

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

Lead in Belts Made With Leather, Vinyl or Imitation Leather Materials

October 14, 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:

- Violators: The names and addresses of the violators are listed on the attached Exhibit 1.
- Time Period of Exposure: The violations have been occurring since at least October 14, 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 names of the listed chemicals involved in these violations are lead and lead compounds ("Lead"). Exposures to Lead occur from use of the products identified in this Notice.
- Types of Product: The specific types of product causing this violation are belts made with leather, vinyl or imitation leather materials. The leather, vinyl or imitation leather materials in these products contain Lead. Non-exclusive examples of these specific types of products are listed on the attached Exhibit 1.
- Description of Exposure: This Notice addresses consumer exposures to Lead. Use of the products identified in this Notice results in human exposures to Lead. Lead is found in the products as a stabilizer in the vinyl or imitation leather materials, as a chemical ingredient in some of the dyes, paints and other coloring agents used in the products and in the chemicals used in the leather tanning process. The route of exposure for the violations is ingestion via hand to mouth contact and dermal absorption directly through the skin when consumers take on or off, loosen, tighten, fasten, unfasten, or otherwise touch or handle the products. No clear and reasonable warning is provided with these products regarding the carcinogenic or reproductive hazards of Lead.

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 agrees in a binding written instrument 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 Lead exposures; 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 and its counsel Eric S. Somers (esomers at lexlawgroup.com) or Howard Hirsch (hhirsch at lexlawgroup.com) at Lexington Law Group, 1627 Irving Street, San Francisco, CA 94122, (415) 759-4111.

EXHIBIT 1
October 14, 2009 Notice of Violation
Lead in Belts Made With Leather, Vinyl or Imitation Leather Materials
Non-Exclusive Examples of the Products

Names and Addresses of Responsible Parties	Non-Exclusive Examples of the Products	Item or SKU # or Further Description
Cornerstone Apparel, Inc. 5807 Smithway Street Commerce, CA 90040	Papaya Belt - Yellow	SKU No. 10544210901
	Papaya Braided Belt - Yellow	SKU No. 10321510901 Style No. CRB2946
Express, LLC 1 Limited Parkway Columbus, OH 43230	Belt with Fray - Brown	SKU No. 09068195 Style No. 2002
Limited Stores, LLC 3 Limited Parkway Columbus, OH 43230	Belt - Yellow	SKU No. 10052239
Silhouette LLC 100 S. Doheny Drive Suite 1106 Los Angeles, CA 90048 Silhouette Clothing, Inc. 13055 Rosecrans Avenue Santa Fe Springs, CA 90670	Silhouette 107 Belt Elast - Yellow	SKU No. 07090605004 Item No. 9550604961
Volcom, Inc. 1740 Monrovia Avenue Costa Mesa, CA 92627 Volcom Retail, Inc. 1740 Monrovia Avenue Costa Mesa, CA 92627	Fast PVC Stone Age Belt - Gold	SKU No. 8-85602-44860-9 Item No. T742900 GLD
The Wet Seal, Inc. 26972 Burbank Foothill Ranch, CA 92610 The Wet Seal Retail Inc. 26972 Burbank Foothill Ranch, CA 92610	Woven Braid Jean Belt - Mustard	SKU No. 401130300006 Style No. 39099679

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

I, Eric S. Somers, 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.

October 14, 2009



Eric S. Somers
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 October 14, 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 October 14, 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 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

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

District Attorney of Colusa County
547 Market Street, Ste. 102
Colusa, CA 95932

District Attorney of Contra Costa
County
900 Ward Street
Martinez, CA 94553

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

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

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

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

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

District Attorney of Imperial County
939 Main Street, Ste. 102
El Centro, CA 92243

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

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

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

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

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

District Attorney of Los Angeles
County
210 W. Temple Street, Ste. 1800
Los Angeles, CA 90012-3210

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

District Attorney of Marin County
3501 Civic Center Drive, Rm. 130
San Rafael, CA 94903

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

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

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

District Attorney of Modoc County
204 S Court Street, Rm. 202
Alturas, CA 96101-4020

