

## NOTICE OF VIOLATION

### California Safe Drinking Water and Toxic Enforcement Act

#### Lead in Footwear Made With Leather, Vinyl or Imitation Leather Materials

August 25, 2010

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

- For general information regarding the California Safe Drinking Water and Toxic Enforcement Act, see the attached summary provided by the California EPA (copies not provided to public enforcement agencies).
- This Notice of Violation is provided by the Center for Environmental Health ("CEH"), 2201 Broadway, Suite 302, Oakland, CA 94612, (510) 655-3900. CEH is a nonprofit corporation dedicated to protecting the environment, improving human health and supporting environmentally sound practices. Charlie Pizarro is the Associate Director of and a responsible individual within CEH.

#### **Description of Violation:**

- 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 August 25, 2007, and are continuing to this day.
- Provision of Proposition 65: This Notice of Violation covers the "warning provision" of Proposition 65, which is found at California Health and Safety Code Section 25249.6.
- Chemical(s) Involved: The 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.
- Type of Product: The specific type of product causing this violation is footwear made with leather, vinyl or imitation leather materials.
- 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. Consumer exposures to Lead from the products occur when consumers wear, take on or off, 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.

Please direct any inquiries regarding this Notice to CEH through 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**  
**August 25, 2010 Notice of Violation**  
**Lead in Footwear Made With Leather, Vinyl or Imitation Leather Materials**  
**List of Violators**

**BBC International LLC**  
1515 N. Federal Highway  
Suite 206  
Boca Raton, FL 33432

**BCBG Max Azria Group, Inc.**  
2761 Fruitland Ave.  
Vernon, CA 90058

**Brookstone Company, Inc.**  
One Innovation Way  
Merrimack, NH 03054

**The Burton Corporation**  
80 Industrial Parkway  
Burlington, VT 05401

**C&C California LLC**  
3000 N.W. 107th Avenue  
Miami, FL 33172

**CBI Distributing Corp.**  
2400 W. Central Road  
Hoffman Estates, IL 60192

**Claire's Boutiques, Inc.**  
3 SW 129th Avenue  
Pembroke Pines, FL 33027

**Connors, Fong & Mancuso, Inc. aka  
Connors Footwear, Inc.**  
20 Whitcher Street  
Lisbon, NH 03585

**East Lion Corporation**  
18525 Railroad Street  
City of Industry, CA 91748

**Elan Polo Inc.**  
2005 Walton Road  
St. Louis, MO 63114

**Foot Locker Retail, Inc.**  
112 West 34th Street  
New York, NY 10120

**Footlocker.com, Inc.**  
112 West 34th Street  
New York, NY 10120

**Fox Head, Inc.**  
18400 Sutter Blvd  
Morgan Hill, CA 95037

**Fu Feng Group (HK) Investment Ltd.**  
Richard Engle, Agent  
78365 Highway 111, # 391  
La Quinta, CA 92253

**H.H. Brown Shoe Company, Inc.**  
124 W. Putnam Ave.  
Greenwich, CT 06830

**Jantzen LLC**  
3000 N.W. 107th Avenue  
Miami, FL 33172

**Johnny Appleseed's, Inc.**  
30 Tozer Road  
Beverly, MA 01915

**Nakajima USA, Inc.**  
6053 W. Century Blvd  
Los Angeles, CA 90045

**Pacific Sunwear of California, Inc.**  
3450 E. Miraloma Avenue  
Anaheim, CA 92806

**Pacific Sunwear Stores Corp.**  
3450 E. Miraloma Avenue  
Anaheim, CA 92806

**Payless ShoeSource, Inc.**  
3231 SE 6th Avenue  
Topeka, KS 66607

**Perry Ellis Menswear LLC**  
3000 N.W. 107th Avenue  
Miami, FL 33172

**Puma North America, Inc.**  
10 Lyberty Way  
Westford, MA 01886

**Silhouette Clothing, Inc.**  
13055 Rosecrans Avenue  
Santa Fe Springs, CA 90670

**The Stride Rite Corporation**  
191 Spring St.  
Lexington, MA 02420-9191

**Stuart Weitzman Holdings, LLC**  
2400 East Commercial Blvd.  
Fort Lauderdale, FL 33308

**Supreme International LLC**  
3000 N.W. 107th Avenue  
Miami, FL 33172

**The Talbots, Inc.**  
One Talbots Drive  
Hingham, MA 02043

**Ted Baker Limited**  
1250 E. Hallandale  
Beach Blvd., Suite 1007  
Hallandale Beach, FL 33009

**Ted Baker New York, Inc.**  
107 Grand Street  
New York, NY 10013-5933

**Titan Industries, Inc.**  
5252 Bolsa Ave  
Huntington Beach, CA 92649

**VF Outdoor, Inc.**  
2013 Farallon Drive  
San Leandro, CA 94577

**Volcom, Inc.**  
1740 Monrovia Avenue  
Costa Mesa, CA 92627

**Volcom Retail, Inc.**  
1740 Monrovia Avenue  
Costa Mesa, CA 92627

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

I, Howard Hirsch, 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.

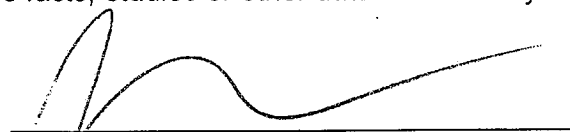
2. I am an attorney with the Lexington Law Group, and I represent the noticing party, the Center for Environmental Health.

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.

August 25, 2010



Howard Hirsch  
Attorney for CENTER FOR  
ENVIRONMENTAL HEALTH

## PROOF OF SERVICE BY MAIL

I declare that:

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

On August 25, 2010, I served true copies of the following documents:

**NOTICE OF VIOLATION OF CALIFORNIA SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT;**

**CERTIFICATE OF MERIT;** and

**THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY** (only sent to those on service list marked with an asterisk).

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

***Please see attached service list.***

Also on this date, I transmitted via electronic mail the documents listed above to the electronic mail addresses set forth below at \_\_\_\_:\_\_\_\_ p.m. on August 25, 2010:

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

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

Dije Ndreu, Deputy District Attorney  
Monterey County  
230 Church Street, Bldg. 2  
Salinas, CA 93901  
[ndreud@co.monterey.ca.us](mailto:ndreud@co.monterey.ca.us)

District Attorney of Napa County  
931 Parkway Mall  
Napa, CA 94559  
[CEPD@countyofnapa.org](mailto:CEPD@countyofnapa.org)

District Attorney of Sonoma County  
600 Administration Drive, Rm. 212J  
Santa Rosa, CA 95403  
[jbarnes@sonoma-county.org](mailto:jbarnes@sonoma-county.org)

District Attorney of Tulare County  
221 S. Mooney Avenue, Rm. 224  
Visalia, CA 93291  
[Prop65@co.tulare.ca.us](mailto:Prop65@co.tulare.ca.us)

District Attorney of Ventura County  
District Attorney of Ventura County  
800 South Victoria Avenue  
Ventura, CA 93009  
[daspecialops@ventura.org](mailto:daspecialops@ventura.org)

The transmission was reported as complete and without error.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on August 25, 2010, at San Francisco, California.

Signed: \_\_\_\_\_  
Patrick Carey

## SERVICE LIST

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

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

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

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

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 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  
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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  
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210 W. Temple Street, Ste. 1800  
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Nevada City, CA 95959

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240  
Roseville, CA 95678

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County  
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Riverside, CA 92501

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County  
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Sacramento, CA 95814

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County  
419 Fourth Street, 2<sup>nd</sup> Fl.  
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San Bernardino, CA 92415

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San Diego, CA 92101

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Los Angeles, CA 90012

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1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

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200 East Santa Clara Street  
San Jose, CA 95113

California Attorney General's  
Office  
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P.O. Box 70550  
Oakland, CA 94612-0550

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Menswear LLC, Stuart Weitzman  
Holdings, LLC, Supreme  
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