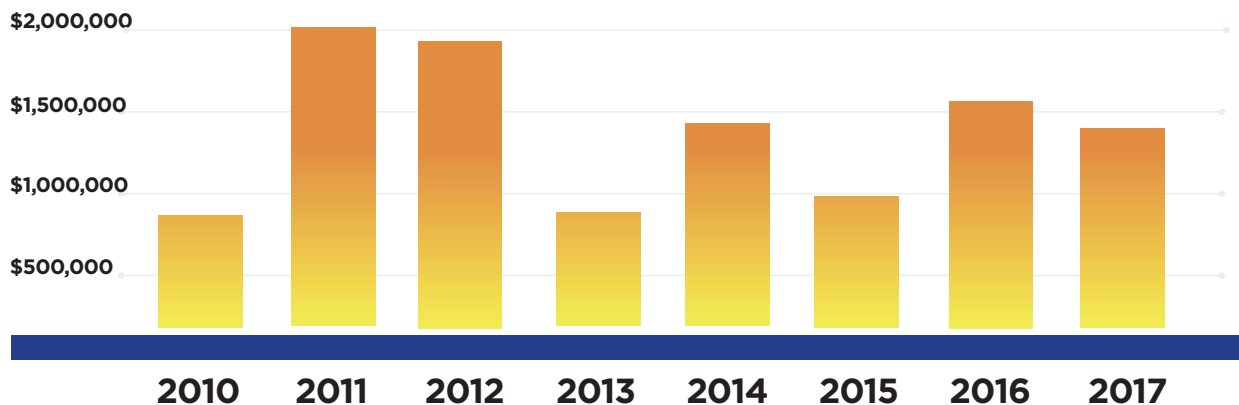
NEW JERSEY

\$11,222,308

New Jersey prides itself as the more business-friendly neighbor to New York, however, a closer look shows otherwise. Relative to their population, New Jersey businesses were subject to higher total settlement costs, civil penalties, attorney fees, and payments in lieu of further penalties than businesses in New York. Despite the financial burden of doing business in New Jersey, at least one trade has made itself quite comfortable there - lawyers. Attorneys collected 77 percent of total settlement costs, which far exceeds the national average.

<p>BETWEEN 2010 AND 2017</p> <p>PROP 65 COST NEW JERSEY BUSINESS \$11.2 MILLION</p>	<p>THAT'S ROUGHLY \$27,000 LOST EVERY WEEK FOR EIGHT YEARS</p>	<p>31 PLAINTIFFS WERE RESPONSIBLE FOR ALL THE PROP 65 SETTLEMENTS IN NEW JERSEY</p>
	<p>\$8.7 MILLION WENT STRAIGHT TO ATTORNEY FEES AND COSTS</p>	<p>THAT AMOUNTS TO 77% PERCENT OF ALL SETTLEMENT MONEY</p>
	<p>ON AVERAGE, PLAINTIFFS & THEIR LAWYERS POCKETED \$31,500 FOR EVERY SUCCESSFUL SETTLEMENT</p>	<p>SPECIAL INTERESTS CLAIMED \$864,000.</p>

TOTAL PROPOSITION 65 SETTLEMENT COSTS IN NEW JERSEY 2010 - 2017



#04

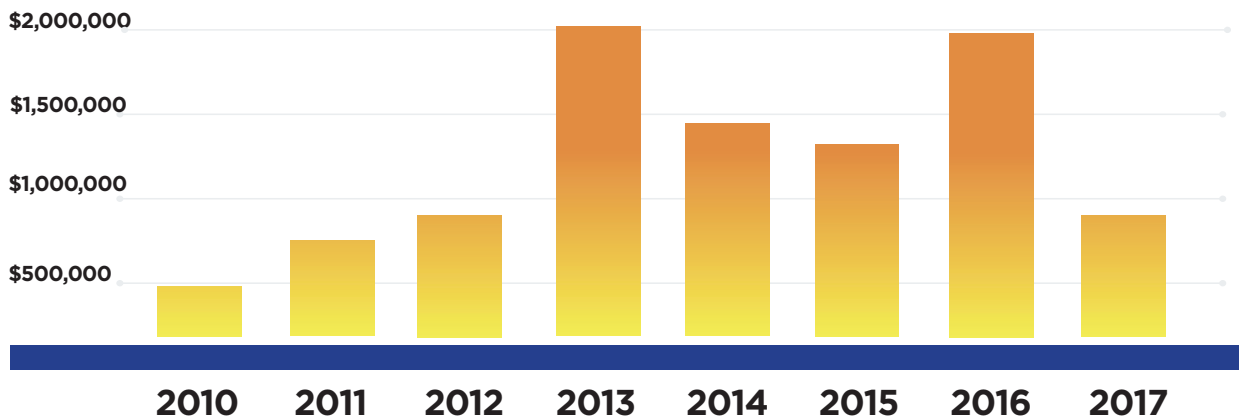
ILLINOIS

\$9,858,770

Although Illinois ranks fourth in terms of total Proposition 65 settlement fees, businesses in the state paid the highest share towards attorney fees out of the top ten most heavily affected states. Illinois' national rankings are worrisome, but recent figures point to businesses conditions improving. Total settlement costs in 2017 were roughly half the amount seen the year prior, reaching under \$1 million for the first time since 2012. The highest grossing plaintiff in the state, Consumer Advocacy Group, amassed \$1.3 million dollars in settlements.

<p>BETWEEN 2010 AND 2017</p> <p>PROP 65 COST ILLINOIS BUSINESS \$9.9 MILLION</p>	<p>THAT'S ROUGHLY \$24,000 LOST EVERY WEEK FOR EIGHT YEARS</p>	<p>35 PLAINTIFFS WERE RESPONSIBLE FOR ALL THE PROP 65 SETTLEMENTS IN ILLINOIS</p>
	<p>\$7.7 MILLION WENT STRAIGHT TO ATTORNEY FEES AND COSTS</p>	<p>THAT AMOUNTS TO 78% PERCENT OF ALL SETTLEMENT MONEY.</p>
	<p>ON AVERAGE, PLAINTIFFS & THEIR LAWYERS POCKETED \$30,000 FOR EVERY SUCCESSFUL SETTLEMENT</p>	<p>SPECIAL INTERESTS CLAIMED \$731,000.</p>

TOTAL PROPOSITION 65 SETTLEMENT COSTS IN ILLINOIS 2010 - 2017



#05

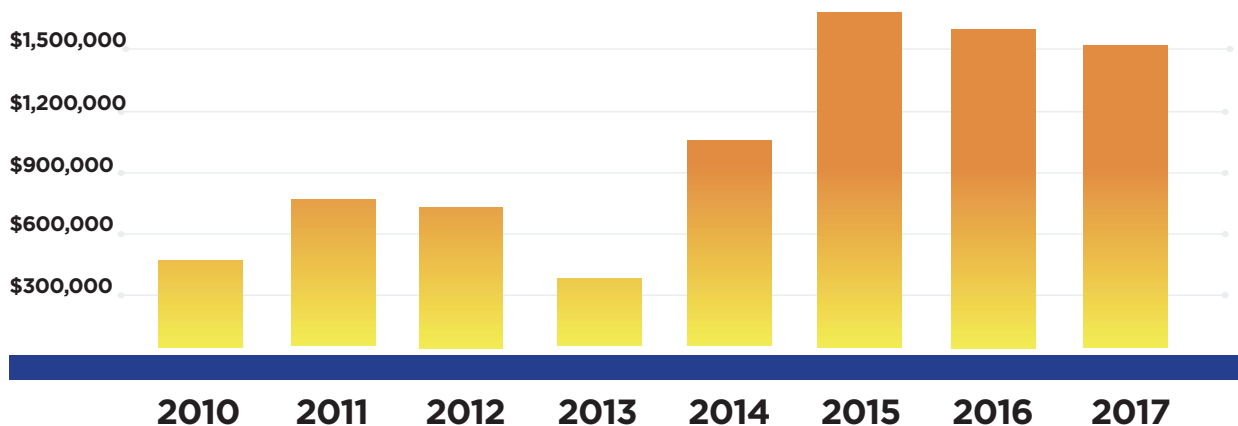
FLORIDA

\$8,367,108

Proposition 65 settlement costs for Florida businesses have ballooned from \$2.3 million over the earlier part of the decade, to \$6 million between 2014 and 2017 - a 72 percent increase. While the overall burden for Florida's business community has seen small decreases since 2015, Proposition 65 attorney fees reached an all-time high in 2017. Over half of total settlement costs in Florida were brought forth by two serial litigators based in California: The Center for Environmental Health and the Environmental Research Center.

<p>BETWEEN 2010 AND 2017</p> <p>PROP 65 COST FLORIDA BUSINESS \$8.4 MILLION</p>	<p>THAT'S ROUGHLY \$20,000 LOST EVERY WEEK FOR EIGHT YEARS</p>	<p>31 PLAINTIFFS WERE RESPONSIBLE FOR ALL THE PROP 65 SETTLEMENTS IN FLORIDA</p>
	<p>\$5.5 MILLION WENT STRAIGHT TO ATTORNEY FEES AND COSTS</p>	<p>THAT AMOUNTS TO 66% PERCENT OF ALL SETTLEMENT MONEY</p>
	<p>ON AVERAGE, PLAINTIFFS & THEIR LAWYERS POKETED \$32,000 FOR EVERY SUCCESSFUL SETTLEMENT</p>	<p>SPECIAL INTERESTS CLAIMED \$1.2 MILLION.</p>

TOTAL PROPOSITION 65 SETTLEMENT COSTS IN FLORIDA 2010 - 2017





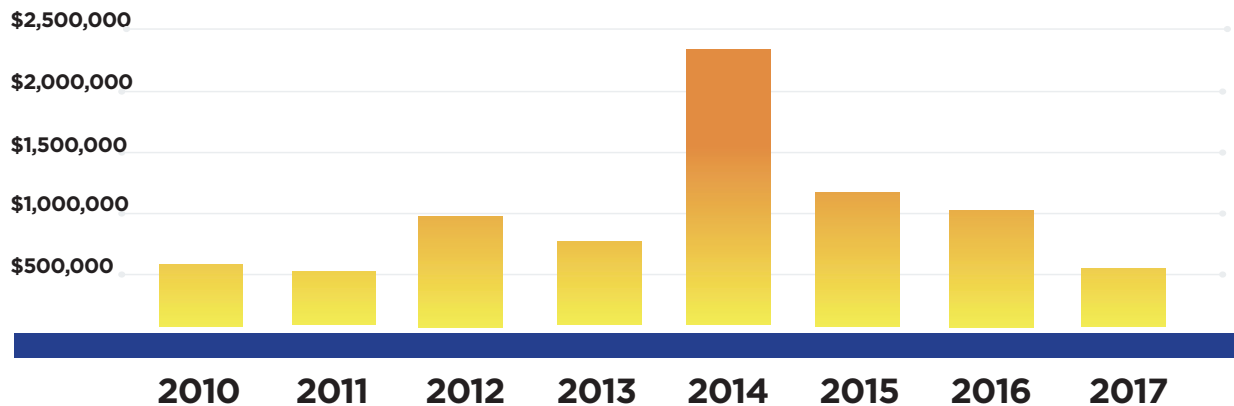
TEXAS

\$7,916,615

Businesses in Texas were stripped of close to \$8 million by just 31 predatory plaintiffs, although close to half of the state's total settlement costs were brought forth by two serial litigators based in California: The Center for Environmental Health and the Environmental Research Center. Texas ranks sixth in terms of settlement totals, but businesses in the state paid special interests the third-highest payments in lieu of further civil penalty. A spate of high-dollar settlements in 2014 hit five Texas-based companies with costs totaling more than \$145,000. That year, predatory plaintiff Mateel Environmental Justice Foundation managed to extract \$220,000 from one business alone: Whole Foods.

