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8 *Attorneys for Plaintiff*

ELECTRONICALLY
FILED
Superior Court of California,
County of San Francisco

05/29/2025
Clerk of the Court
BY: SAHAR ENAYATI
Deputy Clerk

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF SAN FRANCISCO

CGC-25-625789

11 GABRIEL ESPINOZA,
12 Plaintiff,

13 vs.

14 THE TJX COMPANIES, INC.,
15 Defendant.

Case No.:

**COMPLAINT FOR CIVIL PENALTIES AND
INJUNCTIVE RELIEF**

**(Violation of Health & Safety Code § 25249.5 et
seq.)**

16 Plaintiff Gabriel Espinoza ("Plaintiff"), by and through his attorneys, alleges the following
17 cause of action in the public interest of the citizens of the State of California.

BACKGROUND OF THE CASE

18 1. Plaintiff brings this representative action on behalf of all California citizens to
19 enforce relevant portions of Safe Drinking Water and Toxic Enforcement Act of 1986, codified at
20 the Health and Safety Code § 25249.5 et seq ("Proposition 65"), which reads, in relevant part,
21 "[n]o person in the course of doing business shall knowingly and intentionally expose any
22 individual to a chemical known to the state to cause cancer without first giving clear and reasonable
23 warning to such individual ...". Health & Safety Code § 25249.6.

24 2. This complaint is a representative action brought by Plaintiff in the public interest
25 of the citizens of the State of California to enforce the People's right to be informed of the health
26 hazards caused by exposure to lead and/or di(2-ethylhexyl) phthalate (DEHP), toxic chemicals
27 found in products sold, manufactured, and/or distributed by defendant The TJX Companies, Inc.
28 in California.

1 3. DEHP is a harmful chemical known to the State of California to cause cancer and
2 birth defects or other reproductive harm. On January 1, 1988, the State of California listed DEHP
3 as a chemical known to the State to cause cancer and it has come under the purview of Proposition
4 65 regulations since that time. Cal. Code Regs. Tit. 27, § 27001(c); Health & Safety Code §§
5 25249.8 & 25249.10(b). On October 24, 2003, the State of California listed DEHP as a chemical
6 known to cause birth defects or other reproductive harm.

7 4. Lead is a harmful chemical known to the State of California to cause cancer and
8 birth defects or other reproductive harm. On October 1, 1992, the state of California listed lead as
9 a chemical known to cause cancer and it has come under the purview of Proposition 65 regulations
10 since that time. Cal. Code Regs. Tit. 27, § 27001(c); Health & Safety Code §§ 25249.8 &
11 25249.10(b). On February 27, 1987, the State of California listed lead as a chemical known to
12 cause birth defects or other reproductive harm.

13 5. Proposition 65 requires all businesses with ten (10) or more employees that operate
14 within California or sell products therein to comply with Proposition 65 regulations. Included in
15 such regulations is the requirement that businesses must label any product containing a Proposition
16 65-listed chemical that will create an exposure above safe harbor levels with a “clear and
17 reasonable” warning before “knowingly and intentionally” exposing any person to any such listed
18 chemical.

19 6. Proposition 65 allows for civil penalties of up to \$2,500.00 per day per violation
20 for up to 365 days (up to a maximum civil penalty amount per violation of \$912,000.00) to be
21 imposed upon defendants in a civil action for violations of Proposition 65. Health & Safety Code
22 § 25249.7(b). Proposition 65 also allows for any court of competent jurisdiction to enjoin the
23 actions of a defendant which “violate or threaten to violate” the statute. Health & Safety Code §
24 25249.7.

25 7. Plaintiff alleges that Defendant distributes and/or offers for sale in California,
26 without a requisite exposure warning, (a) Swiss Comforts bags manufactured, distributed, and/or
27 sold by Swiss Comforts Inc. (DEHP), (b) Goodies by DW Home pink lemonade candles
28 manufactured, distributed, and/or sold by Décor-Ware International Inc. (lead), (c) Piazza De’

1 Mercato Italian antipasto set bottles manufactured, distributed, and/or sold by Borgo De' Medici
2 S.R.L. (lead), (d) *Amphora International*® organic soft dried Turkish apricots manufactured,
3 distributed, and/or sold by Amphora International, Inc. (lead), and (e) clover dishes sold by The
4 TJX Companies, Inc. (lead) (collectively, the "Products" and each a "Product") that expose
5 persons to DEHP and/or lead when used for their intended purpose.

6 8. Defendant's failure to warn consumers and other individuals in California of the
7 health hazards associated with exposure to DEHP and/or lead in conjunction with the sale and/or
8 distribution of the Products is a violation of Proposition 65 and subjects Defendant to the
9 enjoinder and civil penalties described herein.

10 9. Plaintiff seeks civil penalties against Defendant for its violations of Proposition 65
11 in accordance with Health and Safety Code § 25249.7(b).

12 10. Plaintiff also seeks injunctive relief, preliminarily and permanently, requiring
13 Defendant to provide purchasers or users of the Products with required warnings related to the
14 dangers and health hazards associated with exposure to DEHP and/or lead pursuant to Health and
15 Safety Code § 25249.7(a).

16 11. Plaintiff further seeks a reasonable award of attorney's fees and costs.

17 **PARTIES**

18 12. Plaintiff is a citizen of the State of California acting in the interest of the general
19 public to promote awareness of exposures to toxic chemicals in products sold in California and to
20 improve human health by reducing hazardous substances contained in such items. He brings this
21 action in the public interest pursuant to Health and Safety Code § 25249.7(d).

22 13. Defendant The TJX Companies, Inc., through its business, effectively imports,
23 distributes, sells, and/or offers the Products for sale or use in the State of California, or it implies
24 by its conduct that it imports, distributes, sells, and/or offers the Products for sale or use in the
25 State of California. Plaintiff alleges that defendant The TJX Companies, Inc. is a "person" in the
26 course of doing business within the meaning of Health & Safety Code sections 25249.6 and
27 25249.11.

