

## NOTICE OF VIOLATION

California Safe Drinking Water  
and Toxic Enforcement Act

Re: Di (2-ethylhexyl) Phthalate (DEHP) in Vinyl Gloves

September 26, 2008

This Notice of Violation is provided to you pursuant to and in compliance with California Health and Safety Code Section 25249.7(d).

- For general information regarding the California Safe Drinking Water and Toxic Enforcement Act, see the attached summary provided by the California EPA (copies not provided to public enforcement agencies).
- This Notice of Violation is provided by the Center for Environmental Health ("CEH"), 2201 Broadway, Suite 302, Oakland, CA 94612, (510) 655-3900. CEH is a nonprofit corporation dedicated to protecting the environment, improving human health and supporting environmentally sound practices. Michael Green is the Executive Director of and a responsible individual within CEH.

### Description of Violation:

- Violator: The name and address of the violator is Shelby Group International, Inc., 5321 E. Shelby Drive, Memphis TN 38118.
- Time Period of Exposure: The violations have been occurring since at least September 26, 2005, and are continuing to this day.
- Provision of Proposition 65: This Notice of Violation covers the "warning provision" of Proposition 65, which is found at California Health and Safety Code Section 25249.6.
- Chemical(s) Involved: The name of the listed chemical involved in these violations is Di (2-ethylhexyl) Phthalate ("DEHP"), which is also known as Bis (2-ethylhexyl) Phthalate. Exposures to DEHP occur from use of the products identified in this notice.
- Type of Product: The specific type of product causing these violations is vinyl gloves. The vinyl gloves are made of and contain DEHP. Non-exclusive examples of this specific type of product are set forth in Exhibit 1 attached hereto.
- Description of Exposure: Use of the product identified in this notice results in human exposures to DEHP. DEHP is contained in the vinyl gloves. The routes of exposure for the violations are: (1) dermal absorption directly through the skin when consumers wear, touch, use, or handle the products; (2) ingestion via hand to mouth contact after consumers touch, use, or handle the products; and (3) direct ingestion when consumers place their hands in their mouths while wearing the products or otherwise place the products in their mouths. These exposures occur in homes, workplaces and everywhere else throughout California where these products are handled or used. No clear and reasonable warning is provided with these products regarding the carcinogenic or reproductive hazards of DEHP.

### **Resolution of Noticed Claims:**

- Based on the allegations set forth in this Notice, CEH intends to file a citizen enforcement lawsuit against the alleged violator unless such violator enters into a binding written agreement to: (1) recall products already sold; (2) provide clear and reasonable warnings for products sold in the future or reformulate such products to eliminate the DEHP exposures; and (3) pay an appropriate civil penalty based on the factors enumerated in California Health and Safety Code Section 25249.7(b). If the alleged violator is interested in resolving this dispute without resort to expensive and time-consuming litigation, please feel free to contact CEH through its counsel identified below. It should be noted that CEH cannot: (1) 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 CEH's 60-day Notice. Therefore, while reaching an agreement with CEH will resolve its claims, such agreement may not satisfy the public prosecutors.

Please direct any inquiries regarding this notice to CEH and its counsel Mark N. Todzo at Lexington Law Group, LLP, 1627 Irving Street, San Francisco, CA 94122, (415) 759-4111.

**EXHIBIT 1: Non-Exclusive Examples of the Products**  
**September 26, 2008 Notice of Violation**  
**Re: Di (2-ethylhexyl) Phthalate (DEHP) in Vinyl Gloves**

<b>Responsible Party</b>	<b>Non-Exclusive Examples of the Products</b>	<b>Item or SKU No. or Further Description</b>
Shelby Group International, Inc.	SensaGuard Industrial Grade Disposable Vinyl Gloves	Non-sterile powdered gloves Style No. 5020

**CERTIFICATE OF MERIT**  
**Health & Safety Code § 25249.7(d)**

I, Mark N. Todzo, hereby declare:

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

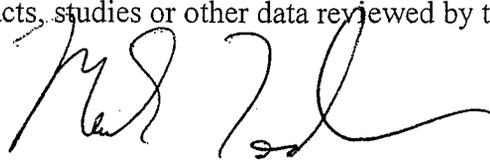
2. I am an attorney with the Lexington Law Group, LLP, and I represent the noticing party, the Center for Environmental Health ("CEH").

3. Members of my firm and 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 exposures to the listed chemical that is the subject of the action.

4. Based on the information obtained through those consultations, and on 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 violators will be able to establish any of the affirmative defenses set forth in the statute.

5. The copy of the 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 & Safety Code § 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.

September 26, 2008



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Mark N. Todzo  
Attorney for CENTER FOR  
ENVIRONMENTAL HEALTH

## PROOF OF SERVICE BY MAIL

I declare that:

I am employed in San Francisco County, California. I am over the age of 18 years and not a party to the within cause; my business address is 1627 Irving Street, San Francisco, California 94122. I am readily familiar with my firm's practice for collection and processing of correspondence for mailing with the United States Postal Service.

On September 26, 2008, I served true copies of the following documents:

**NOTICE OF VIOLATION OF CALIFORNIA SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT;**

**CERTIFICATE OF MERIT;** and

**THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY** (only sent to those on service list marked with an asterisks).

I placed true copies of these documents in envelopes addressed to:

*See Attached Service List.*

I placed the envelopes containing the above-mentioned documents for collection and mailing on September 26, 2008, following the ordinary business practice.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on September 26, 2008, at San Francisco, California.

Signed: \_\_\_\_\_  
Ellen Reed

### SERVICE LIST

District Attorney of Alameda County  
1225 Fallon Street, Room 900  
Oakland, CA 94612

District Attorney of Colusa County  
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District Attorney of Contra Costa  
County  
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Martinez, CA 94553

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District Attorney of Del Norte  
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District Attorney of El Dorado  
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El Centro, CA 92243

District Attorney of Lassen County  
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Susanville, CA 96130

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Independence, CA 93526

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Bridgeport, CA 93517

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Napa, CA 94559

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San Bernardino, CA 92415

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San Diego, CA 92101

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Riverside, CA 92501

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San Francisco, CA 94103

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San Luis Obispo, CA 93408

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419 Fourth Street, 2<sup>nd</sup> Floor  
Hollister, CA 95023

District Attorney of San Mateo  
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400 County Ctr, 3<sup>rd</sup> Fl  
Redwood City, CA 94063

District Attorney of Sierra County  
Courthouse, P.O. Box 457  
Downieville, CA 95936

District Attorney of Santa Barbara  
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Santa Barbara, CA 93101

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800 South Victoria Ave  
Ventura, CA 93009

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Red Bluff, CA 96080

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Woodland, CA 95695

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Weaverville, CA 96093

District Attorney of Yuba County  
215 Fifth Street  
Marysville, CA 95901

District Attorney of Tulare County  
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Visalia, CA 93291

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San Jose, CA 95113

Los Angeles City Attorney's Office  
800 City Hall East  
200 N. Main Street  
Los Angeles, CA 90012

San Diego City Attorney's Office  
1200 3rd Avenue #1620  
San Diego, CA 92101

San Francisco City Attorney's Office  
City Hall, Room 234  
San Francisco, CA 94102

California Attorney General's Office  
Attention: Proposition 65 Coordinator  
1515 Clay Street, Suite 2000  
P.O. Box 70550  
Oakland, CA 94612

Hilliard Crews, President\*  
Shelby Group International, Inc.  
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