<p>BETWEEN 2010 AND 2017</p> <p>PROP 65 COST TEXAS BUSINESS \$7.9 MILLION</p>	<p>THAT'S ROUGHLY \$19,000 LOST EVERY WEEK FOR EIGHT YEARS</p>	<p>32 PLAINTIFFS WERE RESPONSIBLE FOR ALL THE PROP 65 SETTLEMENTS IN TEXAS</p>
	<p>\$5.2 MILLION WENT STRAIGHT TO ATTORNEY FEES AND COSTS</p>	<p>THAT AMOUNTS TO 66% PERCENT OF ALL SETTLEMENT MONEY</p>
	<p>ON AVERAGE, PLAINTIFFS & THEIR LAWYERS POKETED \$30,000 FOR EVERY SUCCESSFUL SETTLEMENT</p>	<p>SPECIAL INTERESTS CLAIMED \$1.3 MILLION.</p>

TOTAL PROPOSITION 65 SETTLEMENT COSTS IN TEXAS 2010 - 2017





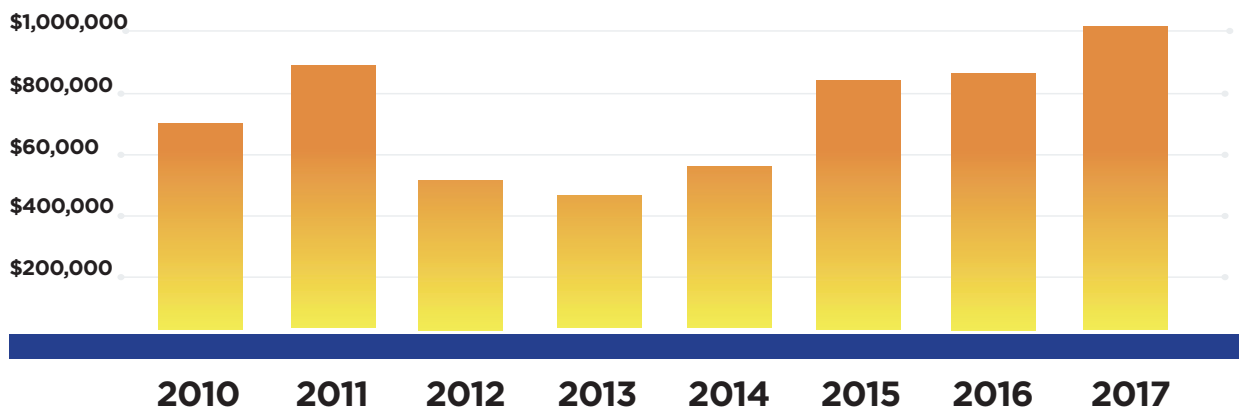
OHIO

\$5,866,565

2017 marked the first year that Ohio companies were subject to losses totaling more than \$1 million as a result of Proposition 65 settlements. Of that amount, a whopping 88 percent went to legal fees alone - the highest percentage of any state last year. The cost increase in 2017 was driven, in part, by two companies hit with separate \$175,000 settlements. Like the majority of other states, fewer than 30 plaintiffs were responsible for extracting close to \$6 million from Ohio businesses between 2010 and 2017.

<p>BETWEEN 2010 AND 2017</p> <p>PROP 65 COST OHIO BUSINESS \$5.9 MILLION</p>	<p>THAT'S ROUGHLY \$14,000 LOST EVERY WEEK FOR EIGHT YEARS</p>	<p>30 PLAINTIFFS WERE RESPONSIBLE FOR ALL THE PROP 65 SETTLEMENTS IN OHIO</p>
	<p>\$4.5 MILLION WENT STRAIGHT TO ATTORNEY FEES AND COSTS</p>	<p>THAT AMOUNTS TO 77% PERCENT OF ALL SETTLEMENT MONEY</p>
	<p>ON AVERAGE, PLAINTIFFS & THEIR LAWYERS POCKETED \$28,000 FOR EVERY SUCCESSFUL SETTLEMENT</p>	<p>SPECIAL INTERESTS CLAIMED \$594,000.</p>

TOTAL PROPOSITION 65 SETTLEMENT COSTS IN OHIO 2010 - 2017





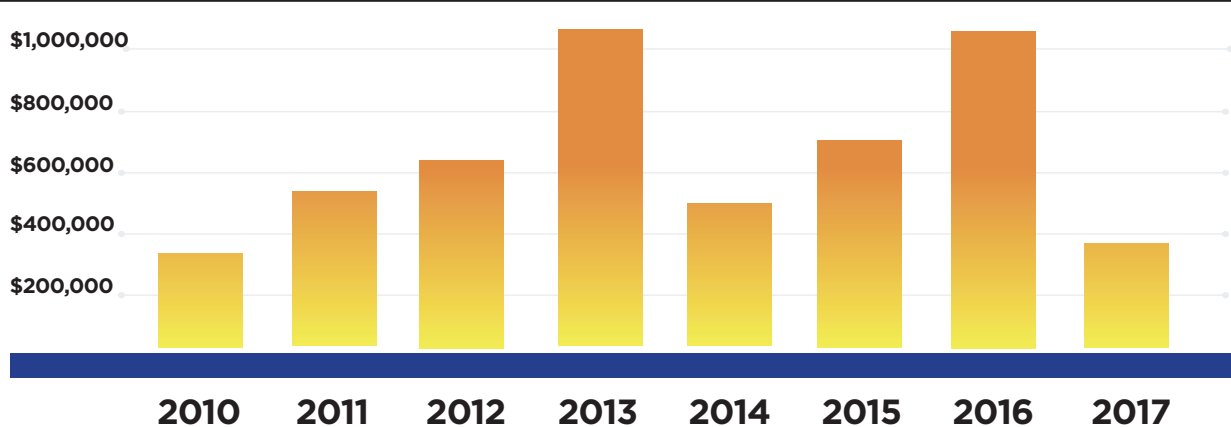
PENNSYLVANIA

\$5,337,228

Although the proportion of Proposition 65 settlements directed to attorney fees in Pennsylvania were in line with the national average, lawyers managed to take a much larger share of the settlement pie in 2017 by pocketing 8 of every 10 dollars. Out of the 27 serial plaintiffs who shook down businesses in Pennsylvania from 2010 to 2017, four managed to pad their settlement rolls with totals of more than a half million dollars. During this time, six Pennsylvania companies were hit with settlements totaling more than \$100,000 each.

<p>BETWEEN 2010 AND 2017</p> <p>PROP 65 COST PENNSYLVANIA BUSINESS \$5.3 MILLION</p>	<p>THAT'S ROUGHLY \$13,000 LOST EVERY WEEK FOR EIGHT YEARS</p>	<p>27 PLAINTIFFS WERE RESPONSIBLE FOR ALL THE PROP 65 SETTLEMENTS IN PENNSYLVANIA</p>
	<p>\$3.7 MILLION WENT STRAIGHT TO ATTORNEY FEES AND COSTS</p>	<p>THAT AMOUNTS TO 70% PERCENT OF ALL SETTLEMENT MONEY</p>
	<p>ON AVERAGE, PLAINTIFFS & THEIR LAWYERS POKETED \$31,000 FOR EVERY SUCCESSFUL SETTLEMENT</p>	<p>SPECIAL INTERESTS CLAIMED \$476,000.</p>

TOTAL PROPOSITION 65 SETTLEMENT COSTS IN PENNSYLVANIA 2010 - 2017





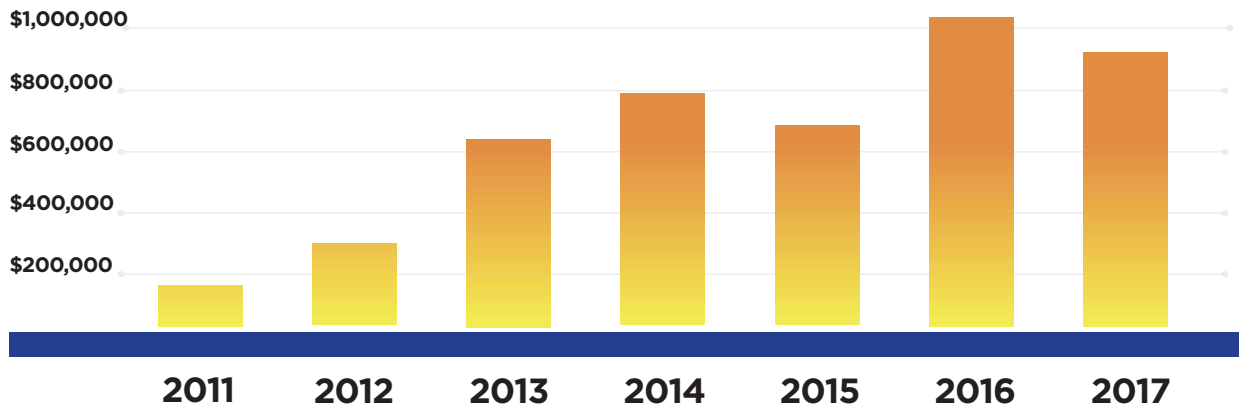
UTAH

\$4,631,617

At 27 percent, businesses in Utah paid the highest percentage of their total Proposition 65 settlement value towards payments in lieu of penalties. Not to be outdone, attorney fees in 2016 and 2017 more than doubled the amount paid out in 2015. Though Utah’s business community may be diverse, the plaintiffs shaking down businesses in the state certainly aren’t. Settlements from The Environmental Research Center alone account for close to three fourths of the total Proposition 65 settlement costs between 2010 and 2017.