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15. This Court has jurisdiction over this action pursuant to California Constitution Article VI, § 10, which grants the Superior Court original jurisdiction in all causes except those given by statute to other trial courts. Health and Safety Code § 25249.7 allows for the enforcement of violations of Proposition 65 in any Court of competent jurisdiction; therefore, this Court has jurisdiction over this lawsuit.

STATUTORY BACKGROUND

17. The people of the State of California declared in Proposition 65 their right “[t]o be informed about exposures to chemicals that cause cancer, birth defects, or other reproductive harm.” (Section 1(b) of Initiative Measure, Proposition 65.)

No person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the state to cause cancer or reproductive toxicity without first giving clear and reasonable warning to such individual...

1 19. An exposure to a chemical in a consumer product is one “which results from a
2 person’s acquisition, purchase, storage, consumption or other reasonably foreseeable use of a
3 consumer good, or any exposure that results from receiving a consumer service.” (27 CCR §
4 25602, para (b).) H&S Code § 25603(c) states that “a person in the course of doing business ...
5 shall provide a warning to any person to whom the product is sold or transferred unless the product
6 is packaged or labeled with a clear and reasonable warning.”

7 20. Pursuant to H&S Code § 25603.1, the warning may be provided by using one or
8 more of the following methods individually or in combination:¹

9 a. A warning that appears on a product’s label or other labeling.

10 b. Identification of the product at the retail outlet in a manner which provides
11 a warning. Identification may be through shelf labeling, signs, menus, or a combination
12 thereof.

13 c. The warnings provided pursuant to subparagraphs (a) and (b) shall be
14 prominently placed upon a product’s labels or other labeling or displayed at the retail outlet
15 with such conspicuousness, as compared with other words, statements, designs, or devices
16 in the label, labeling or display as to render it likely to be read and understood by an
17 ordinary individual under customary conditions of purchase or use.

18 d. A system of signs, public advertising identifying the system and toll-free
19 information services, or any other system that provides clear and reasonable warnings.

20 21. Proposition 65 provides that any “person who violates or threatens to violate” the
21 statute may be enjoined in a court of competent jurisdiction. (H&S Code § 25249.7.) The phrase
22 “threaten to violate” is defined to mean creating “a condition in which there is a substantial
23 probability that a violation will occur.” (H&S Code § 25249.11(e).) Violators are liable for civil
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26
27 ¹ Alternatively, a person in the course of doing business may elect to comply with the warning
28 requirements set out in the amended version of 27 CCR 25601, *et seq.*, as amended on August 30,
2016, and operative on August 30, 2018.

1 penalties of up to \$2,500.00 per day for each violation of the Act (H&S Code § 25249.7) for up to
2 365 days (up to a maximum civil penalty amount per violation of \$912,000.00).

3 **FACTUAL BACKGROUND**

4 22. On January 1, 1988, the State of California listed DEHP as a chemical known to
5 the State to cause cancer and it has come under the purview of Proposition 65 regulations since
6 that time. Cal. Code Regs. Tit. 27, § 27001(c); Health & Safety Code §§ 25249.8 & 25249.10(b).
7 On October 24, 2003, the State of California listed DEHP as a chemical known to cause birth
8 defects or other reproductive harm.

9 23. On October 1, 1992, the state of California listed lead as a chemical known to cause
10 cancer and it has come under the purview of Proposition 65 regulations since that time. Cal. Code
11 Regs. Tit. 27, § 27001(c); Health & Safety Code §§ 25249.8 & 25249.10(b). On February 27,
12 1987, the State of California listed lead as a chemical known to cause birth defects or other
13 reproductive harm.

14 24. The exposures that are the subject of the Notices result from the purchase,
15 acquisition, handling, consumption, and recommended use of the Products. The primary route of
16 exposure to DEHP and/or lead in ceramic products is through dermal absorption directly through
17 the skin when consumers use, touch, or handle the Products. Exposure through ingestion will occur
18 by touching the Products with subsequent touching of the user's hand to mouth. The primary route
19 of exposure to lead in food products is through ingestion. When foods contaminated with lead are
20 consumed, ingestion of lead will occur which will increase blood lead levels. No clear and
21 reasonable warning is provided with the Products regarding the health hazards of exposure to
22 DEHP and/or lead.

23 25. Defendant has manufactured, processed, marketed, distributed, offered to sell
24 and/or sold the Products in California since at least May 30, 2024 with respect to the Swiss
25 Comforts bags; since at least July 24, 2024 with respect to the Goodies by DW Home pink
26 lemonade candles; and since at least March 14, 2025 with respect to Piazza De' Mercato Italian
27 antipasto set bottles, *Amphora International*® organic soft dried Turkish apricots, and clover
28

1 dishes. The Products continue to be distributed and sold in California without the requisite warning
2 information.

3 26. At all times relevant to this action, Defendant has knowingly and intentionally
4 exposed users of the Products to DEHP and/or lead without first giving a clear and reasonable
5 exposure warning to such individuals.

6 27. As a proximate result of acts by Defendant, as a person in the course of doing
7 business within the meaning of H&S Code § 25249.11, individuals throughout the State of
8 California, including in San Francisco County, have been exposed to DEHP and/or lead without a
9 clear and reasonable warning on the Products. The individuals subject to the violative exposures
10 include normal and foreseeable users and consumers that use the Products, as well as all others
11 exposed to the Products.

12 **SATISFACTION OF NOTICE REQUIREMENTS**

13 28. Plaintiff purchased the Product from The TJX Companies, Inc. in California. At the
14 time of purchase, Defendant did not provide a Proposition 65 exposure warning for DEHP and/or
15 lead or any other Proposition 65 listed chemical in a manner consistent with H&S Code § 25603.1
16 as described *supra*.

