

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

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

August 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 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 August 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 2 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 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: List of Violators
August 26, 2008 Notice of Violation
Re: Di (2-ethylhexyl) Phthalate (DEHP) in Vinyl Gloves

Acme United Corporation
60 Round Hill Rd.
Fairfield, CT 06824

Adenna Inc.
11932 Baker Pl.
Santa Fe Springs, CA 90670

Becton, Dickinson and Company
One Becton Drive
Franklin Lakes, NJ 07417

Betty Dain Creations, Inc.
3300 N.W. 110 Street
Miami FL 33167

Durasafe Inc.
18400 San Jose Ave.
City of Industry, CA 91748

Impact Products, LLC
2840 Centennial Rd.
Toledo, OH 43617-1898

Invacare Corporation
One Invacare Way
P.O. Box 4028
Elyria, OH 44036

MCR Safety
5321 E. Shelby Drive
Memphis TN 38118

Microflex Corporation
2301 Robb Dr.
Reno, NV 89523-1901

United Stationers Supply Co.
One Parkway North Boulevard
Deerfield, IL 60015-2559

EXHIBIT 2: Non-Exclusive Examples of the Products
August 26, 2008 Notice of Violation
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Responsible Parties	Non-Exclusive Examples of the Products	Item or SKU No. or Further Description
Acme United Corporation	Disposable Vinyl Gloves	Powdered disposable vinyl gloves Item No. ACM 13011
Adenna, Inc.	VPF Vinyl Gloves	Synthetic, latex-free, powder-free examination gloves
Becton, Dickinson and Company	BD Tru Touch Vinyl Gloves	Non-sterile, single-use latex-free gloves Item No. 481116
Betty Dain Creations, Inc.	Disposable Vinyl Gloves	Clear non-sterile vinyl gloves Item No. CT102VPF-M
Durasafe Inc.	Sanitex Vinyl Gloves	Pre-powdered, non-latex, non-sterile disposable gloves SKU No. 4056202192
Impact Products, LLC	Proguard Food Service/General Purpose Gloves	Powdered disposable gloves Style No. 8606
Invacare Corporation	Vinyl Examination Gloves	Powder-free, latex-free vinyl exam gloves SKU No. 10718932
MCR Safety	SensaGuard Industrial Grade Disposable Vinyl Gloves	Non-sterile powdered gloves Style No. 5020
Microflex Corporation	Derma Free Vinyl Gloves	Powder-free non-medical vinyl gloves

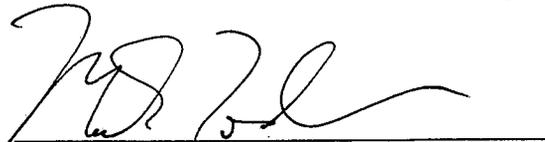
United Stationers Supply Co.	Vinyl Examination Gloves	Powdered latex-free non-sterile vinyl exam gloves Style No. G360
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CERTIFICATE OF MERIT
Health & Safety Code § 25249.7(d)

I, Mark 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.
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.

August 26, 2008



Mark 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.

On August 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 am readily familiar with my firm's practice for collection and processing of correspondence for mailing with the United States Postal Service, to wit, that correspondence will be deposited with the United States Postal Service this same day in the ordinary course of business. I placed the envelope containing the above-mentioned documents for collection and mailing on August 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 August 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
547 Market Street
Colusa, CA 95932

District Attorney of Contra Costa
County
627 Ferry Street
Martinez, CA 94553

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

District Attorney of Del Norte
County
450 H Street, Ste 171
Crescent City, CA 95531

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

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

District Attorney of El Dorado
County
515 Main Street
Placerville, CA 95667

District Attorney of Calaveras
County
891 Mountain Ranch Road
San Andreas, CA 95249

District Attorney of Fresno County
2220 Tulare Street, #1000
Fresno, CA 93721

District Attorney of Glenn County
P.O. Box 430
Willows, CA 95988

District Attorney of Kings County
1400 West Lacey
Hanford, CA 93230

District Attorney of Lake County
255 N. Forbes Street
Lakeport, CA 95453

District Attorney of Humboldt
County
825 5th Street
Eureka, CA 95501

District Attorney of Imperial County
939 Main Street
El Centro, CA 92243

District Attorney of Lassen County
220 S. Lassen St., Ste 8
Susanville, CA 96130

District Attorney of Inyo County
P.O. Drawer D
Independence, CA 93526

District Attorney of Los Angeles
County
210 W. Temple Street, Room 345
Los Angeles, CA 90012

District Attorney of Madera County
209 West Yosemite Avenue
Madera, CA 93637

District Attorney of Kern County
1215 Truxtun Avenue
Bakersfield, CA 93301

District Attorney of Marin County
3501 Civic Center Dr., Room 130
San Rafael, CA 94903