<p>BETWEEN 2010 AND 2017</p> <p>PROP 65 COST UTAH BUSINESS \$4.6 MILLION</p>	<p>THAT’S ROUGHLY \$11,000 LOST EVERY WEEK FOR EIGHT YEARS</p>	<p>23 PLAINTIFFS WERE RESPONSIBLE FOR ALL THE PROP 65 SETTLEMENTS IN UTAH</p>
	<p>\$2 MILLION WENT STRAIGHT TO ATTORNEY FEES AND COSTS</p>	<p>THAT AMOUNTS TO 44% PERCENT OF ALL SETTLEMENT MONEY</p>
	<p>ON AVERAGE, PLAINTIFFS & THEIR LAWYERS POCKETED \$36,000 FOR EVERY SUCCESSFUL SETTLEMENT</p>	<p>SPECIAL INTERESTS CLAIMED \$1.2 MILLION.</p>

TOTAL PROPOSITION 65 SETTLEMENT COSTS IN UTAH 2010 - 2017



#10

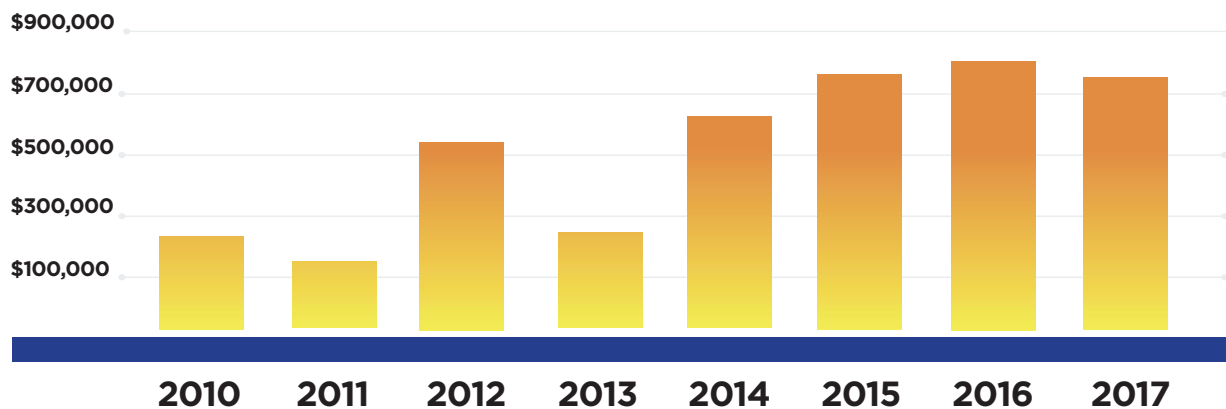
WASHINGTON

\$4,095,726

Proposition 65 settlements in recent years have not fared well for Washington businesses, with more than 70 percent of the state's total settlement fees originating in 2014 or later. In recent years, attorneys have also managed to claim a larger portion of settlement fees for themselves. In 2017, legal fees reached 76 percent of total settlement value. One major Washington-based business, Amazon, was targeted in dozens of Proposition 65 lawsuits between 2010 and 2017, although the fines were often ultimately levied on other manufacturers.

<p>BETWEEN 2010 AND 2017</p> <p>PROP 65 COST WASHINGTON BUSINESS \$4 MILLION</p>	<p>THAT'S ROUGHLY \$10,000 LOST EVERY WEEK FOR EIGHT YEARS</p>	<p>23 PLAINTIFFS WERE RESPONSIBLE FOR ALL THE PROP 65 SETTLEMENTS IN WASHINGTON</p>
	<p>\$2.8 MILLION WENT STRAIGHT TO ATTORNEY FEES AND COSTS</p>	<p>THAT AMOUNTS TO 70% PERCENT OF ALL SETTLEMENT MONEY</p>
	<p>ON AVERAGE, PLAINTIFFS & THEIR LAWYERS POKETED \$29,000 FOR EVERY SUCCESSFUL SETTLEMENT</p>	<p>SPECIAL INTERESTS CLAIMED \$516,000.</p>

TOTAL PROPOSITION 65 SETTLEMENT COSTS IN WASHINGTON 2010 - 2017



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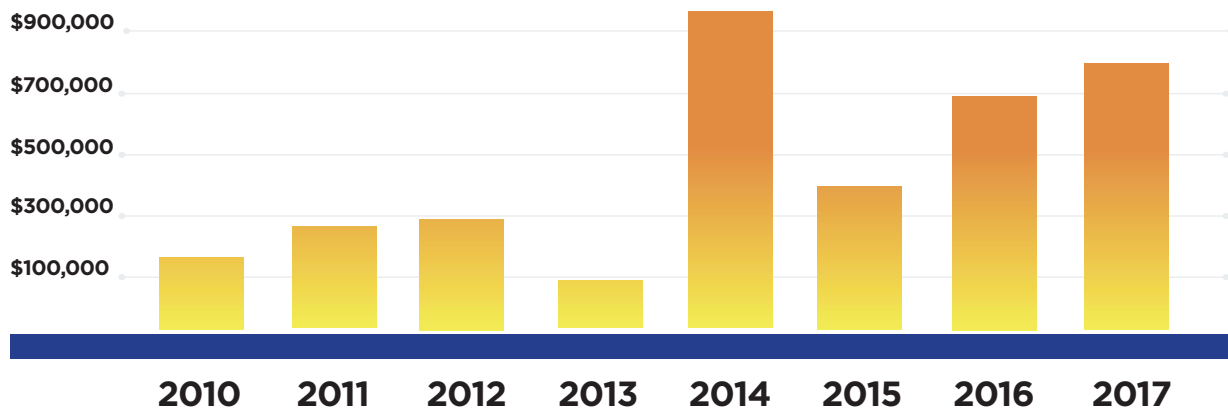
NORTH CAROLINA

\$3,604,494

Proposition 65 settlements in North Carolina were largely driven by two high-frequency plaintiffs, the Center for Environmental Health and citizen enforcer Peter Englander, who together settled lawsuits with almost 30 North Carolina businesses between 2010 and 2017. CEH also managed to secure the single largest settlement against a North Carolina business, totaling more than \$350,000. Attorneys managed to siphon off roughly 72 percent of settlement money for themselves, exceeding the national average.

<p>BETWEEN 2010 AND 2017</p> <p>PROP 65 COST NORTH CAROLINA BUSINESS \$3.6 MILLION</p>	<p>THAT'S ROUGHLY \$8,600 LOST EVERY WEEK FOR EIGHT YEARS</p>	<p>22 PLAINTIFFS WERE RESPONSIBLE FOR ALL THE PROP 65 SETTLEMENTS IN OHIO</p>
	<p>\$2.6 MILLION WENT STRAIGHT TO ATTORNEY FEES AND COSTS</p>	<p>THAT AMOUNTS TO 72% PERCENT OF ALL SETTLEMENT MONEY</p>
	<p>ON AVERAGE, PLAINTIFFS & THEIR LAWYERS POCKETED \$29,000 FOR EVERY SUCCESSFUL SETTLEMENT</p>	<p>SPECIAL INTERESTS CLAIMED \$316,000.</p>

TOTAL PROPOSITION 65 SETTLEMENT COSTS IN NORTH CAROLINA 2010 - 2017





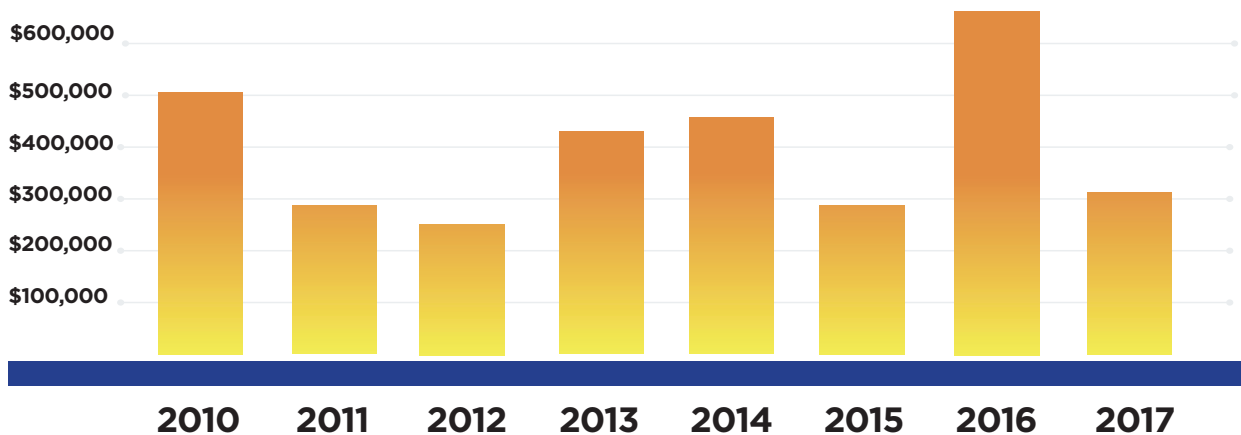
MASSACHUSETTS

\$3,211,968

As a major technology and manufacturing hub in New England, Massachusetts is known for its strong business climate. However, Proposition 65 lawsuits against nearly 100 businesses drew \$3.2 million from the state between 2010 and 2017. The single largest settlement against a Massachusetts business came in 2013 and totaled \$112,000. Following similar trends in other states, over 40 percent of settlements involving Massachusetts businesses were brought by the same three litigants. Attorneys also tended to benefit, with their share of Proposition 65 settlement totals exceeding the national average.

<p>BETWEEN 2010 AND 2017</p> <p>PROP 65 COST MASSACHUSETTS BUSINESS \$3.2 MILLION</p>	<p>THAT'S ROUGHLY \$7,700 LOST EVERY WEEK FOR EIGHT YEARS</p>	<p>21 PLAINTIFFS WERE RESPONSIBLE FOR ALL THE PROP 65 SETTLEMENTS IN MASSACHUSETTS</p>
	<p>\$2.3 MILLION WENT STRAIGHT TO ATTORNEY FEES AND COSTS</p>	<p>THAT AMOUNTS TO 71% PERCENT OF ALL SETTLEMENT MONEY</p>
	<p>ON AVERAGE, PLAINTIFFS & THEIR LAWYERS POCKETED \$26,000 FOR EVERY SUCCESSFUL SETTLEMENT</p>	<p>SPECIAL INTERESTS CLAIMED \$375,000.</p>

TOTAL PROPOSITION 65 SETTLEMENT COSTS IN MASSACHUSETTS 2010 - 2017





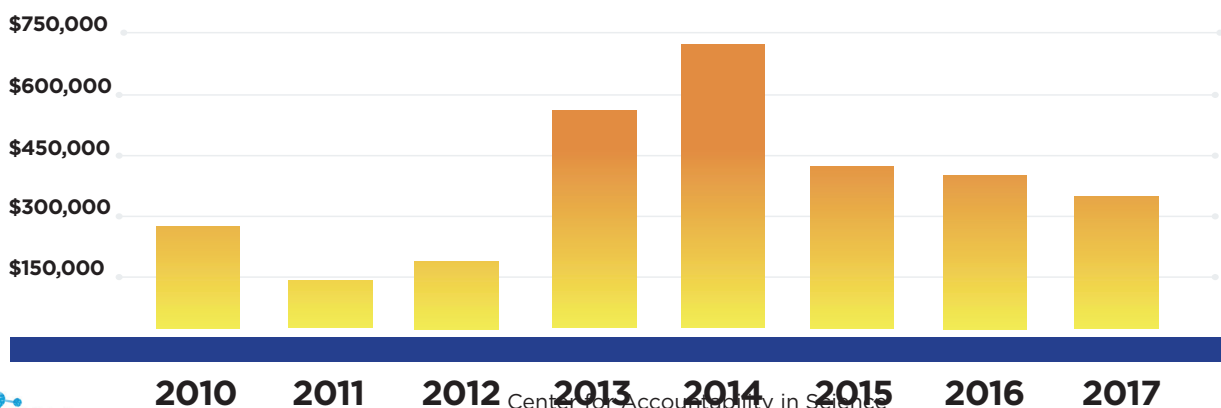
GEORGIA

\$2,975,404

Businesses in Georgia have fallen victim to Proposition 65 close to 100 times, paying almost \$3 million in settlement costs. The single largest settlement in the state, totaling \$160,000, came in 2014. Although settlement costs have slowly tapered off since that year, close to 73 percent of the total costs were paid in attorney fees, a greater percentage than the national average.