17 29. The Swiss Comforts bags were sent to a testing laboratory for phthalate testing to
18 determine the phthalate content of the Product. For the Swiss Comforts bags, Plaintiff received a
19 Chemical Test Report. The Chemical Test Report findings determined the Swiss Comforts bags
20 expose users to DEHP. Plaintiff provided the Chemical Test Report and Product to an analytical
21 chemist to determine if, based on the findings of the Chemical Test Reports and the reasonable
22 and foreseeable use of the Products, exposure to DEHP will occur at levels that require Proposition
23 65 warnings under the Clear and Reasonable Warnings section 25601 of Title 27 of the California
24 Code of Regulations. On May 30, 2024, Plaintiff received from the analytical chemist an exposure
25 assessment report for the Swiss Comforts bags that concluded that persons in California who use
26 the Swiss Comforts bags will be exposed to levels of DEHP that require a Proposition 65 exposure
27 warning.

1 30. The Goodies by DW Home pink lemonade candles were sent to a testing laboratory
2 to determine if, and what amount of, lead would migrate and/or leach from the Product. For the
3 Goodies by DW Home pink lemonade candles, Plaintiff received a Chemical Test Report. The
4 Chemical Test Report findings determined the Goodies by DW Home pink lemonade candles
5 expose users to lead. Plaintiff provided the Chemical Test Report and Product to an analytical
6 chemist to determine if, based on the findings of the Chemical Test Report and the reasonable and
7 foreseeable use of the Product, exposure to lead will occur at levels that require Proposition 65
8 warnings under the Clear and Reasonable Warnings section 25601 of Title 27 of the California
9 Code of Regulations. On July 24, 2024, Plaintiff received from the analytical chemist an exposure
10 assessment report for the Goodies by DW Home pink lemonade candles that concluded that
11 persons in California who use the Goodies by DW Home pink lemonade candles will be exposed
12 to levels of lead that require a Proposition 65 exposure warning.

13 31. The Piazza De' Mercato Italian antipasto set bottles were sent to a testing laboratory
14 to determine if, and what amount of, lead would migrate and/or leach from the Product. For the
15 Piazza De' Mercato Italian antipasto set bottles, Plaintiff received a Chemical Test Report. The
16 Chemical Test Report findings determined the Piazza De' Mercato Italian antipasto set bottles
17 expose users to lead. Plaintiff provided the Chemical Test Report and Product to an analytical
18 chemist to determine if, based on the findings of the Chemical Test Report and the reasonable and
19 foreseeable use of the Product, exposure to lead will occur at levels that require Proposition 65
20 warnings under the Clear and Reasonable Warnings section 25601 of Title 27 of the California
21 Code of Regulations. On March 14, 2025, Plaintiff received from the analytical chemist an
22 exposure assessment report for the Piazza De' Mercato Italian antipasto set bottles that concluded
23 that persons in California who use the Piazza De' Mercato Italian antipasto set bottles will be
24 exposed to levels of lead that require a Proposition 65 exposure warning.

25 32. The *Amphora International*® organic soft dried Turkish apricots were sent to a
26 testing laboratory to determine if, and what amount of, lead a consumer would be exposed to per
27 serving size. For the *Amphora International*® organic soft dried Turkish apricots, Plaintiff
28 received a Chemical Test Report. The Chemical Test Report findings determined the *Amphora*

1 *International*® organic soft dried Turkish apricots expose consumers to lead. Plaintiff provided
2 the Chemical Test Report and Product to an analytical chemist to determine if, based on the
3 findings of the Chemical Test Report and the reasonable and foreseeable consumption of the
4 Product, exposure to lead will occur at levels that require Proposition 65 warnings under the Clear
5 and Reasonable Warnings section 25601 of Title 27 of the California Code of Regulations. On
6 March 14, 2025, Plaintiff received from the analytical chemist an exposure assessment report for
7 the *Amphora International*® organic soft dried Turkish apricots that concluded that persons in
8 California who consume the *Amphora International*® organic soft dried Turkish apricots will be
9 exposed to levels of lead that require a Proposition 65 exposure warning.

10 33. The clover dishes were sent to a testing laboratory to determine if, and what amount
11 of, lead would migrate and/or leach from the Product. For the clover dishes, Plaintiff received a
12 Chemical Test Report. The Chemical Test Report findings determined the clover dishes expose
13 users to lead. Plaintiff provided the Chemical Test Report and Product to an analytical chemist to
14 determine if, based on the findings of the Chemical Test Report and the reasonable and foreseeable
15 use of the Product, exposure to lead will occur at levels that require Proposition 65 warnings under
16 the Clear and Reasonable Warnings section 25601 of Title 27 of the California Code of
17 Regulations. On March 14, 2025, Plaintiff received from the analytical chemist an exposure
18 assessment report for the clover dishes that concluded that persons in California who use the clover
19 dishes will be exposed to levels of lead that require a Proposition 65 exposure warning.

20 NOTICES OF VIOLATION

21 34. On May 30, 2024, Plaintiff gave notice of alleged violation of Health and Safety
22 Code § 25249.6 to Defendant concerning the exposure of California citizens to DEHP from use of
23 the Swiss Comforts bags without proper warning, subject to a private action to Defendant and to
24 the California Attorney General's office and the offices of the County District attorneys and City
25 Attorneys for each city with a population greater than 750,000 persons wherein the herein
26 violations allegedly occurred. See attached at Exhibit "A" a true and correct copy of the May 30,
27 2024 notice of violation.

1 35. On July 24, 2024, Plaintiff gave notice of alleged violation of Health and Safety
2 Code § 25249.6 to Defendant concerning the exposure of California citizens to lead from use of
3 the Goodies by DW Home pink lemonade candles without proper warning, subject to a private
4 action to Defendant and to the California Attorney General's office and the offices of the County
5 District attorneys and City Attorneys for each city with a population greater than 750,000 persons
6 wherein the herein violations allegedly occurred. See attached at Exhibit "B" a true and correct
7 copy of the July 24, 2024 notice of violation.

