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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

In Re:

NO. **19-2-12446-6 SEA**

AMAZON.COM LLC.

**ASSURANCE OF
DISCONTINUANCE**

Respondent.

The State of Washington files this Assurance of Discontinuance pursuant to
RCW 19.86.100.

I. INVESTIGATION

1.1. The Attorney General initiated an investigation into the business practices of
Respondent, Amazon.com LLC.

1.2. Respondent operates a retail store headquartered in Seattle, Washington. Among a
broad spectrum of products offered for sale via its website, Amazon.com, Respondent is engaged
in the sale and/or distribution of children's products, including school supplies, in the State of
Washington. Amazon.com LLC includes its directors, officers, managers, agents acting within the
scope of their agency, and employees as well as its successor and assigns, controlled subsidiaries,
divisions, groups, affiliates, partnerships, and joint ventures.

1 **1.3.** In late 2017, the Attorney General, in conjunction with the Washington
2 Department of Ecology, initiated an investigation into the presence of hazardous substances in
3 children's products, specifically school supplies designed, marketed, and sold to children under
4 the age of 12. The investigation occurred in two phases, with one round of purchases conducted
5 during the 2017 school supply shopping season, and another round conducted during the 2018
6 season. The investigation found that a number of children's school supplies offered for sale on
7 Respondent's website and purchased by consumers contained levels of lead and/or cadmium in
8 excess of that permitted by the federal Consumer Product Safety Improvement Act (CPSIA) and
9 Washington's Children's Safe Products Act (CSPA).

10 **1.4.** The Attorney General believes that the Respondent's conduct described in
11 paragraph 1.3 constitutes unfair or deceptive acts or practices, and unfair methods of competition,
12 in violation of the Washington Consumer Protection Act (CPA), RCW 19.87.020. The CPA
13 expressly authorizes the Attorney General to investigate and pursue violations of the CPA, and the
14 Attorney General determined that action was necessary in this case to protect Washingtonians,
15 especially children, from exposure to harmful lead and cadmium.

16 **1.5.** Amazon.com LLC does not agree that the activity described in paragraph 1.3
17 violates the CPA, but Amazon has continued to improve its Upstream Product Safety Control
18 program after the Attorney General's investigation brought this issue to Respondent's attention
19 and Amazon agrees to enter this AOD to formalize that program, as described in paragraph 1.6.

20 **1.6.** Respondent agrees to maintain its current Upstream Product Safety Control for
21 children's school supplies and children's jewelry. This safety control requires selling partners that
22 seek to sell children's school supplies and children's jewelry on amazon.com to submit to
23 Amazon.com LLC or any of its affiliates Children's Products Certificates and lab test reports to
24 show that the products did not exceed the lead and cadmium limits set under the Consumer
25 Product Safety Improvement Act and the Washington Children's Safe Product Act (as

1 applicable). This practice will apply to children's school supplies and children's jewelry sourced
2 from retail vendors (where Amazon is the seller of record) or sold by third-party marketplace
3 sellers (where Amazon is not the seller of record). Furthermore, within two business days of its
4 receipt of written notice from the Attorney General or the Washington Department of Ecology
5 of a noncompliant children's school supply or children's jewelry product, Respondent will
6 remove the noncompliant product from amazon.com. So long as Respondent complies with
7 the requirements in Sections 1.6 and 1.7 of this AOD, the AGO will not pursue legal action
8 under the CPA, the Consumer Product Safety Improvement Act, or the Washington Children's
9 Safe Product Act for such items.

10 1.7. Respondent agrees to discontinue the sale or distribution of school supplies and
11 children's jewelry containing lead and/or cadmium in excess of levels permitted by the Consumer
12 Product Safety Improvement Act and Washington's Children's Safe Products Act.

13 II. ASSURANCE OF DISCONTINUANCE

14 2.1. This is a voluntary agreement and it shall not be construed as an admission of law,
15 fact, liability, misconduct, or wrongdoing on the part of Amazon.com LLC. This Assurance of
16 Discontinuance is not and may not be considered an admission or evidence of violation for any
17 purpose. However, failure to comply with this Assurance of Discontinuance shall be *prima facie*
18 evidence of violations of RCW 19.86.020, the Consumer Protection Act.

19 2.2. Pursuant to RCW 19.86.080, Respondent agrees to a payment in the amount of
20 \$700,000, resolving the Attorney General's Office's potential claims for penalties and attorney
21 fees and costs. The payment shall be made on or before June 1, 2019, in a manner to be provided
22 by the Attorney General's Office.

23 2.3. Compliance with this AOD resolves all issues raised by the Attorney General's
24 Office under the Consumer Protection Act related to the acts set forth in paragraph 1.3.

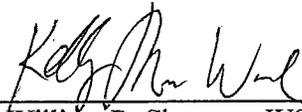
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2 Approved on this 9 day of May, 2019.

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6 **JUDGE/COURT COMMISSIONER**

7 Presented By:

8 ROBERT W. FERGUSON
9 Attorney General

10 Agreed to and Approved For Entry by
11 AMAZON.COM LLC:

12 

13 William R. Sherman, WSBA #29365
14 Kelly T. Wood, WSBA #40067
15 Counsel for Environmental Protection
16 Assistant Attorneys General
17 State of Washington

18 DocuSigned by:

19 

20 958E9FA5ABBB491

21 ANDREW DEVORE
22 Vice President and Associate General
23 Counsel,
24 Litigation & Regulatory
25 Attorney for AMAZON.COM LLC

HENRY H. JUDSON

MAY 09 2019

COURT COMMISSIONER