<p>BETWEEN 2010 AND 2017</p> <p>PROP 65 COST GEORGIA BUSINESS</p> <p>\$2.9 MILLION</p>	<p>THAT'S ROUGHLY \$7,000 LOST EVERY WEEK FOR EIGHT YEARS</p>	<p>28 PLAINTIFFS WERE RESPONSIBLE FOR ALL THE PROP 65 SETTLEMENTS IN GEORGIA</p>
	<p>\$2.2 MILLION WENT STRAIGHT TO ATTORNEY FEES AND COSTS</p>	<p>THAT AMOUNTS TO 73% PERCENT OF ALL SETTLEMENT MONEY</p>
	<p>ON AVERAGE, PLAINTIFFS & THEIR LAWYERS POCKETED \$26,000 FOR EVERY SUCCESSFUL SETTLEMENT</p>	<p>SPECIAL INTERESTS CLAIMED \$242,000.</p>

TOTAL PROPOSITION 65 SETTLEMENT COSTS IN GEORGIA 2010 - 2017



#14

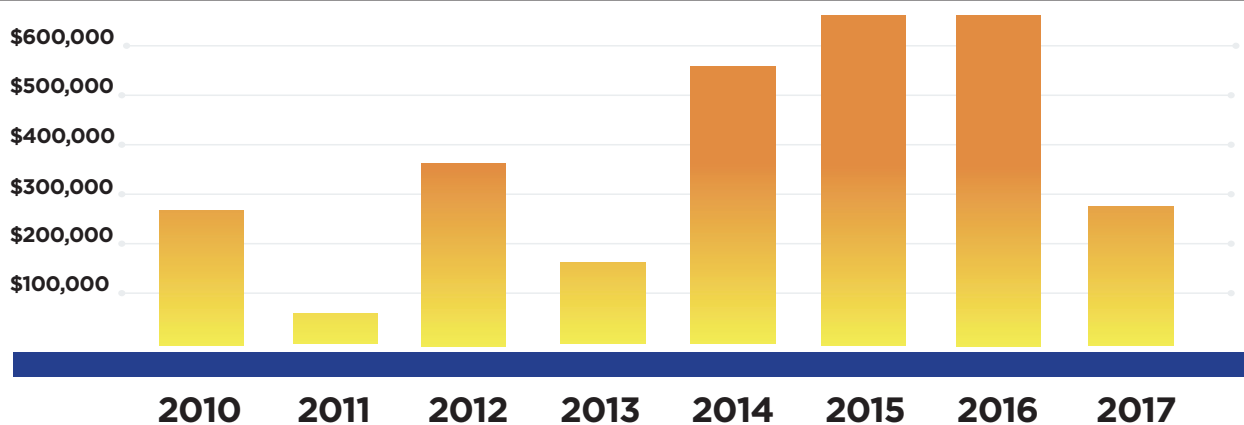
MINNESOTA

\$2,973,600

Minneapolis is home to one of America's largest and most beloved retailers: Target. Like 78 other defendants headquartered in the state, Target was not beyond the reach of Proposition 65. Between 2010 and 2017, Minnesota businesses have faced settlement costs varying between \$50,000 and \$630,000. The four most active of the 21 plaintiffs targeting Minnesota businesses were responsible for more than half of the Proposition 65 settlements in the state. The most active group, Center for Environmental Health, settled 19 cases alone.

<p>BETWEEN 2010 AND 2017</p> <p>PROP 65 COST MINNESOTA BUSINESS \$2.9 MILLION</p>	<p>THAT'S ROUGHLY \$7,000 LOST EVERY WEEK FOR EIGHT YEARS</p>	<p>21 PLAINTIFFS WERE RESPONSIBLE FOR ALL THE PROP 65 SETTLEMENTS IN MINNESOTA</p>
	<p>\$2.1 MILLION WENT STRAIGHT TO ATTORNEY FEES AND COSTS</p>	<p>THAT AMOUNTS TO 70% PERCENT OF ALL SETTLEMENT MONEY</p>
	<p>ON AVERAGE, PLAINTIFFS & THEIR LAWYERS POCKETED \$28,000 FOR EVERY SUCCESSFUL SETTLEMENT</p>	<p>SPECIAL INTERESTS CLAIMED \$381,000.</p>

TOTAL PROPOSITION 65 SETTLEMENT COSTS IN MINNESOTA 2010 - 2017



#15

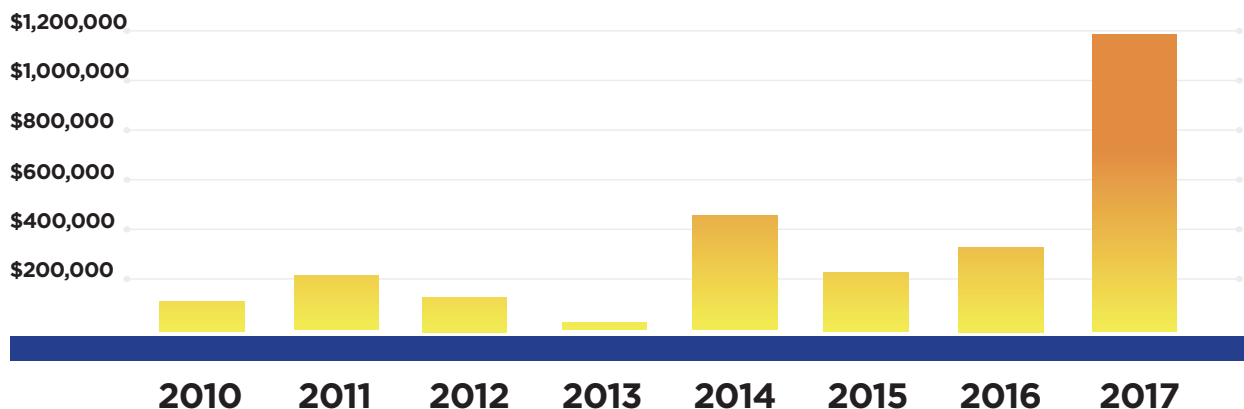
VIRGINIA

\$2,730,305

Proposition 65 settlements in North Carolina were largely driven by two high-frequency plaintiffs, the Center for Environmental Health and citizen enforcer Peter Englander, who together settled lawsuits with almost 30 North Carolina businesses between 2010 and 2017. CEH also managed to secure the single largest settlement against a North Carolina business, totaling more than \$350,000. Attorneys managed to siphon off roughly 72 percent of settlement money for themselves, exceeding the national average.

<p>BETWEEN 2010 AND 2017</p> <p>PROP 65 COST VIRGINIA BUSINESS \$2.7 MILLION</p>	<p>THAT'S ROUGHLY \$6,500 LOST EVERY WEEK FOR EIGHT YEARS</p>	<p>18 PLAINTIFFS WERE RESPONSIBLE FOR ALL THE PROP 65 SETTLEMENTS IN VIRGINIA</p>
	<p>\$2.3 MILLION WENT STRAIGHT TO ATTORNEY FEES AND COSTS</p>	<p>THAT AMOUNTS TO 83% PERCENT OF ALL SETTLEMENT MONEY</p>
	<p>ON AVERAGE, PLAINTIFFS & THEIR LAWYERS POKETED \$51,000 FOR EVERY SUCCESSFUL SETTLEMENT</p>	<p>SPECIAL INTERESTS CLAIMED \$163,000.</p>

TOTAL PROPOSITION 65 SETTLEMENT COSTS IN VIRGINIA 2010 - 2017



#16

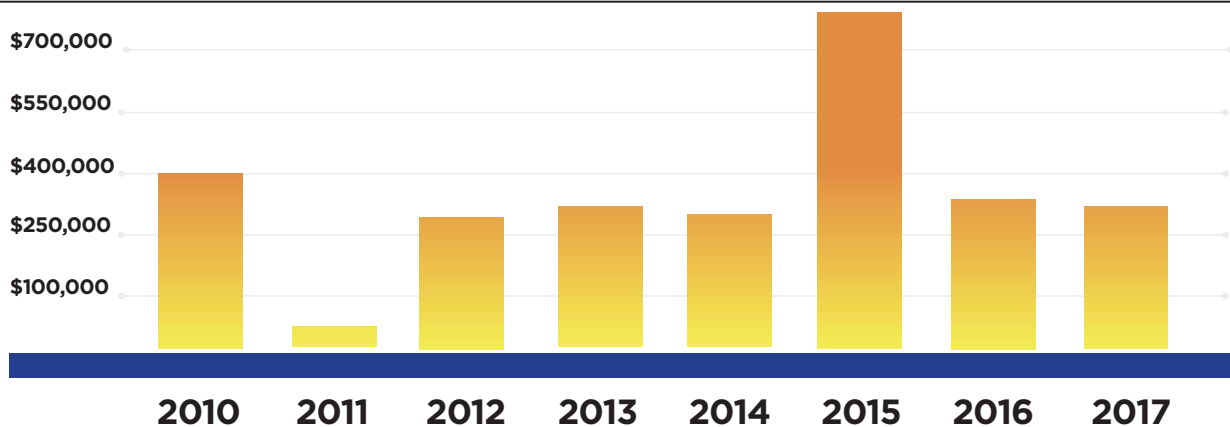
CONNECTICUT

\$2,709,672

Connecticut has earned its reputation as the insurance capital of the U.S., but the state is also home to more than 70 defendants faced with Proposition 65 settlements. While the annual cost to businesses hovered around \$300,000 for most of the 2010 to 2017 span, predatory plaintiffs were especially active in 2014. That year, settlement costs increased 165 percent from the year prior. In Connecticut, the percentage of Proposition 65 settlements supporting private interests through payments in lieu of further civil penalty reached above 13 percent, higher than the national average.