8 36. On March 14, 2025, Plaintiff gave notice of alleged violation of Health and Safety
9 Code § 25249.6 to Defendant concerning the exposure of California citizens to lead from use of
10 the Piazza De' Mercato Italian antipasto set bottles without proper warning, subject to a private
11 action to Defendant and to the California Attorney General's office and the offices of the County
12 District attorneys and City Attorneys for each city with a population greater than 750,000 persons
13 wherein the herein violations allegedly occurred. See attached at Exhibit "C" a true and correct
14 copy of the March 14, 2025 notice of violation.

15 37. On March 14, 2025, Plaintiff gave notice of alleged violation of Health and Safety
16 Code § 25249.6 to Defendant concerning the exposure of California citizens to lead from
17 consumption of *Amphora International*® organic soft dried Turkish apricots without proper
18 warning, subject to a private action to Defendant and to the California Attorney General's office
19 and the offices of the County District attorneys and City Attorneys for each city with a population
20 greater than 750,000 persons wherein the herein violations allegedly occurred. See attached at
21 Exhibit "D" a true and correct copy of the March 14, 2025 notice of violation.

22 38. On March 14, 2025, Plaintiff gave notice of alleged violation of Health and Safety
23 Code § 25249.6 to Defendant concerning the exposure of California citizens to lead from use of
24 the clover dishes without proper warning, subject to a private action to Defendant and to the
25 California Attorney General's office and the offices of the County District attorneys and City
26 Attorneys for each city with a population greater than 750,000 persons wherein the herein
27 violations allegedly occurred. See attached at Exhibit "E" a true and correct copy of the March 14,
28 2025 notice of violation.

39. The Notices complied with all procedural requirements of Proposition 65 including the attachment of a Certificate of Merit affirming that Plaintiff's counsel had consulted with at least one person with relevant and appropriate expertise who reviewed relevant data regarding DEHP and/or lead exposure, and that counsel believed there was meritorious and reasonable cause for a private action.

40. After receiving the Notices, and to Plaintiff's best information and belief, none of the noticed appropriate public enforcement agencies have commenced and diligently prosecuted a cause of action against Defendant under Proposition 65 to enforce the alleged violations which are the subject of the Notices.

41. Plaintiff is commencing this action more than sixty (60) days from the date of each Notice to Defendant, as required by law.

FIRST CAUSE OF ACTION

(By Plaintiff against Defendant for the Violation of Proposition 65)

42. Plaintiff hereby repeats and incorporates by reference paragraphs 1 through 41 of this Complaint as though fully set forth herein.

43. Defendant has, at all times mentioned herein, acted as distributor, and/or retailer of the Products.

44. Use of the Products will expose users and consumers thereof to DEHP and/or lead, hazardous chemicals found on the Proposition 65 list of chemicals known to be hazardous to human health.

45. The Products do not comply with the Proposition 65 warning requirements.

46. Plaintiff, based on his best information and belief, avers that at all relevant times herein, and since at least May 30, 2024 with respect to the Swiss Comforts bags; since at least July 24, 2024 with respect to the Goodies by DW Home pink lemonade candles; and since at least March 14, 2025 with respect to Piazza De' Mercato Italian antipasto set bottles, *Amphora International*® organic soft dried Turkish apricots, and clover dishes, continuing until the present, that Defendant has continued to knowingly and intentionally expose California users and

1 consumers of the Products to DEHP and/or lead without providing required warnings under
2 Proposition 65.

3 47. The exposures that are the subject of the Notice result from the purchase,
4 acquisition, handling, consumption, and recommended use of the Products. The primary route of
5 exposure to DEHP and/or lead in ceramic products is through dermal absorption directly through
6 the skin when consumers use, touch, or handle the Products. Exposure through ingestion will occur
7 by touching the Product with subsequent touching of the user's hand to mouth. The primary route
8 of exposure to lead in food products is through ingestion. When foods contaminated with lead are
9 consumed, ingestion of lead will occur which will increase blood lead levels. No clear and
10 reasonable warning is provided with the Products regarding the health hazards of exposure to
11 DEHP and/or lead.

12 48. Plaintiff, based on his best information and belief, avers that such exposures will
13 continue every day until clear and reasonable warnings are provided to purchasers and users or
14 until these known toxic chemicals are removed from the Products.

15 49. Defendant has knowledge that the normal and reasonably foreseeable use of the
16 Products exposes individuals to DEHP and/or lead, and Defendant intends that exposures to DEHP
17 and/or lead will occur by its deliberate, non-accidental participation in the importation,
18 distribution, sale and offering of the Products to consumers in California

19 50. Plaintiff has engaged in good faith efforts to resolve the herein claims prior to this
20 Complaint.

21 51. Pursuant to Health and Safety Code § 25249.7(b), as a consequence of the above
22 described acts, Defendant is liable for a maximum civil penalty of \$2,500 per day per violation.

23 52. Pursuant to Health and Safety Code § 25249.7(a), this Court is specifically
24 authorized to grant injunctive relief in favor of Plaintiff and against Defendant.

