



LYNN ROBERTS  
SUNGLASSES

SUNRUNNER  
EYEWEAR

EXECUTIVE CHOICE  
READERS

LYNN ROBERTS  
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**Proposition 65 Compliance Agreement and Indemnity.** Proposition 65 requires any person who exposes an individual in California to any detectible amount of a chemical “known to the state” to cause cancer or reproductive toxicity to give a “clear and reasonable” warning. Failure to give such a warning before exposure is punishable by a civil penalty of up to \$2,500 per violation, per day. The Act is enforced through civil lawsuits, which under this unique law places the burden of proof on defendants. Although primary jurisdiction is vested in the State Attorney General and certain designated city and county prosecutors, *anyone* may sue to enforce the Act, as long as the putative plaintiff first gives written notice to the alleged violator and designated public prosecutors, and the public prosecutors fail to commence a civil action within sixty days. Separate and independent lawsuits may be filed against each business in the stream of commerce, but if one business provides a warning, then all businesses are covered.

If a business chooses to sell or otherwise causes products to be sold or used in California, that business must ensure that the California user or purchaser receives a Proposition 65 warning. California’s Office of Health Hazard Assessment (“OEHHA”) the agency that administers Proposition 65 has adopted regulations that are instructive. For consumer products, such as those distributed by Lynn Roberts, the warning must be provided at the point of sale. These regulations and other information may be downloaded from the OEHHA website: [www.OEHHA.gov](http://www.OEHHA.gov). Among other alternatives, the regulations provide a so-called safe harbor warning that may be used. **“WARNING: This product contains a chemical(s) known to the State of California to cause cancer and birth defects or other reproductive harm.”** This warning may be provided to consumer in one of several ways, including warning stickers placed on the product packaging, or shelf signs placed adjacent to the product at California retail outlets. Care should be take to ensure that the method of transmission is “clear and reasonable” considering other alternatives.

Proposition 65 is solely a California law. It does not apply in any other state or country, and may only be enforced in California courts. By providing the above information about Proposition 65, Lynn Roberts is not providing legal advice. To develop your Proposition 65 compliance program, we urge you to work with legal counsel to ensure the program best suits your needs.

I \_\_\_\_\_ (name, title, company) (hereinafter Company), acknowledge that I have read and understood the above notice and information concerning California’s Proposition 65.

By signing below, I certify that I am authorized to enter into this compliance agreement and to commit the Company to comply with Proposition 65 if Company sells or causes any Lynn Roberts product to be sold or used in California. I further agree that if Lynn Roberts, or Company or any third party is sued for failing to Provide a Proposition 65 warning, due to Company’s failure to provide Proposition 65 warning labels or other warnings for Lynn Roberts product, that Company will indemnify Lynn Roberts, regardless of whether the plaintiff’s claim is valid or not.

Signature \_\_\_\_\_

Company \_\_\_\_\_ Date \_\_\_\_\_