<p>BETWEEN 2010 AND 2017</p> <p>PROP 65 COST CONNECTICUT BUSINESS \$2.7 MILLION</p>	<p>THAT'S ROUGHLY \$6,500 LOST EVERY WEEK FOR EIGHT YEARS</p>	<p>22 PLAINTIFFS WERE RESPONSIBLE FOR ALL THE PROP 65 SETTLEMENTS IN CONNECTICUT</p>
	<p>\$1.9 MILLION WENT STRAIGHT TO ATTORNEY FEES AND COSTS</p>	<p>THAT AMOUNTS TO 72% PERCENT OF ALL SETTLEMENT MONEY</p>
	<p>ON AVERAGE, PLAINTIFFS & THEIR LAWYERS POCKETED \$28,000 FOR EVERY SUCCESSFUL SETTLEMENT</p>	<p>SPECIAL INTERESTS CLAIMED \$363,000.</p>

TOTAL PROPOSITION 65 SETTLEMENT COSTS IN CONNECTICUT 2010 - 2017



17

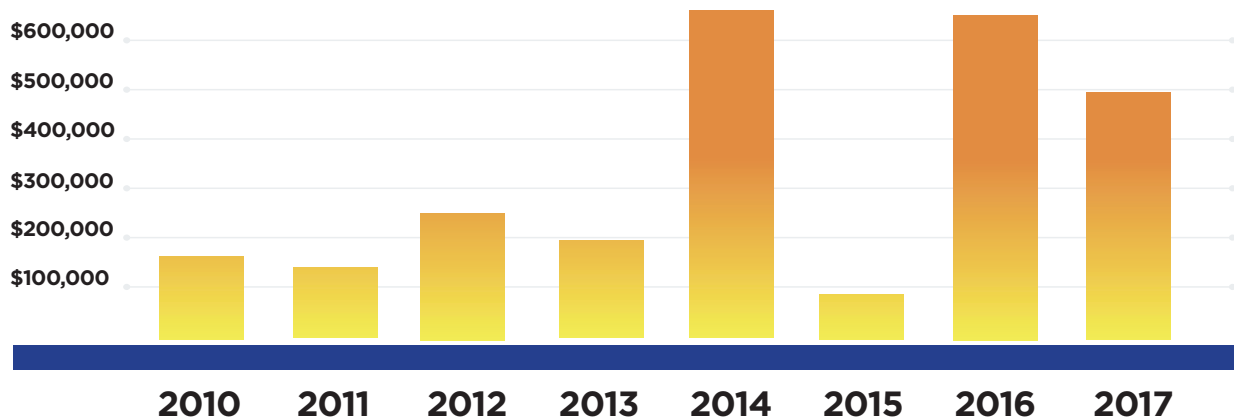
WISCONSIN

\$2,586,350

Manufacturing is a major contributor to Wisconsin's economy, making the state ripe for Proposition 65 lawsuits. Predatory plaintiffs were particularly active in the state in 2014, 2016, and 2017, when they shook almost \$2 million from Wisconsin businesses. In 2014, payments for the most severe Proposition 65 settlement exceeded \$200,000 for a single business. Roughly three fourths of settlement costs in the state have gone straight to attorney fees, while a lower than average share - just 16 percent - is paid in civil penalties.

<p>BETWEEN 2010 AND 2017</p> <p>PROP 65 COST WISCONSIN BUSINESS</p> <p>\$2.6 MILLION</p>	<p>THAT'S ROUGHLY \$6,200 LOST EVERY WEEK FOR EIGHT YEARS</p>	<p>22 PLAINTIFFS WERE RESPONSIBLE FOR ALL THE PROP 65 SETTLEMENTS IN WISCONSIN</p>
	<p>\$1.9 MILLION WENT STRAIGHT TO ATTORNEY FEES AND COSTS</p>	<p>THAT AMOUNTS TO 74% PERCENT OF ALL SETTLEMENT MONEY</p>
	<p>ON AVERAGE, PLAINTIFFS & THEIR LAWYERS POCKETED \$27,000 FOR EVERY SUCCESSFUL SETTLEMENT</p>	<p>SPECIAL INTERESTS CLAIMED \$258,000.</p>

TOTAL PROPOSITION 65 SETTLEMENT COSTS IN WISCONSIN 2010 - 2017



18

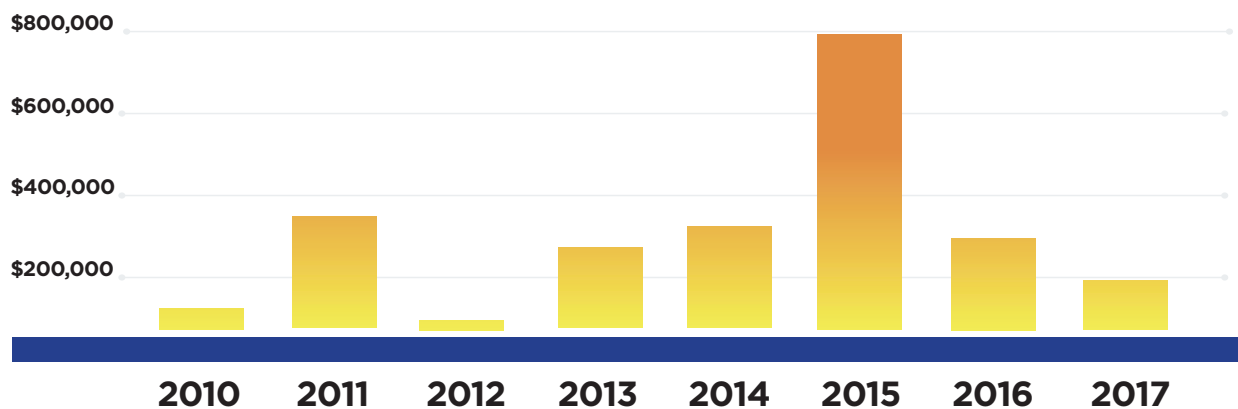
TENNESSEE

\$2,350,399

Manufacturers are a major contributor to both Tennessee’s economy and Proposition 65, making up a majority of settling businesses in the state. Settlement costs peaked in 2015, with the largest settlement against a single Tennessee business clocking in at \$180,000 that year. Attorney fees comprise a significant portion of dollars lost in the state. Lawyers took home 88 percent of settlement dollars in 2016, and 78 percent in 2017, both of which far exceed the national average.

<p>BETWEEN 2010 AND 2017</p> <p>PROP 65 COST TENNESSEE BUSINESS</p> <p>\$2.3 MILLION</p>	<p>THAT’S ROUGHLY \$5,600 LOST EVERY WEEK FOR EIGHT YEARS</p>	<p>21 PLAINTIFFS WERE RESPONSIBLE FOR ALL THE PROP 65 SETTLEMENTS IN TENNESSEE</p>
	<p>\$1.8 MILLION WENT STRAIGHT TO ATTORNEY FEES AND COSTS</p>	<p>THAT AMOUNTS TO 76% PERCENT OF ALL SETTLEMENT MONEY</p>
	<p>ON AVERAGE, PLAINTIFFS & THEIR LAWYERS POCKETED \$30,000 FOR EVERY SUCCESSFUL SETTLEMENT</p>	<p>SPECIAL INTERESTS CLAIMED \$156,000.</p>

TOTAL PROPOSITION 65 SETTLEMENT COSTS IN TENNESSEE 2010 - 2017



#19

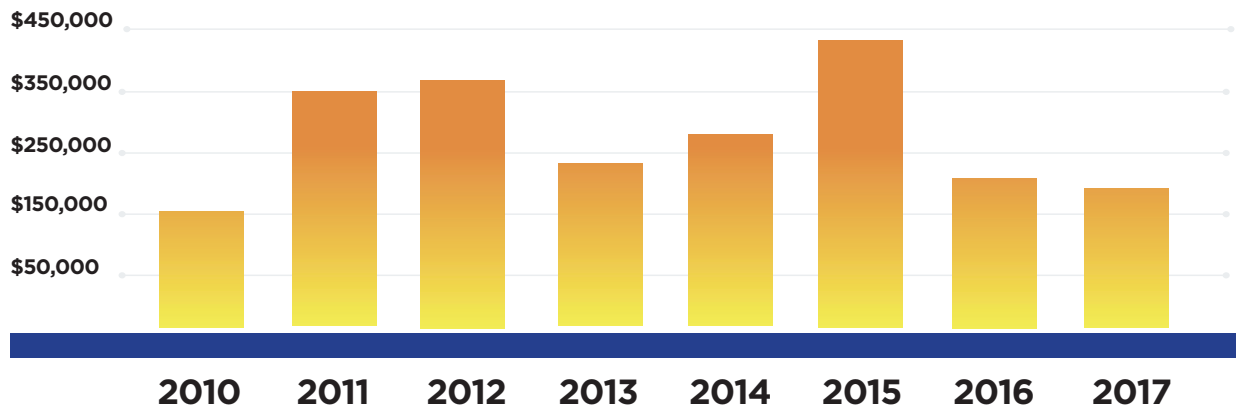
MISSOURI

\$2,280,039

Half of the close to \$2.3 million spent on Proposition 65 settlements from 2010 to 2017 originated in lawsuits filed by just two litigants, the Center for Environmental Health, and citizen enforcer John Moore. Attorneys collected close to 72 percent of settlement dollars during this time frame, with a peak of 84 percent in 2016. While Missouri businesses have experienced annual settlement costs largely varying between \$200,000 and \$400,000, costs have generally decreased the past two years due to a smaller number of settlements extracting payments in lieu of further civil penalty.