1 **PRAYER FOR RELIEF**

2 WHEREFORE, Plaintiff demands judgment against Defendant and requests the following
3 relief:

4 A. That the court assess civil penalties against Defendant in the amount of \$2,500 per
5 day for each violation for up to 365 days (up to a maximum civil penalty amount per
6 violation of \$912,000.00) in accordance with Health and Safety Code § 25249.7(b);

7 B. That the court preliminarily and permanently enjoin Defendant mandating
8 Proposition 65 compliant warnings on the Products;

9 C. That the court grant Plaintiff reasonable attorney's fees and costs of suit, in the
10 amount of \$50,000.00.

11 D. That the court grant any further relief as may be just and proper.

12 Dated: May 29, 2025

BRODSKY SMITH

13 By: 

14 Evan J. Smith (SBN242352)

15 Ryan P. Cardona (SBN302113)

16 9465 Wilshire Boulevard, Suite 300

17 Beverly Hills, CA 90212

18 Telephone: (877) 534-2590

19 Facsimile: (310) 247-0160

20 *Attorneys for Plaintiff*

EXHIBIT “A”

LAW OFFICES
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PENNSYLVANIA OFFICE
TWO BALA PLAZA, STE. 805
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610.667.6200

May 30, 2024

President/CEO Swiss Comforts Inc. 1706 US State Route 11 Mooers, NY 12958	President/CEO Swiss Comforts Inc. 275 Bloomfield Montreal CANADA H2V3R6
President/CEO The TJX Companies, Inc. c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	President/CEO The TJX Companies, Inc. dba Marshalls and HomeGoods c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801
President/CEO The TJX Companies, Inc. c/o CT Corporation System 101 Federal Street Boston, MA 02110	Member/Manager Marshalls of CA, LLC c/o CT Corporation System 330 N. Brand Blvd., Suite 700 Glendale, CA 91203
President/CEO Deluxe Craft Manufacturing Company c/o Stanley T. Mandeltort 14735 W. Mayland Villa Lincolnshire, IL 60065	President/CEO Deluxe Craft Manufacturing Co. 1945 N. Fairfield Ave. Chicago, IL 60647-4204

60-Day Notice of Violation of California Safe Drinking Water and Toxic Enforcement Act¹

To Whom It May Concern:

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

Brodsky Smith represents Gabriel Espinoza ("Espinoza"), a citizen of the State of California acting in the interest of the general public to promote awareness of exposures to toxic chemicals from use of consumer products sold in California and to improve human health and the environment by reducing hazardous substances.

With respect to the Product herein, Espinoza has identified a violation of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65") codified at Cal. Health & Safety Code § 25249.5, et seq. This violation has occurred and continues to occur because the alleged Violator(s) failed to provide a clear and reasonable health hazard warning in connection with the sale or use of the

¹ The public enforcement agencies that have been served with copies of this Notice are identified in the attached distribution list accompanying the Certificate of Service.

Product in California. Health & Safety Code § 25249.6 provides that “[n]o person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the State to cause cancer or reproductive toxicity without first providing a clear and reasonable warning to such individual ...” Without proper warnings regarding the toxic effects of exposures to the Listed Chemical resulting from use of the Product, California citizens lack the information necessary to make informed decisions on whether and/or how to eliminate (or reduce) the risk of exposure to the Listed Chemical from the reasonably foreseeable use of the Product.

I. DESCRIPTION OF THE VIOLATION

1. **Enforcer:** Gabriel Espinoza, 3924 Carlin Ave., Lynwood, CA 90262-5204; (Ph) 424-285-4896.
2. **Alleged Violator(s):** Swiss Comforts Inc.; Deluxe Craft Manufacturing Company; The TJX Companies, Inc.; The TJX Companies, Inc. dba Marshalls and HomeGoods; Marshalls of CA, LLC
3. **Time Period of Exposure:** Violations have been occurring since at least May 30, 2024 and are continuing to this day.
4. **Listed Chemical:** Di(2-ethylhexyl) phthalate (DEHP). DEHP is listed under Proposition 65 as a chemical known to the State to cause cancer and birth defect or other reproductive harm.
5. **Product:**

Product ²	Non- Exclusive Examples of the Product
Bag	Swiss Comforts Bag UPC# 0 30319 70142 8

6. **Description of Exposure:** The exposures that are the subject of this Notice result from the purchase, acquisition, handling and recommended use of the Product. The primary route of exposure to the Listed Chemical is through dermal absorption directly through the skin when consumers use, touch, or handle the Products. Some amount of exposure through ingestion can occur by touching the Product with subsequent touching of the user’s hand to mouth. No clear and reasonable warning is provided with the Products regarding the health hazards of exposure to the Listed Chemical.

II. PROPOSITION 65 INFORMATION

For the Violators’ reference, enclosed is a copy of “Proposition 65: A Summary” that has been prepared by the Office of Environmental Health Hazard Assessment (“OEHHA”). For more information concerning the provisions of Proposition 65, contact OEHHA at 916.445.6900.

² The specifically identified example of the Product in this Notice is to assist the recipients’ investigation of, among other things, the magnitude of potential exposures to the Listed Chemical from other items within the definition of Products. This example is not intended to be an exhaustive or comprehensive identification of each specific offending Product. It is Espinoza’s position that the alleged Violators are obligated to conduct a good faith investigation into other Products that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the alleged Violators’ custody or control) during the relevant period to ensure that requisite health hazard warnings were and are provided to California citizens prior to purchase and use.

III. RESOLUTION OF THE CLAIMS

Based on the allegations set forth in this Notice, Brodsky Smith intends to file a citizen enforcement lawsuit on behalf of Espinoza against the alleged Violator(s) unless such Violator(s) agree in a binding written agreement to: (1) recall Products already sold; (2) provide Proposition 65 compliant exposure warnings for Products sold in the future or reformulate the Products to eliminate exposures to the Listed Chemical; and (3) pay an appropriate civil penalty based on the factors enumerated in Health & Safety Code § 25249.7(b). Consistent with the public interest goals of Proposition 65 and the desire to have these violations of California law quickly rectified, Espinoza is interested in seeking a constructive resolution of the claims in this Notice without engaging in costly and protracted litigation.