District Attorney of Mono County
P.O. Box 617
Bridgeport, CA 93517

District Attorney of Mariposa County
P.O. Box 730
Mariposa, CA 95338

District Attorney of Monterey County
230 Church Street, Bldg. 2
Salinas, CA 93901

District Attorney of Mendocino
County
P.O. Box 1000
Ukiah, CA 95482

District Attorney of Napa County
931 Parkway Mall
Napa, CA 94559

District Attorney of Merced County
2222 "M" Street
Merced, CA 95340

District Attorney of Nevada County
201 Church St., Suite 8
Nevada City, CA 95959

District Attorney of Orange County
401 Civic Ctr Drive West
Santa Ana, CA 92701

District Attorney of Modoc County
204 S Court Street
Alturas, CA 96101-4020

District Attorney of Placer County
11562 "B" Avenue
Auburn, CA 95603

District Attorney of San
Bernardino County
316 N. Mountain View Avenue
San Bernardino, CA 92415

District Attorney of Plumas County
520 Main Street, Room 404
Quincy, CA 95971

District Attorney of San Diego
County
330 West Broadway, Suite 1320
San Diego, CA 92101

District Attorney of Riverside
County
4075 Main Street
Riverside, CA 92501

District Attorney of San Francisco
County
850 Bryant Street, Rm 325
San Francisco, CA 94103

District Attorney of Sacramento
County
901 "G" Street
Sacramento, CA 95814

District Attorney of San Joaquin
County
P.O. Box 990
Stockton, CA 95201

District Attorney of San Luis
Obispo County
1050 Monterey St, Room 450
San Luis Obispo, CA 93408

District Attorney of San Benito
County
419 Fourth Street, 2nd Floor
Hollister, CA 95023

District Attorney of San Mateo
County
400 County Ctr, 3rd Fl
Redwood City, CA 94063
District Attorney of Sierra County
Courthouse, P.O. Box 457
Downieville, CA 95936

District Attorney of Santa Barbara County
1105 Santa Barbara Street
Santa Barbara, CA 93101

District Attorney of Siskiyou County
P.O. Box 986
Yreka, CA 96097

District Attorney of Solano County
675 Texas Street, Suite 4500
Fairfield, CA 94533

District Attorney of Santa Clara County
70 West Hedding Street, West Wing
San Jose, CA 95110

District Attorney of Santa Cruz County
701 Ocean Street, Room 200
Santa Cruz, CA 95060

District Attorney of Sonoma County
600 Administration Drive, Room 212J
Santa Rosa, CA 95403

District Attorney of Shasta County
1525 Court Street, Third Floor
Redding, CA 96001-1632

District Attorney of Stanislaus County
800 11th Street, Room 200
PO BOX 442
Modesto, CA 95353

District Attorney of Sutter County
446 Second Street
Yuba City, CA 95991

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

District Attorney of Tehama County
P.O. Box 519
Red Bluff, CA 96080

District Attorney of Yolo County
301 Second Street
Woodland, CA 95695

District Attorney of Trinity County
P.O. Box 1310
Weaverville, CA 96093

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

District Attorney of Tulare County
221 S. Mooney Ave, Room 224
Visalia, CA 93291

District Attorney of Tuolumne County
423 No. Washington Street
Sonora, CA 95370

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

Walter C. Johnsen
President & CEO*
Acme United Corporation
60 Round Hill Rd.
Fairfield, CT 06824

Maxwell Lee, President and CEO*
Adenna Inc.
11932 Baker Pl.
Santa Fe Springs, CA 90670

Edward J. Ludwig, CEO & President*
Becton, Dickinson and Company
One Becton Drive
Franklin Lakes, NJ 07417

President*
Betty Dain Creations, Inc.
3300 N.W. 110 Street
Miami FL 33167

Chin Shing Hung, President*
Durasafe Inc.
18400 San Jose Ave.
City of Industry, CA 91748-1254

John Harbal, President & CEO*
Impact Products, LLC
2840 Centennial Rd.
Toledo, OH 43617-1898

A. Malachi Mixon III
CEO & President*
Invacare Corporation
One Invacare Way
P.O. Box 4028
Elyria, OH 44036

Mitch Lewellen, CEO*
MCR Safety
5321 E. Shelby Drive
Memphis, TN 38118

Lloyd Rogers, President & CEO*
Microflex Corporation
2301 Robb Dr.
Reno, NV 89523-1901

Richard W. Gochnauer, President*
United Stationers Supply Co.
One Parkway North Boulevard
Deerfield, IL 60015-2559