District Attorney of Mono County
P.O. Box 617
Bridgeport, CA 93546

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

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

District Attorney of Nevada
County
201 Church Street, Ste. 8
Nevada City, CA 95959

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

District Attorney of Placer County
10810 Justice Ctr Drive, Ste. 240
Roseville, CA 95678

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

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

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

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

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

District Attorney of San Diego
County
330 West Broadway, Ste. 1300
San Diego, CA 92101

District Attorney of San Francisco County 850 Bryant Street, Room 325 San Francisco, CA 94103	District Attorney of Sonoma County 600 Administration Drive, Rm. 212J Santa Rosa, CA 95403	San Francisco City Attorney's Office City Hall, Room 234 San Francisco, CA 94102
District Attorney of San Joaquin County P.O. Box 990 Stockton, CA 95202	District Attorney of Stanislaus County 832 12 th Street, Ste. 300 Modesto, CA 95354	San Jose City Attorney's Office 200 East Santa Clara Street San Jose, CA 95113
District Attorney of San Luis Obispo County 1050 Monterey Street, Room 450 San Luis Obispo, CA 93408	District Attorney of Sutter County 446 Second Street Yuba City, CA 95991	California Attorney General's Office Attention: Proposition 65 Coordinator and Robert Thomas 1515 Clay Street, Suite 2000 P.o. Box 70550 Oakland, ca 94612-0550
District Attorney of San Mateo County 400 County Ctr, 3 rd Fl. Redwood City, CA 94063	District Attorney of Tehama County P.O. Box 519 Red Bluff, CA 96080	President * Cornerstone Apparel, Inc. 5807 Smithway Street Commerce, CA 90040
District Attorney of Santa Barbara County 1112 Santa Barbara Street Santa Barbara, CA 93101	District Attorney of Trinity County P.O. Box 310 11 Court Street Weaverville, CA 96093	Michael Weiss, CEO * Express, LLC 1 Limited Parkway Columbus, OH 43230
District Attorney of Santa Clara County 70 West Hedding Street, West Wing San Jose, CA 95110	District Attorney of Tulare County 221 S. Mooney Avenue, Room 224 Visalia, CA 93291	President * Limited Stores, LLC 3 Limited Parkway Columbus, OH 43230
District Attorney of Santa Cruz County 701 Ocean Street, Room 200 Santa Cruz, CA 95060	District Attorney of Tuolumne County 423 North Washington Street Sonora, CA 95370	President * Silhouette LLC 100 S. Doheny Drive Suite 1106 Los Angeles, CA 90048
District Attorney of Shasta County 1525 Court Street, 3 rd Fl. Redding, CA 96001-1632	District Attorney of Ventura County 800 South Victoria Avenue Ventura, CA 93009	President * Silhouette Clothing, Inc. 13055 Rosecrans Avenue Santa Fe Springs, CA 90670
District Attorney of Sierra County Courthouse 100 Courthouse Sq., 2 nd Fl. Downieville, CA 95936	District Attorney of Yolo County 301 Second Street Woodland, CA 95695	President * Volcom, Inc. 1740 Monrovia Avenue Costa Mesa, CA 92627
District Attorney of Siskiyou County P.O. Box 986 Yreka, CA 96097	District Attorney of Yuba County 215 Fifth Street Marysville, CA 95901	Jason W. Steris, President * Volcom, Inc. 1740 Monrovia Avenue Costa Mesa, CA 92627
District Attorney of Solano County 675 Texas Street, Ste. 4500 Fairfield, CA 94533	Los Angeles City Attorney's Office City Hall East 200 N. Main Street, Room 800 Los Angeles, CA 90012	President * Volcom Retail, Inc. Attn: Legal Department 1740 Monrovia Avenue Costa Mesa, CA 92627
	San Diego City Attorney's Office 1200 3rd Avenue, Ste. 1620 San Diego, CA 92101	

Edmond Thomas, CEO *
The Wet Seal, Inc.
26972 Burbank
Foothill Ranch, CA 92610

President *
The Wet Seal Retail, Inc.
26972 Burbank
Foothill Ranch, CA 92610