Espinoza has retained me as legal counsel in connection with this Notice. **Please direct all communications regarding this Notice to my attention at Brodsky Smith, 9595 Wilshire Blvd., Ste. 900, Beverly Hills, CA 90212, (877) 534-2590, esmith@brodskysmith.com.**

Sincerely,



Evan J. Smith

Attachments

Certificate of Merit

Certificate of Service

The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary

EXHIBIT “B”

LAW OFFICES
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877.534.2590
www.brodskysmith.com

NEW JERSEY OFFICE
20 BRACE RD., STE. 350
CHERRY HILL, NJ 08034
856.795.7250

NEW YORK OFFICE
240 MINEOLA BOULEVARD
MINEOLA, NY 11501
516.741.4977

PENNSYLVANIA OFFICE
TWO BALA PLAZA, STE. 805
BALA CYNWYD, PA 19004
610.667.6200

July 24, 2024

President/CEO Décor-Ware International Inc. c/o Brendon Cheng 10220 Fourth Street Ranch Cucamonga, CA 91730	President/CEO The TJX Companies, Inc. c/o The Corporation Trust Company Corporation trust Center 1209 Orange Street Wilmington, DE 19801
President/CEO The TJX Companies, Inc. dba Marshalls c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	President/CEO The TJX Companies, Inc. c/o CT Corporation System 101 Federal Street Boston, MA 02110
Member/Manager Marshalls of CA, LLC c/o CT Corporation System 330 N. Brand Blvd., Suite 700 Glendale, CA 91203	

60-Day Notice of Violation of California Safe Drinking Water and Toxic Enforcement Act¹

To Whom It May Concern:

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

Brodsky Smith represents Gabriel Espinoza ("Espinoza"), a citizen of the State of California acting in the interest of the general public to promote awareness of exposures to toxic chemicals from use of consumer products sold in California and to improve human health and the environment by reducing hazardous substances.

With respect to the Product herein, Espinoza has identified a violation of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65") codified at Cal. Health & Safety Code § 25249.5, et seq. This violation has occurred and continues to occur because the alleged Violator(s) failed to provide a clear and reasonable health hazard warning in connection with the sale or use of the Product in California. Health & Safety Code § 25249.6 provides that "[n]o person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the State to cause cancer or reproductive toxicity without first providing a clear and reasonable warning to such individual

¹ The public enforcement agencies that have been served with copies of this Notice are identified in the attached distribution list accompanying the Certificate of Service.

...” Without proper warnings regarding the toxic effects of exposures to the Listed Chemical resulting from use of the Product, California citizens lack the information necessary to make informed decisions on whether and/or how to eliminate (or reduce) the risk of exposure to the Listed Chemical from the reasonably foreseeable use of the Product.

I. DESCRIPTION OF THE VIOLATION

1. **Enforcer:** Gabriel Espinoza, 3924 Carlin Ave., Lynwood, CA 90262-5204; (Ph) 310.863.2852.
2. **Alleged Violator(s):** Décor-Ware International Inc.; The TJX Companies, Inc.; The TJX Companies, Inc. dba Marshalls; Marshalls of CA, LLC
3. **Time Period of Exposure:** Violations have been occurring since at least July 24, 2024 and are continuing to this day.
4. **Listed Chemical:** Lead. Lead is listed under Proposition 65 as a chemical known to the State to cause cancer and birth defects or other reproductive harm.
5. **Product:**

Product ²	Non- Exclusive Examples of the Product
Candle	Goodies by DW Home Pink Lemonade Candle 1283-058871500-000799-05-2

6. **Description of Exposure:** The exposures that are the subject of this Notice result from the purchase and recommended use of the Product. The primary route of exposure to the Listed Chemical is through dermal absorption directly through the skin when consumers use, touch, or handle the Products. Some amount of exposure through ingestion can occur by touching the Product with subsequent touching of the user’s hand to mouth. No clear and reasonable warning is provided with the Products regarding the health hazards of exposure to the Listed Chemical.

II. PROPOSITION 65 INFORMATION

For the Violators’ reference, enclosed is a copy of “Proposition 65: A Summary” that has been prepared by the Office of Environmental Health Hazard Assessment (“OEHHA”). For more information concerning the provisions of Proposition 65, contact OEHHA at 916.445.6900.

III. RESOLUTION OF THE CLAIMS

Based on the allegations set forth in this Notice, Brodsky Smith intends to file a citizen enforcement lawsuit on behalf of Espinoza against the alleged Violator(s) unless such Violator(s) agree in a binding written agreement to: (1) recall Products already sold; (2) provide Proposition 65 compliant exposure warnings for Products sold in the future or reformulate the Products to eliminate exposures to the

² The specifically identified example of the Product in this Notice is to assist the recipients’ investigation of, among other things, the magnitude of potential exposures to the Listed Chemical from other items within the definition of Products. This example is not intended to be an exhaustive or comprehensive identification of each specific offending Product. It is Espinoza’s position that the alleged Violators are obligated to conduct a good faith investigation into other Products that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the alleged Violators’ custody or control) during the relevant period to ensure that requisite health hazard warnings were and are provided to California citizens prior to purchase and use.

Listed Chemical; and (3) pay an appropriate civil penalty based on the factors enumerated in Health & Safety Code § 25249.7(b). Consistent with the public interest goals of Proposition 65 and the desire to have these violations of California law quickly rectified, Espinoza is interested in seeking a constructive resolution of the claims in this Notice without engaging in costly and protracted litigation.

Espinoza has retained me as legal counsel in connection with this Notice. **Please direct all communications regarding this Notice to my attention at Brodsky Smith, 9465 Wilshire Blvd., Ste. 300, Beverly Hills, CA 90212, (877) 534-2590, esmith@brodskysmith.com.**

Sincerely,

A handwritten signature in black ink, appearing to be 'EJ Smith', written over a horizontal line.

