

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

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

June 4, 2009

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 Basic International, Inc. dba Basic Medical Industries, Inc., 12390 East End Avenue, Chino, CA 91710.
- Time Period of Exposure: The violations have been occurring since at least June 4, 2006, 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 the Synthetic Vinyl Examination Gloves (Powdered, Non-Latex), SKU No. 6-43049-18002-1.
- 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, 1627 Irving Street, San Francisco, CA 94122, (415) 759-4111.

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 ("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.

June 4, 2009



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.

On June 4, 2009, 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).

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.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on June 4, 2009, 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

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3501 Civic Center Dr., Room 130
San Rafael, CA 94903

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

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P.O. Box 730
Mariposa, CA 95338

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

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

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

District Attorney of Modoc
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Alturas, CA 96101-4020

District Attorney of Placer County
10810 Justice Center Drive
Suite 240
Roseville, CA 95678

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

District Attorney of Riverside
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4075 Main Street
Riverside, CA 92501

District Attorney of San
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San Francisco, CA 94103

District Attorney of Sacramento
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San Luis Obispo, CA 93408
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District Attorney of Santa Barbara
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Santa Barbara, CA 93101

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Wing
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District Attorney of Santa Cruz
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701 Ocean Street, Room 200
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District Attorney of Shasta County
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District Attorney of Stanislaus
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800 11th Street, Room 200
PO BOX 442
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800 South Victoria Ave
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P.O. Box 519
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301 Second Street
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P.O. Box 310
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District Attorney of Yuba County
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District Attorney of Tulare County
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District Attorney of Tuolumne
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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
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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

Frank Liu, President *
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