<p>BETWEEN 2010 AND 2017</p> <p>PROP 65 COST MISSOURI BUSINESS</p> <p>\$2.3 MILLION</p>	<p>THAT'S ROUGHLY \$5,500 LOST EVERY WEEK FOR EIGHT YEARS</p>	<p>22 PLAINTIFFS WERE RESPONSIBLE FOR ALL THE PROP 65 SETTLEMENTS IN MISSOURY</p>
	<p>\$1.6 MILLION WENT STRAIGHT TO ATTORNEY FEES AND COSTS</p>	<p>THAT AMOUNTS TO 71% PERCENT OF ALL SETTLEMENT MONEY</p>
	<p>ON AVERAGE, PLAINTIFFS & THEIR LAWYERS POCKETED \$25,000 FOR EVERY SUCCESSFUL SETTLEMENT</p>	<p>SPECIAL INTERESTS CLAIMED \$312,000.</p>

TOTAL PROPOSITION 65 SETTLEMENT COSTS IN MISSOURI 2010 - 2017





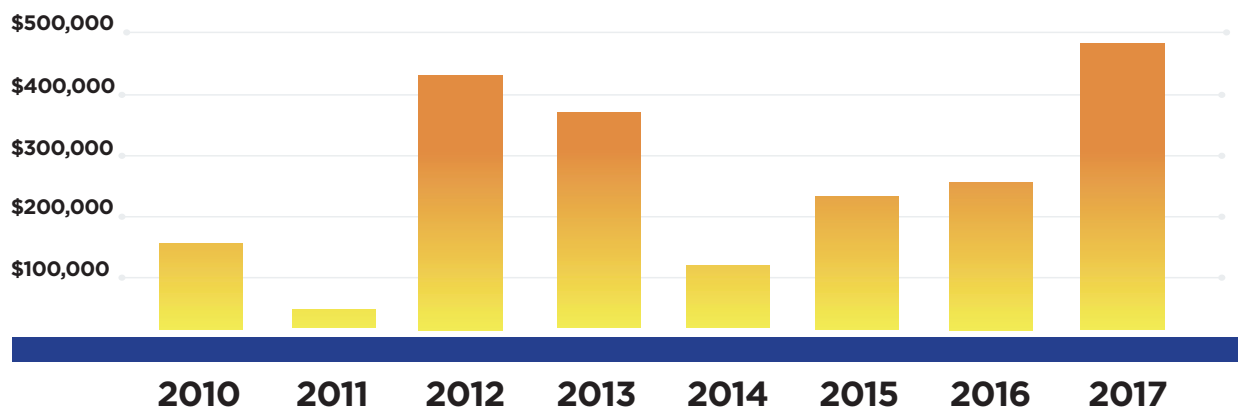
ARIZONA

\$2,092,016

Maintaining manufacturing as Arizona’s largest industry is a difficult task under the noose of Proposition 65, which forced businesses to settle 50 lawsuits between 2010 and 2017. Payments to special interests in lieu of civil penalties comprised 17 percent of settlement costs, far higher than the national average. Arizona businesses have faced increasing annual Proposition 65 settlement costs since 2014, with costs in 2017 reaching over \$470,000 – the highest in the state to date.

<p>BETWEEN 2010 AND 2017</p> <p>PROP 65 COST ARIZONA BUSINESS \$2.1 MILLION</p>	<p>THAT’S ROUGHLY \$5,000 LOST EVERY WEEK FOR EIGHT YEARS</p>	<p>20 PLAINTIFFS WERE RESPONSIBLE FOR ALL THE PROP 65 SETTLEMENTS IN ARIZONA</p>
	<p>\$1.3 MILLION WENT STRAIGHT TO ATTORNEY FEES AND COSTS</p>	<p>THAT AMOUNTS TO 64% PERCENT OF ALL SETTLEMENT MONEY</p>
	<p>ON AVERAGE, PLAINTIFFS & THEIR LAWYERS POCKETED \$29,000 FOR EVERY SUCCESSFUL SETTLEMENT</p>	<p>SPECIAL INTERESTS CLAIMED \$354,000.</p>

TOTAL PROPOSITION 65 SETTLEMENT COSTS IN ARIZONA 2010 - 2017



21

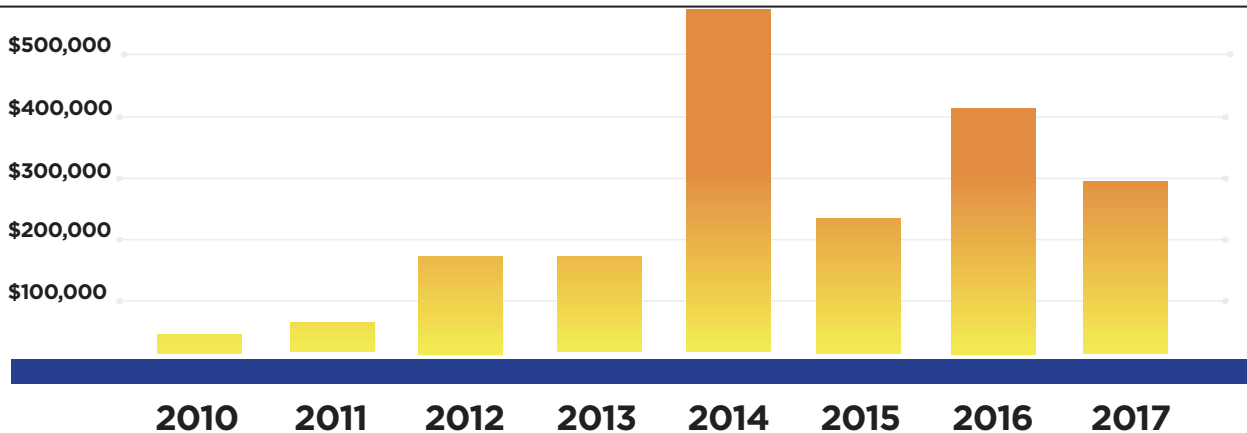
INDIANA

\$1,948,320

While just one Indiana business was forced to settle a Proposition 65 lawsuit in 2010, plaintiffs have converged on the state in recent years. Annual settlements have reached north of \$580,000, with costs in 2017 reaching almost \$300,000 without any payments made in lieu of further civil penalties. For Indiana businesses, attorney fees made up 75 percent of the total settlement costs. The average plaintiff successfully extracted almost \$100,000 from Indiana businesses between 2010 and 2017.

<p>BETWEEN 2010 AND 2017</p> <p>PROP 65 COST INDIANA BUSINESS \$1.9 MILLION</p>	<p>THAT'S ROUGHLY \$4,700 LOST EVERY WEEK FOR EIGHT YEARS</p>	<p>20 PLAINTIFFS WERE RESPONSIBLE FOR ALL THE PROP 65 SETTLEMENTS IN INDIANA</p>
	<p>\$1.5 MILLION WENT STRAIGHT TO ATTORNEY FEES AND COSTS</p>	<p>THAT AMOUNTS TO 75% PERCENT OF ALL SETTLEMENT MONEY</p>
	<p>ON AVERAGE, PLAINTIFFS & THEIR LAWYERS POCKETED \$26,000 FOR EVERY SUCCESSFUL SETTLEMENT</p>	<p>SPECIAL INTERESTS CLAIMED \$170,000.</p>

TOTAL PROPOSITION 65 SETTLEMENT COSTS IN INDIANA 2010 - 2017



#22

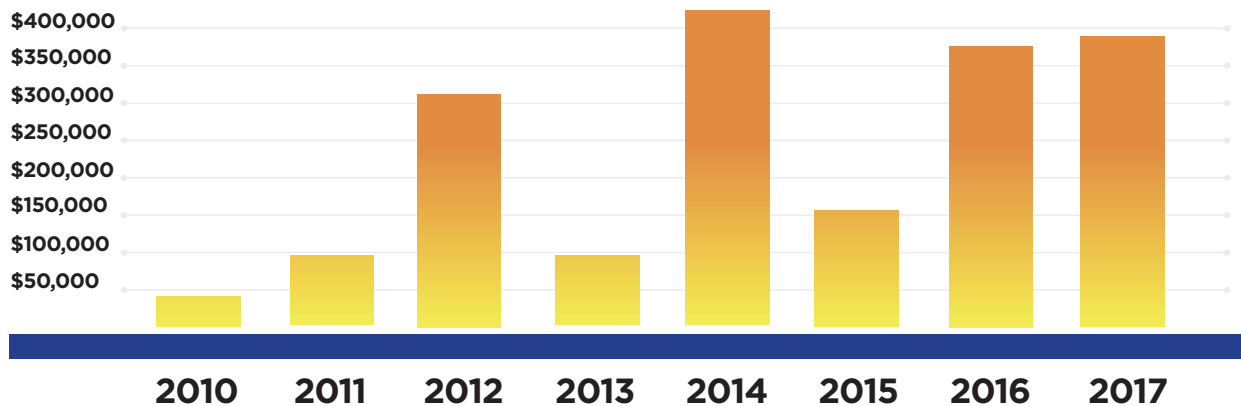
MICHIGAN

\$1,899,015

For businesses in the Great Lakes State, Proposition 65 settlement fees reached close to \$1.9 million between 2010 and 2017. The number of businesses targeted in the state has grown substantially since 2011, increasing 8-fold in five years. Over 76 percent of Proposition 65 settlement costs went strictly to attorney fee during this time, although attorneys who drew up settlements with Michigan businesses in 2017 carved out a whopping 85 percent for themselves.

<p>BETWEEN 2010 AND 2017</p> <p>PROP 65 COST MICHIGAN BUSINESS \$1.9 MILLION</p>	<p>THAT'S ROUGHLY \$4,600 LOST EVERY WEEK FOR EIGHT YEARS</p>	<p>20 PLAINTIFFS WERE RESPONSIBLE FOR ALL THE PROP 65 SETTLEMENTS IN MICHIGAN</p>
	<p>\$1.4 MILLION WENT STRAIGHT TO ATTORNEY FEES AND COSTS</p>	<p>THAT AMOUNTS TO 76% PERCENT OF ALL SETTLEMENT MONEY</p>
	<p>ON AVERAGE, PLAINTIFFS & THEIR LAWYERS POCKETED \$24,000 FOR EVERY SUCCESSFUL SETTLEMENT</p>	<p>SPECIAL INTERESTS CLAIMED \$136000.</p>

TOTAL PROPOSITION 65 SETTLEMENT COSTS IN MICHIGAN 2010 - 2017



#23

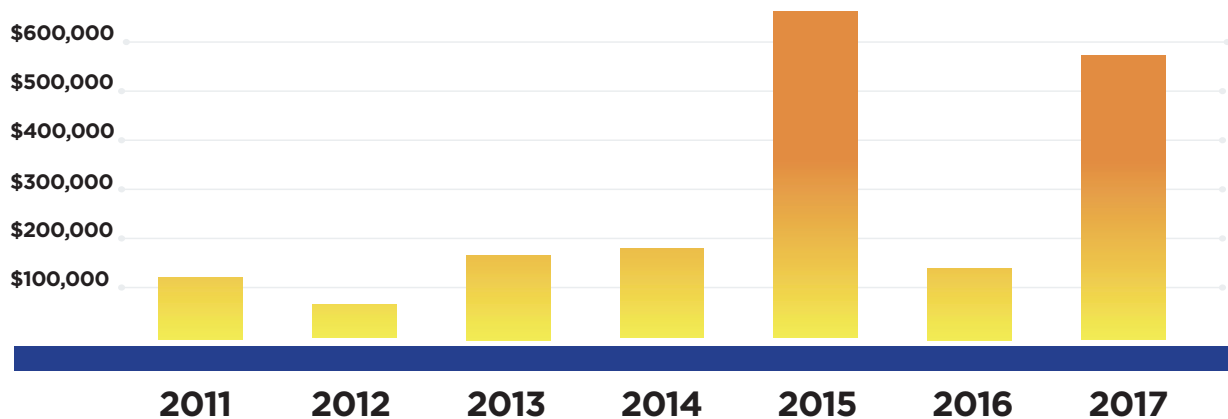
NEVADA

\$1,886,000

“What happens in Vegas, stays in Vegas” doesn’t hold true when it comes to Proposition 65 settlements. Nevada businesses paid close to \$1.9 million to settle Proposition 65 lawsuits between 2010 and 2017, with roughly \$1.1 million in settlements brought by a single plaintiff, the Environmental Research Center. The group is one of only 9 serial plaintiffs who extracted an average of \$210,000 each from Nevada’s economy during this time. More than 18 percent of the total cost of Proposition 65 settlements funded special interests through payments in lieu of further civil penalties – one of the highest proportions paid by businesses in the country.