Evan J. Smith

Attachments

Certificate of Merit

Certificate of Service

The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary

EXHIBIT “C”

LAW OFFICES
BRODSKY SMITH

9465 WILSHIRE BLVD., STE. 300
BEVERLY HILLS, CA 90212
877.534.2590
www.brodskysmith.com

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MINEOLA, NY 11501
516.741.4977

PENNSYLVANIA OFFICE
TWO BALA PLAZA, STE. 805
BALA CYNWYD, PA 19004
610.667.6200

March 14, 2025

President/CEO Borgo De' Medici S.R.L. Via Filippo Brunelleschi, 6 I-59100 Prato ITALY	President/CEO The TJX Companies, Inc. dba Marshalls c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801
President/CEO The TJX Companies, Inc. c/o CT Corporation System 101 Federal Street Boston, MA 02110	Member/Manager Marshalls of CA, LLC c/o CT Corporation System 330 N. Brand Blvd., Suite 700 Glendale, CA 91203
President/CEO The TJX Companies, Inc. c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	

60-Day Notice of Violation of California Safe Drinking Water and Toxic Enforcement Act¹

To Whom It May Concern:

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

Brodsky Smith represents Gabriel Espinoza ("Espinoza"), a citizen of the State of California acting in the interest of the general public to promote awareness of exposures to toxic chemicals from use of consumer products sold in California and to improve human health and the environment by reducing hazardous substances.

With respect to the Product herein, Espinoza has identified a violation of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65") codified at Cal. Health & Safety Code § 25249.5, et seq. This violation has occurred and continues to occur because the alleged Violator(s) failed to provide a clear and reasonable health hazard warning in connection with the sale or use of the Product in California. Health & Safety Code § 25249.6 provides that "[n]o person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the State to cause cancer or reproductive toxicity without first providing a clear and reasonable warning to such individual

¹ The public enforcement agencies that have been served with copies of this Notice are identified in the attached distribution list accompanying the Certificate of Service.

...” Without proper warnings regarding the toxic effects of exposures to the Listed Chemical resulting from use of the Product, California citizens lack the information necessary to make informed decisions on whether and/or how to eliminate (or reduce) the risk of exposure to the Listed Chemical from the reasonably foreseeable use of the Product.

I. DESCRIPTION OF THE VIOLATION

1. **Enforcer:** Gabriel Espinoza, 3924 Carlin Ave., Lynwood, CA 90262-5204; (Ph) 310.863.2852.
2. **Alleged Violator(s):** Borgo De' Medici S.R.L.; The TJX Companies, Inc.; The TJX Companies, Inc. dba Marshalls; Marshalls of CA, LLC
3. **Time Period of Exposure:** Violations have been occurring since at least March 14, 2025 and are continuing to this day.
4. **Listed Chemical:** Lead. Lead is listed under Proposition 65 as a chemical known to the State to cause cancer and birth defects or other reproductive harm.
5. **Product:**

Product²	Non- Exclusive Examples of the Product
Ceramicware	Piazza De' Mercato Italian Antipasto Set Bottle 50 82 737290 001200 51

6. **Description of Exposure:** The exposures that are the subject of this Notice result from the purchase, acquisition, handling and recommended use of the Product. The primary route of exposure to the Listed Chemical is through dermal absorption directly through the skin when consumers use, touch, or handle the Products. Some amount of exposure through ingestion can occur by touching the Product with subsequent touching of the user's hand to mouth. No clear and reasonable warning is provided with the Products regarding the health hazards of exposure to the Listed Chemical.

II. PROPOSITION 65 INFORMATION

For the Violators' reference, enclosed is a copy of "Proposition 65: A Summary" that has been prepared by the Office of Environmental Health Hazard Assessment ("OEHHA"). For more information concerning the provisions of Proposition 65, contact OEHHA at 916.445.6900.

III. RESOLUTION OF THE CLAIMS

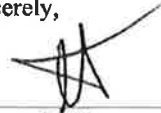
Based on the allegations set forth in this Notice, Brodsky Smith intends to file a citizen enforcement lawsuit on behalf of Espinoza against the alleged Violator(s) unless such Violator(s) agree in a binding written agreement to: (1) recall Products already sold; (2) provide Proposition 65 compliant exposure warnings for Products sold in the future or reformulate the Products to eliminate exposures to the

² The specifically identified example of the Product in this Notice is to assist the recipients' investigation of, among other things, the magnitude of potential exposures to the Listed Chemical from other items within the definition of Products. This example is not intended to be an exhaustive or comprehensive identification of each specific offending Product. It is Espinoza's position that the alleged Violators are obligated to conduct a good faith investigation into other Products that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the alleged Violators' custody or control) during the relevant period to ensure that requisite health hazard warnings were and are provided to California citizens prior to purchase and use.

Listed Chemical; and (3) pay an appropriate civil penalty based on the factors enumerated in Health & Safety Code § 25249.7(b). Consistent with the public interest goals of Proposition 65 and the desire to have these violations of California law quickly rectified, Espinoza is interested in seeking a constructive resolution of the claims in this Notice without engaging in costly and protracted litigation.

Espinoza has retained me as legal counsel in connection with this Notice. **Please direct all communications regarding this Notice to my attention at Brodsky Smith, 9465 Wilshire Blvd., Ste. 300, Beverly Hills, CA 90212, (877) 534-2590, esmith@brodskysmith.com.**

Sincerely,

A handwritten signature in black ink, appearing to be 'EJ Smith', written over a horizontal line.

Evan J. Smith

Attachments

Certificate of Merit

Certificate of Service

The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary

EXHIBIT “D”

LAW OFFICES
BRODSKY SMITH

9465 WILSHIRE BLVD., STE. 300
BEVERLY HILLS, CA 90212
877.534.2590
www.brodskysmith.com

NEW JERSEY OFFICE
20 BRACE RD., STE. 350
CHERRY HILL, NJ 08034
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NEW YORK OFFICE
240 MINEOLA BOULEVARD
MINEOLA, NY 11501
516.741.4977

PENNSYLVANIA OFFICE
TWO BALA PLAZA, STE. 805
BALA CYNWYD, PA 19004
610.667.6200

March 14, 2025

President/CEO Amphora International, Inc. c/o Tunca Tortoc 46 Ridge Valley Irvine, CA 92618	President/CEO Amphora International, Inc. 20622 Canada Road Lake Forest, CA 92630
President/CEO The TJX Companies, Inc. c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	President/CEO The TJX Companies, Inc. dba Marshalls c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801
President/CEO The TJX Companies, Inc. c/o CT Corporation System 101 Federal Street Boston, MA 02110	Member/Manager Marshalls of CA, LLC c/o CT Corporation System 330 N. Brand Blvd., Suite 700 Glendale, CA 91202

60-Day Notice of Violation of California Safe Drinking Water and Toxic Enforcement Act¹

To Whom It May Concern:

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

Brodsky Smith represents Gabriel Espinoza ("Espinoza"), a citizen of the State of California acting in the interest of the general public to promote awareness of exposures to toxic chemicals from use of consumer products sold in California and to improve human health and the environment by reducing hazardous substances.

