NOTICE OF VIOLATION

California Safe Drinking Water
and Toxic Enforcement Act

Tris(1,3-dichloro-2-propyl) Phosphate ("TDCPP") in
Foam-Cushioned Pads for Infants and Children to Lie On

December 6, 2012

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 October 28, 2012, 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 tris(1,3-dichloro-2-propyl) phosphate ("TDCPP"). Exposures to TDCPP occur from use of the products identified in this Notice.
- Type of Products: The specific type of products causing this violation is Foam-Cushioned Pads for Infants and Children to Lie On, such as foam-cushioned pads and mats used for sleeping, resting, and/or changing diapers. Non-exclusive examples of this specific type of products are listed on the attached Exhibit 1.
- Description of Exposure: This Notice addresses consumer exposures to TDCPP. Use of the products identified in this Notice results in human exposures to TDCPP. The products contain TDCPP, particularly in the foam-padded portions that have been treated with TDCPP as a flame retardant. The routes of exposure for the violations include inhalation, ingestion, and/or dermal absorption by consumers (including children). Inhalation occurs when TDCPP is released from the products into the ambient environment. Ingestion occurs when TDCPP from the products accumulates in ambient particles (*e.g.*, dust) that are subsequently touched by consumers (including children) and brought

into contact with the mouth. Dermal absorption occurs when children touch the products and dust containing TDCPP. No clear and reasonable warning is provided with these products regarding the carcinogenic hazards of TDCPP.

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 TDCPP 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 through its counsel Mark N. Todzo (mtodzo at lexlawgroup.com) at Lexington Law Group, 503 Divisadero Street, San Francisco, CA 94117, (415) 913-7800.

EXHIBIT 1
December 6, 2012 Notice of Violation
Tris(1,3-dichloro-2-propyl) Phosphate in
Foam-Cushioned Pads that Infants and Children Lie Down On

Names and Addresses of Responsible Parties	Non-Exclusive Examples of the Products	Item or SKU # or Further Description
A Baby Inc. 1548 56th Street Brooklyn, NY 11219	Baby Doll Cradle Mattress	UPC No. 0-09243-1324-2 Style No. 1853
Amazon.com, Inc. 410 Terry Avenue North Seattle, WA 98109	Baby Doll Cradle Mattress	UPC No. 0-09243-1324-2 Style No. 1853
Angeles Corporation 9 Capper Drive Dailey Industrial Park Pacific, MO 63069	Angeles Replacement Compact Crib Mattress	Model ID No. DC301
Baby Doll Bedding, Inc. 300 Monroe Street Passaic, NJ 07055-5210	Baby Doll Cradle Mattress	UPC No. 0-09243-1324-2 Style No. 1853
Baby Doll Infants Wear Co., Inc. 300 Monroe Street Passaic, NJ 07055-5210	Baby Doll Cradle Mattress	UPC No. 0-09243-1324-2 Style No. 1853
Delta Enterprise Corp. 114 West 26th Street New York, NY 10001	Delta Children's Products Sweet Beginnings Bassinet Pad	UPC No. 0-80213-02000-2 Item No. 25022-110B

Names and Addresses of Responsible Parties	Non-Exclusive Examples of the Products	Item or SKU # or Further Description
Dex Products, Inc. P.O. Box 2027 Antioch, CA 94531	Dexbaby Safety Changing Pad	UPC No. 7-54637-00555-5
	Dexbaby Safe Lift Universal Crib Wedge	UPC No. 7-54637-00012-3
Foundations Worldwide, Inc. 7001 Wooster Pike Medina, OH 44256	Foundations Professional Series Compact Crib Mattress	Model ID No. 6433012
Hayneedle, Inc. 9394 West Dodge Road, Suite 300 Omaha, NE 68114-3319	Foundations Professional Series Compact Crib Mattress	Model ID No. 6433012
Kmart Corporation 3333 Beverly Road Hoffman Estates, IL 60179	Delta Children's Products Sweet Beginnings Bassinet Pad	UPC No. 0-80213-02000-2 Item No. 25022-110B
Venture Products LLC 376 Hollywood Avenue, Suite 209 Fairfield, NJ 07004	Safety 1st Nap Mat	UPC No. 8-99530-03156-7 Item No. SF247H
Wal-Mart Stores, Inc. 702 SW 8th Street Bentonville AR 72716	Foundations Professional Series Compact Crib Mattress	Model ID No. 6433012
	Dexbaby Safety Changing Pad	UPC No. 7-54637-00555-5

Names and Addresses of Responsible Parties	Non-Exclusive Examples of the Products	Item or SKU # or Further Description
Wayfair LLC 177 Huntington Avenue, Suite 6000 Boston, MA 02115	Angeles Replacement Compact Crib Mattress	Model ID No. DC301

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.

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.

December 6, 2012

Mark N. Todzo
Attorney for CENTER FOR
ENVIRONMENTAL HEALTH

PROOF OF SERVICE BY MAIL AND ELECTRONIC MAIL

I declare that:

I am employed in San Francisco County, California; my business address is 503 Divisadero Street, San Francisco, California 94117. I am over the age of 18 years and not a party to the within cause and my electronic notification address is cfisher@lexlawgroup.com.

On December 6, 2012, 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 11 : 32 A.m. on December 6, 2012:

Lon Wixson, Deputy District Attorney
Contra Costa County
900 Ward Street
Martinez, CA 94553
lwixson@contracostada.org

Karyn Sinunu-Towery,
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Santa Clara County
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Paul E. Zellerbach, District Attorney
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Riverside, CA 92501
Prop65@rivcoda.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 December 6, 2012, at San Francisco, California.

Signed: _____
Casey Fisher

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
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District Attorney of Butte County
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25 County Center Drive
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District Attorney of Calaveras County
891 Mountain Ranch Road
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547 Market Street, Ste. 102
Colusa, CA 95932

District Attorney of Del Norte County
450 H Street, Ste. 171
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515 Main Street
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939 Main Street, Ste. 102
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401 Civic Center Drive West
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San Francisco, CA 94102

San Jose City Attorney's Office
200 East Santa Clara Street
San Jose, CA 95113

California Attorney General's Office
Attention: Proposition 65 Coordinator and Robert Thomas
1515 Clay Street, Ste. 2000
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