<p>BETWEEN 2010 AND 2017</p> <p>PROP 65 COST NEVADA BUSINESS \$1.8 MILLION</p>	<p>THAT’S ROUGHLY \$4,500 LOST EVERY WEEK FOR EIGHT YEARS</p>	<p>9 PLAINTIFFS WERE RESPONSIBLE FOR ALL THE PROP 65 SETTLEMENTS IN NEVADA</p>
	<p>\$1 MILLION WENT STRAIGHT TO ATTORNEY FEES AND COSTS</p>	<p>THAT AMOUNTS TO 56% PERCENT OF ALL SETTLEMENT MONEY</p>
	<p>ON AVERAGE, PLAINTIFFS & THEIR LAWYERS POCKETED \$51,000 FOR EVERY SUCCESSFUL SETTLEMENT</p>	<p>SPECIAL INTERESTS CLAIMED \$345,000.</p>

TOTAL PROPOSITION 65 SETTLEMENT COSTS IN NEVADA 2010 - 2017





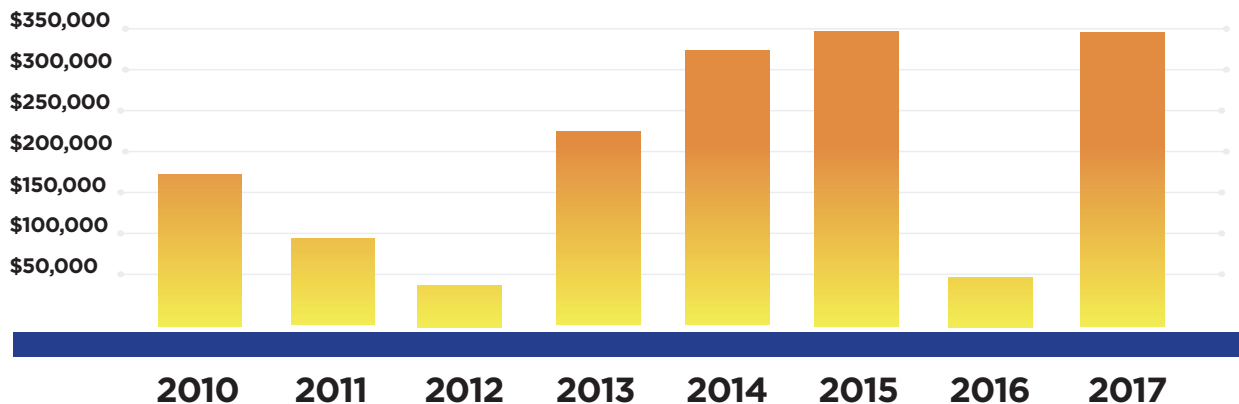
OREGON

\$1,584,525

With only 15 plaintiffs responsible for extracting more than \$1.5 million from Oregon businesses between 2010 and 2017, the average plaintiff siphoned six figures in settlements out of the state. Attorneys who drew up settlements with businesses in Oregon carved out more than \$1.1 million for themselves, while reserving 15 percent of settlement costs for special interests through payments in lieu of civil penalties. At more than \$263,000, payments to attorneys peaked last year, accounting for 77 percent of total settlement costs for businesses in Oregon.

<p>BETWEEN 2010 AND 2017</p> <p>PROP 65 COST OREGON BUSINESS \$1.6 MILLION</p>	<p>THAT'S ROUGHLY \$3,800 LOST EVERY WEEK FOR EIGHT YEARS</p>	<p>15 PLAINTIFFS WERE RESPONSIBLE FOR ALL THE PROP 65 SETTLEMENTS IN OREGON</p>
	<p>\$1.1 MILLION WENT STRAIGHT TO ATTORNEY FEES AND COSTS</p>	<p>THAT AMOUNTS TO 70% PERCENT OF ALL SETTLEMENT MONEY</p>
	<p>ON AVERAGE, PLAINTIFFS & THEIR LAWYERS POCKETED \$28,000 FOR EVERY SUCCESSFUL SETTLEMENT</p>	<p>SPECIAL INTERESTS CLAIMED \$232,000.</p>

TOTAL PROPOSITION 65 SETTLEMENT COSTS IN OREGON 2010 - 2017



#25

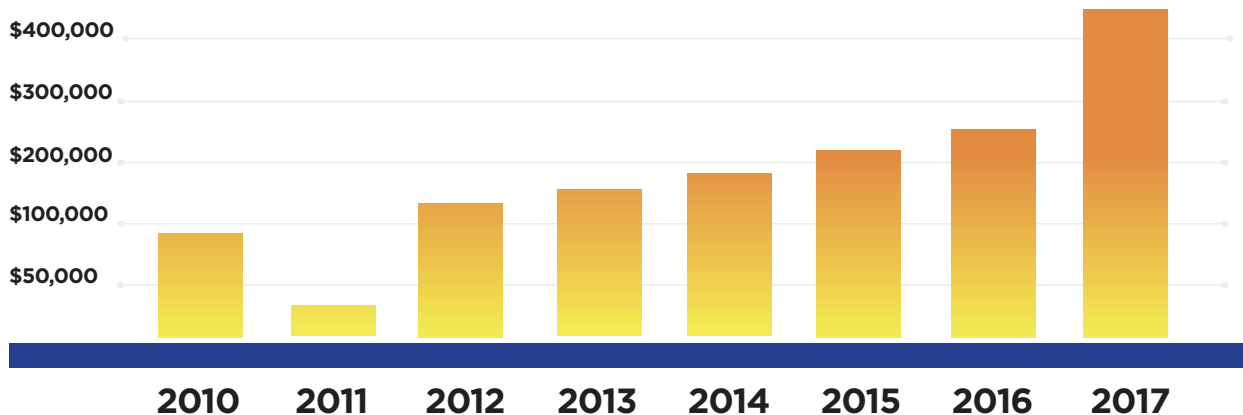
COLORADO

\$1,525,682

Colorado businesses have faced steadily increasing pressure under Proposition 65 every year since 2011. Settlements in 2017 alone reached almost a half million dollars, and plaintiffs certainly made sure their special interests were well funded: More than a fifth of Colorado business' settlement costs went to payments in lieu of civil penalty last year. Between 2010 and 2017, 17 individual plaintiffs shook down Colorado businesses for more than \$1.5 million, with the largest settlement against a single company costing more than \$200,000.

<p>BETWEEN 2010 AND 2017</p> <p>PROP 65 COST COLORADO BUSINESS \$1.5 MILLION</p>	<p>THAT'S ROUGHLY \$3,700 LOST EVERY WEEK FOR EIGHT YEARS</p>	<p>17 PLAINTIFFS WERE RESPONSIBLE FOR ALL THE PROP 65 SETTLEMENTS IN COLORADO</p>
	<p>\$950,000 WENT STRAIGHT TO ATTORNEY FEES AND COSTS</p>	<p>THAT AMOUNTS TO 62% PERCENT OF ALL SETTLEMENT MONEY</p>
	<p>ON AVERAGE, PLAINTIFFS & THEIR LAWYERS POCKETED \$25,000 FOR EVERY SUCCESSFUL SETTLEMENT</p>	<p>SPECIAL INTERESTS CLAIMED \$222,000.</p>

TOTAL PROPOSITION 65 SETTLEMENT COSTS IN COLORADO 2010 - 2017



#26

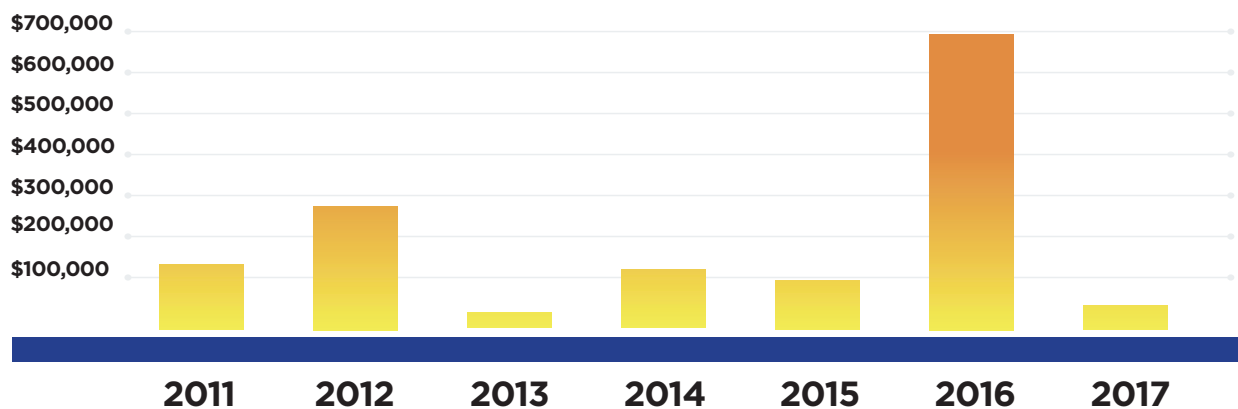
OKLAHOMA

\$1,398,000

Although Proposition 65 settlements tend not to affect Oklahoma businesses as strongly as those in other states, a single 2016 settlement totaling over half a million dollars wrenched the state into the Top 30. That year, attorney fees comprised more than 90 percent of total settlement costs: a clear indication of a financial shakedown. A more diverse group of serial plaintiffs have also settled Proposition 65 suits against Oklahoma businesses in recent years, indicating that businesses headquartered in the state will likely be faced with more Proposition 65 lawsuits in the future.

<p>BETWEEN 2010 AND 2017</p> <p>PROP 65 COST OKLAHOMA BUSINESS \$1.4 MILLION</p>	<p>THAT'S ROUGHLY \$3,400 LOST EVERY WEEK FOR EIGHT YEARS</p>	<p>11 PLAINTIFFS WERE RESPONSIBLE FOR ALL THE PROP 65 SETTLEMENTS IN NEVADA</p>
	<p>\$1.2 MILLION WENT STRAIGHT TO ATTORNEY FEES AND COSTS</p>	<p>THAT AMOUNTS TO 84% PERCENT OF ALL SETTLEMENT MONEY</p>
	<p>ON AVERAGE, PLAINTIFFS & THEIR LAWYERS POCKETED \$58,000 FOR EVERY SUCCESSFUL SETTLEMENT</p>	<p>SPECIAL INTERESTS CLAIMED \$45,000.</p>

TOTAL PROPOSITION 65 SETTLEMENT COSTS IN OKLAHOMA 2010 - 2017



#27

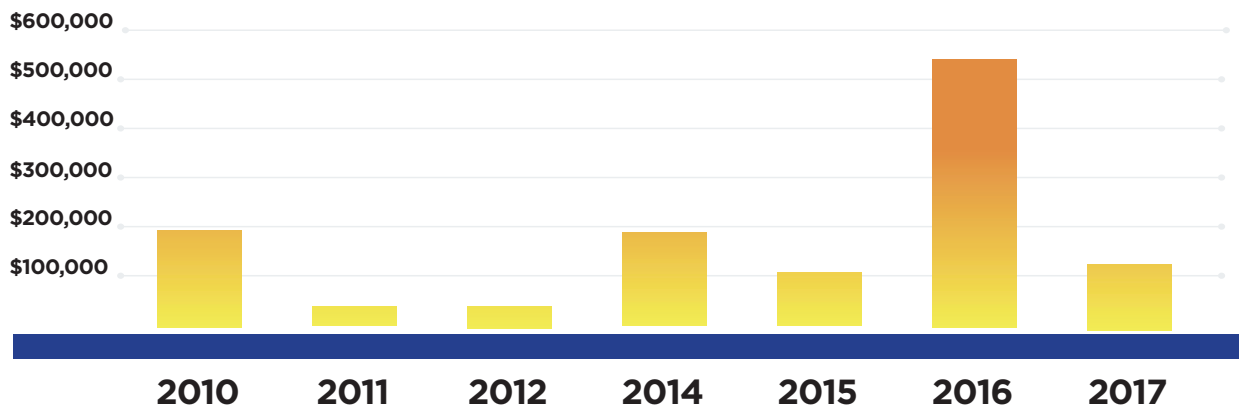
MARYLAND

\$1,259,500

Maryland, known for its fresh seafood and colonial history, can now also lay claim to over \$1.2 million in Proposition 65 settlement costs. A deluge of high-dollar settlements in 2016 cost Maryland businesses \$545,000 that single year, representing a 500 percent increase from the year prior. Just 15 serial plaintiffs secured an average of almost \$84,000 settling Proposition 65 suits against Maryland businesses. The two most successful plaintiffs, the Center for Environmental Health and Consumer Advocacy Group, were responsible for extracting almost half a million dollars from Maryland businesses between 2010 and 2017.

<p>BETWEEN 2010 AND 2017</p> <p>PROP 65 COST MARYLAND BUSINESS \$1.3 MILLION</p>	<p>THAT'S ROUGHLY \$3,000 LOST EVERY WEEK FOR EIGHT YEARS</p>	<p>15 PLAINTIFFS WERE RESPONSIBLE FOR ALL THE PROP 65 SETTLEMENTS IN MARYLAND</p>
	<p>\$923,000 WENT STRAIGHT TO ATTORNEY FEES AND COSTS</p>	<p>THAT AMOUNTS TO 73% PERCENT OF ALL SETTLEMENT MONEY</p>
	<p>ON AVERAGE, PLAINTIFFS & THEIR LAWYERS POCKETED \$32,000 FOR EVERY SUCCESSFUL SETTLEMENT</p>	<p>SPECIAL INTERESTS CLAIMED \$169,000.</p>

TOTAL PROPOSITION 65 SETTLEMENT COSTS IN MARYLAND 2010 - 2017





RHODE ISLAND

1,210,900

The smallest state in the union was unable to hide from Proposition 65 plaintiffs, who brought settlements totaling more than \$1.2 million between 2010 and 2017. A dizzying 80 percent of costs for Rhode Island businesses went directly to attorney fees, making the state fourth overall for attorney fee abuse. Among the 17 plaintiffs who settled with businesses in the state, four serial litigants were responsible for more than half the settlement costs. The single largest settlement against a Rhode Island business totaled \$100,000.

**BETWEEN
2010 AND 2017**

PROP 65 COST
RHODE ISLAND
BUSINESS
\$1.2 MILLION

THAT'S ROUGHLY
\$2,900
LOST EVERY WEEK FOR
EIGHT YEARS

17 PLAINTIFFS WERE
RESPONSIBLE FOR ALL
THE PROP 65
SETTLEMENTS IN
RHODE ISLAND

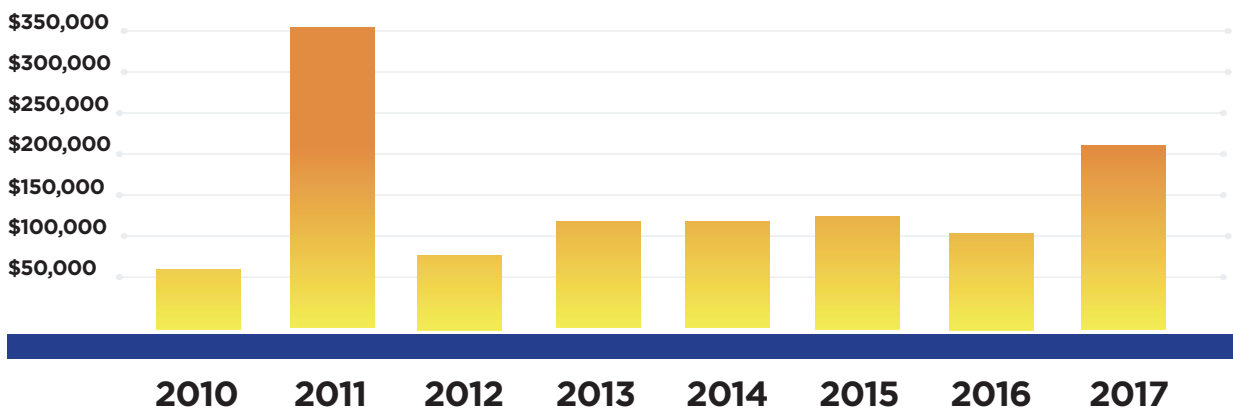
\$969,000 WENT
STRAIGHT TO ATTORNEY
FEES AND COSTS

THAT AMOUNTS TO
80%
PERCENT OF ALL
SETTLEMENT MONEY

ON AVERAGE, PLAINTIFFS &
THEIR LAWYERS POCKETED
\$24,000 FOR EVERY
SUCCESSFUL SETTLEMENT

SPECIAL INTERESTS
CLAIMED
\$51,000.

TOTAL PROPOSITION 65 SETTLEMENT COSTS IN RHODE ISLAND 2010 - 2017



#29

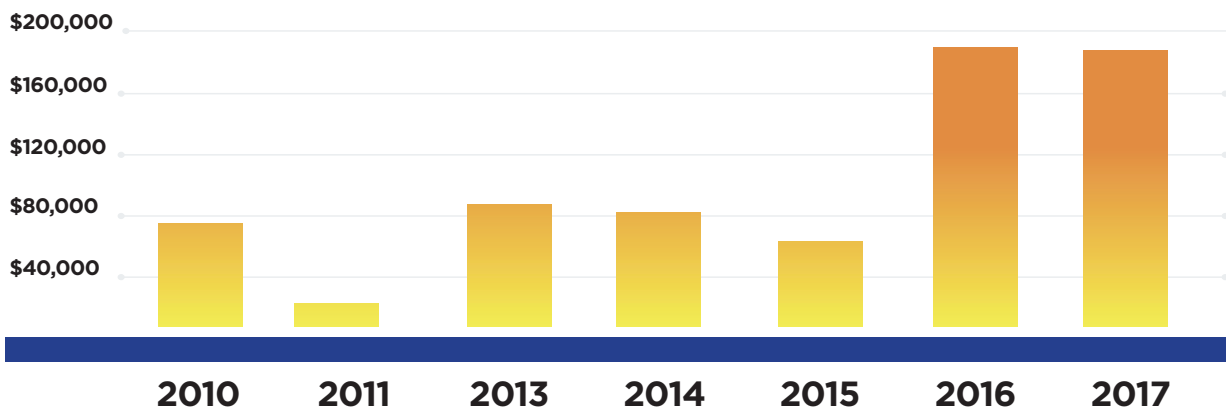
IOWA

\$718,800

Proposition 65 settlement costs in Iowa have grown steadily since 2011, with settlements in the past two years alone accounting for more than half of Iowa's total financial burden since 2010. Out of the 16 individuals and organizations targeting business in Iowa between 2010 and 2017, two serial plaintiffs, Whitney Leeman and John Moore, were responsible for more than one third of the Proposition 65 settlements. Last year, the largest settlement against an Iowa business reached \$61,000.

<p>BETWEEN 2010 AND 2017</p> <p>PROP 65 COST IOWA BUSINESS \$718,000</p>	<p>THAT'S ROUGHLY \$1,700 LOST EVERY WEEK FOR EIGHT YEARS</p>	<p>16 PLAINTIFFS WERE RESPONSIBLE FOR ALL THE PROP 65 SETTLEMENTS IN IOWA</p>
	<p>\$600,000 WENT STRAIGHT TO ATTORNEY FEES AND COSTS</p>	<p>THAT AMOUNTS TO 83% PERCENT OF ALL SETTLEMENT MONEY</p>
	<p>ON AVERAGE, PLAINTIFFS & THEIR LAWYERS POCKETED \$21,000 FOR EVERY SUCCESSFUL SETTLEMENT</p>	<p>SPECIAL INTERESTS CLAIMED \$25,000.</p>

TOTAL PROPOSITION 65 SETTLEMENT COSTS IN IOWA 2010 - 2017





IDAHO

\$654,549

With businesses in Idaho facing just over \$650,000 in Proposition 65 settlements between 2010 and 2017, the state rounds out the Top 30 most severely effected in the nation. Proposition 65 settlements have nearly quadrupled over the past three years from roughly \$50,000 in 2015 to over \$195,000 in 2017. Just 6 plaintiffs were responsible for the toll, extracting an average of \$109,000 in every Proposition 65 suit settled against an Idaho business. Plaintiffs also secured close to \$150,000 for special interests through payments in lieu of further civil penalties, which accounts for roughly 23 percent of total costs to Idaho business.

<p>BETWEEN 2010 AND 2017</p> <p>PROP 65 COST IDAHO BUSINESS \$650,000</p>	<p>THAT'S ROUGHLY \$1,500 LOST EVERY WEEK FOR EIGHT YEARS</p>	<p>6 PLAINTIFFS WERE RESPONSIBLE FOR ALL THE PROP 65 SETTLEMENTS IN IDAHO</p>
	<p>\$414,000 WENT STRAIGHT TO ATTORNEY FEES AND COSTS</p>	<p>THAT AMOUNTS TO 63% PERCENT OF ALL SETTLEMENT MONEY</p>
	<p>ON AVERAGE, PLAINTIFFS & THEIR LAWYERS POCKETED \$22,000 FOR EVERY SUCCESSFUL SETTLEMENT</p>	<p>SPECIAL INTERESTS CLAIMED \$148,000.</p>

TOTAL PROPOSITION 65 SETTLEMENT COSTS IN IDAHO 2010 - 2017