With respect to the Product herein, Espinoza has identified a violation of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65") codified at Cal. Health & Safety Code § 25249.5, et seq. This violation has occurred and continues to occur because the alleged Violator(s) failed to provide a clear and reasonable health hazard warning in connection with the sale or use of the Product in California. Health & Safety Code § 25249.6 provides that "[n]o person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the State to cause cancer or reproductive toxicity without first providing a clear and reasonable warning to such individual

¹ The public enforcement agencies that have been served with copies of this Notice are identified in the attached distribution list accompanying the Certificate of Service.

...” Without proper warnings regarding the toxic effects of exposures to the Listed Chemical resulting from use of the Product, California citizens lack the information necessary to make informed decisions on whether and/or how to eliminate (or reduce) the risk of exposure to the Listed Chemical from the reasonably foreseeable use of the Product.

I. DESCRIPTION OF THE VIOLATION

1. **Enforcer:** Gabriel Espinoza, 3924 Carlin Ave. Lynwood, CA 90262; (Ph) 424-285-4896.
2. **Alleged Violator(s):** Amphora International, Inc.; The TJX Companies, Inc.; The TJX Companies, Inc. dba Marshalls; Marshalls of CA, LLC
3. **Time Period of Exposure:** Violations have been occurring since at least March 14, 2025 and are continuing to this day.
4. **Listed Chemical:** Lead. Lead is listed under Proposition 65 as a chemical known to the State to cause cancer and birth defects or other reproductive harm.
5. **Product:**

Product ²	Non- Exclusive Examples of the Product
Apricots	Amphora International Organic Soft Dried Turkish Apricots UPC# 8 90201 00245 9

6. **Description of Exposure:** The exposures that are the subject of this Notice result from the purchase and recommended use of the Product. The primary route of exposure to the Listed Chemical is through ingestion. When foods contaminated with the Listed Chemical are consumed, ingestion of the Listed Chemical will occur which will increase BLLs. No clear and reasonable warning is provided with the Products regarding the health hazards of exposure to the Listed Chemical.

II. PROPOSITION 65 INFORMATION

For the Violators' reference, enclosed is a copy of "Proposition 65: A Summary" that has been prepared by the Office of Environmental Health Hazard Assessment ("OEHHA"). For more information concerning the provisions of Proposition 65, contact OEHHA at 916.445.6900.

III. RESOLUTION OF THE CLAIMS

Based on the allegations set forth in this Notice, Brodsky Smith intends to file a citizen enforcement lawsuit on behalf of Espinoza against the alleged Violator(s) unless such Violator(s) agree in a binding written agreement to: (1) recall Products already sold; (2) provide Proposition 65 compliant exposure warnings for Products sold in the future or reformulate the Products to eliminate exposures to the Listed Chemical; and (3) pay an appropriate civil penalty based on the factors enumerated in Health & Safety Code § 25249.7(b). Consistent with the public interest goals of Proposition 65 and the desire to have

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Sincerely,

A handwritten signature in black ink, appearing to be 'EJ Smith', written over a horizontal line.

Evan J. Smith

Attachments

Certificate of Merit

Certificate of Service

The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary

EXHIBIT “E”

LAW OFFICES
BRODSKY SMITH

9465 WILSHIRE BLVD., STE. 300
BEVERLY HILLS, CA 90212
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www.brodskysmith.com

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516.741.4977

PENNSYLVANIA OFFICE
TWO BALA PLAZA, STE. 805
BALA CYNWYD, PA 19004
610.667.6200

March 14, 2025

President/CEO The TJX Companies, Inc. c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	President/CEO The TJX Companies, Inc. dba Marshalls c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801
President/CEO The TJX Companies, Inc. c/o CT Corporation System 101 Federal Street Boston, MA 02110	Member/Manager Marshalls of CA, LLC c/o CT Corporation System 330 N. Brand Blvd., Suite 700 Glendale, CA 91203

60-Day Notice of Violation of California Safe Drinking Water and Toxic Enforcement Act¹

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I. DESCRIPTION OF THE VIOLATION

1. **Enforcer:** Gabriel Espinoza, 3924 Carlin Ave., Lynwood, CA 90262-5204; (Ph) 310.863.2852.
2. **Alleged Violator(s):** The TJX Companies, Inc.; The TJX Companies, Inc. dba Marshalls; Marshalls of CA, LLC
3. **Time Period of Exposure:** Violations have been occurring since at least March 14, 2025 and are continuing to this day.
4. **Listed Chemical:** Lead. Lead is listed under Proposition 65 as a chemical known to the State to cause cancer and birth defects or other reproductive harm.
5. **Product:**

Product ²	Non- Exclusive Examples of the Product
Dish	Clover Serving Dish 4705356266510

6. **Description of Exposure:** The exposures that are the subject of this Notice result from the purchase, acquisition, handling and recommended use of the Product. The primary route of exposure to the Listed Chemical is through dermal absorption directly through the skin when consumers use, touch, or handle the Products. Some amount of exposure through ingestion can occur by touching the Product with subsequent touching of the user's hand to mouth. No clear and reasonable warning is provided with the Products regarding the health hazards of exposure to the Listed Chemical.

II. PROPOSITION 65 INFORMATION

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Sincerely,



Evan J. Smith

Attachments

Certificate of Merit

Certificate of Service

The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary