

## NOTICE OF VIOLATION

### California Safe Drinking Water and Toxic Enforcement Act

#### Di (2-ethylhexyl) Phthalate (DEHP) in Vinyl Gloves

July 2, 2010

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. Charlie Pizarro is the Associate Director of, and a responsible individual within CEH.

#### Description of Violation:

- Violator: The names and addresses of the violators are set forth on Exhibit 1 attached hereto.
- Time Period of Exposure: The violations have been occurring since at least July 2, 2007, 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 on Exhibit 1 attached hereto.
- Description of Exposure: Use of the products 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 each of the alleged violators unless such violator enters into a binding written agreement to: (1) recall products already sold; (2) take effective measures to prevent unwarned DEHP exposures from products sold in the future; and (3) pay an appropriate civil penalty based on the factors enumerated in California Health and Safety Code Section 25249.7(b). If any of the alleged violators 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 through its counsel Mark N. Todzo at Lexington Law Group, 1627 Irving Street, San Francisco, CA 94122, (415) 759-4111.

**EXHIBIT 1**  
**July 2, 2010 Notice of Violation**  
**Di (2-ethylhexyl) Phthalate (DEHP) in Vinyl Gloves**

Names and Addresses of Alleged Violators	Non-Exclusive Examples of the Products	Item or SKU No. or Further Description
<p style="text-align: center;"><b>Central Industries, Inc.</b>            507 Kent Street            Utica, NY 13501</p>	<p style="text-align: center;">Better Touch            Synthetic Vinyl Powderfree            Examination Gloves</p>	<p style="text-align: center;">SKU No.            8-15947-00433-8            NSN No.            6530-00-NIB-0104</p>
<p style="text-align: center;"><b>Cypress Medical Products LLC</b>            1202 South Route 31            Mchenry, IL 60050</p>	<p style="text-align: center;">Synthesis            Synthetic Vinyl Exam Gloves</p>	<p style="text-align: center;">SKU No.            X0001NW7LH            Model No. 25-04</p>
<p style="text-align: center;"><b>SAS Safety Corp.</b>            3031 Gardenia Avenue            Long Beach, CA 90807</p>	<p style="text-align: center;">Vinyl-Guard            Lightly Powdered            Vinyl Gloves</p>	<p style="text-align: center;">SKU No.            7-81311-06506-2            Item No. 6506</p>

**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 and I represent the noticing party, the Center for Environmental Health.

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.

July 2, 2010



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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; my business address is 1627 Irving Street, San Francisco, California 94122. I am over the age of 18 years and not a party to the within cause and my electronic notification address is [jromer@lexlawgroup.com](mailto:jromer@lexlawgroup.com).

On July 2, 2010, 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 asterisk).

On this date, I deposited fully prepaid and sealed envelopes containing the above-mentioned documents with the United States Postal Service, addressed to the following individuals:

*Please see attached service list.*

Also on this date, I transmitted via electronic mail the documents listed above to the electronic mail addresses set forth below at 3:29 p.m. on July 2, 2010:

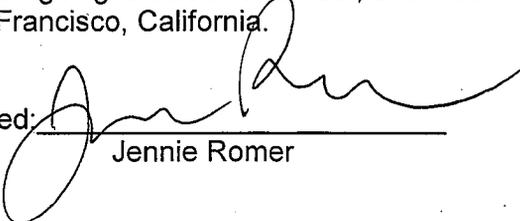
Lon Wixson, Deputy District Attorney  
Contra Costa County  
900 Ward Street  
Martinez, CA 94553  
[lwixson@contracosta.org](mailto:lwixson@contracosta.org)

Dije Ndreu, Deputy District Attorney  
Monterey County  
230 Church Street, Bldg. 2  
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[ndreud@co.monterey.ca.us](mailto:ndreud@co.monterey.ca.us)

Birgit Fladager, District Attorney  
Stanislaus County  
832 12<sup>th</sup> Street, Ste. 300  
Modesto, CA 95354  
[Prop65@standa.org](mailto:Prop65@standa.org)

The transmission was reported as complete and without error.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on July 2, 2010, at San Francisco, California.

Signed: 

Jennie Romer

## SERVICE LIST

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

District Attorney of Alpine County  
P.O. Box 248  
Markleeville, CA 96120

District Attorney of Amador County  
708 Court Street, Ste. 202  
Jackson, CA 95642

District Attorney of Butte County  
Administration Building  
25 County Center Drive  
Oroville, CA 95965

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County  
891 Mountain Ranch Road  
San Andreas, CA 95249

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Colusa, CA 95932

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District Attorney of Lake County  
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Lakeport, CA 95453

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District Attorney of Los Angeles  
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Madera, CA 93637

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County  
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Ukiah, CA 95482

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Merced, CA 95340

District Attorney of Modoc County  
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District Attorney of Orange County  
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Santa Ana, CA 92701

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240  
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District Attorney of Riverside  
County  
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Riverside, CA 92501

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County  
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Sacramento, CA 95814

District Attorney of San Benito  
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Hollister, CA 95023

District Attorney of San  
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San Bernardino, CA 92415

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San Diego, CA 92101

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County  
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San Luis Obispo, CA 93408

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70 West Hedding Street, West Wing  
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Weaverville, CA 96093

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Visalia, CA 93291

District Attorney of Tuolumne County  
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Sonora, CA 95370

District Attorney of Ventura County  
800 South Victoria Avenue  
Ventura, CA 93009

District Attorney of Yolo County  
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Woodland, CA 95695

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

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City Hall East  
200 N. Main Street, Rm. 800  
Los Angeles, CA 90012

San Diego City Attorney's Office  
1200 Third Avenue, Ste. 1620  
San Diego, CA 92101

San Francisco City Attorney's Office  
City Hall, Room 234  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

San Jose City Attorney's Office  
200 East Santa Clara Street  
San Jose, CA 95113

California Attorney General's Office  
Attention: Proposition 65  
Coordinator and Robert Thomas  
1515 Clay Street, Ste. 2000  
P.O. Box 70550  
Oakland, CA 94612-0550

President \*  
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