

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

Lead in Vinyl, Oilcloth or Imitation Leather Fabric

April 22, 2013

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, April 22, 2010, 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 product identified in this Notice.
- Type of Product: The specific type of product causing these violations is vinyl, oilcloth or imitation leather fabric. Non-exclusive examples of this specific type of product 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. The routes of exposure for the violations are direct ingestion when consumers (including children) place the product or items that have come into contact with the product in their mouths; ingestion via hand-to-mouth contact after consumers touch or handle the product or items that have come into contact with the product; and dermal absorption directly through the skin when consumers touch or handle the product. No clear and reasonable warning is provided with this product 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) reformulate such products to eliminate the Lead exposure or take appropriate measures to otherwise comply with Proposition 65; 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 Howard Hirsch (hhirsch at lexlawgroup.com) at Lexington Law Group, 503 Divisadero Street, San Francisco, CA 94117, (415) 913-7800.

EXHIBIT 1
April 22, 2013 Notice of Violation
Lead in Vinyl, Oilcloth or Imitation Leather Fabric
Non-Exclusive Examples of the Products

Names and Addresses of Responsible Parties	Non-Exclusive Examples of the Products	Item or SKU # or Further Description
<p>Microflock Group LLC 5301 NW 161 Street Miami Gardens, FL 33014</p> <p>Microtex, Inc. 5301 NW 161 Street Miami Gardens, FL 33014</p>	Cordoba Vinyl Caramel	Item No. CY-422
	Cordoba Vinyl Burgundy	Item No. PS-1566
<p>Oilcloth International, Inc. 134 N. Avenue 61, #101 Los Angeles, CA 90042</p>	Oil Cloth Solid Orange	Item No. PS-1895
<p>Plastex International, Inc. 33 Central Ave. Passaic, NJ 07055</p>	Patent Leather Vinyl Red	Item No. UI-359

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 party identified in the notice has violated Health & Safety Code § 25249.6 by failing to provide clear and reasonable warnings.

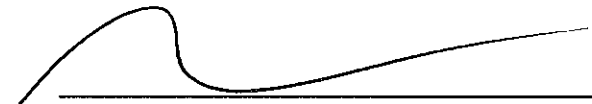
2. I am an attorney with the Lexington Law Group, and I represent the noticing party, the Center for Environmental Health.

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 chemicals that are 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 violator 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.

April 22, 2013


Howard Hirsch
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 jbanister@lexlawgroup.com.

On April 22, 2013, 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 1:41 p.m. on April 22, 2013:

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
70 West Hedding Street, West Wing
San Jose, CA 95110
epu@da.sccgov.org

Birgit Fladager, District Attorney
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832 12th Street, Ste. 300
Modesto, CA 95354
Prop65@standa.org

Gary Lieberstein, District Attorney
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931 Parkway Mall
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CEPD@countyofnapa.org

Dije Ndreu, Deputy District Attorney
Monterey County
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Prop65DA@co.monterey.ca.us

Stephan R. Passalacqua, District Attorney
Sonoma County
600 Administration Drive, Rm. 212J
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jbarnes@sonoma-county.org

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221 S. Mooney Avenue, Rm. 224
Visalia, CA 93291
Prop65@co.tulare.ca.us

Gregory D. Totten, District Attorney Ventura
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800 South Victoria Avenue
Ventura, CA 93009
daspecialops@ventura.org

Paul E. Zellerbach, District Attorney
Riverside County
4075 Main Street
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 April 22, 2013, at San Francisco, California.

Signed: _____


John Banister

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
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515 Main Street
Placerville, CA 95667

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2220 Tulare Street, Ste. 1000
Fresno, CA 93721

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825 5th Street
Eureka, CA 95501

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939 Main Street, Ste. 102
El Centro, CA 92243

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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

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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

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Ukiah, CA 95482

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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 Nevada County
110 Union Street
Nevada City, CA 95959

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

District Attorney of Placer County
10810 Justice Center Drive, Ste.
240
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San Luis Obispo, CA 93408

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Santa Cruz, CA 95060

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Los Angeles, CA 90012

District Attorney of Santa Barbara
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Santa Maria, CA 93454

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

District Attorney of Sierra County
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100 Courthouse Sq., 2nd Fl.
Downieville, CA 95936

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

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

California Attorney General's Office
Attention: Proposition 65
Coordinator and Robert Thomas
1515 Clay Street, Ste. 2000
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Oakland, CA 94612-0550

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

Carolyn Molina, President *
Oilcloth International, Inc.
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District Attorney of Sutter County
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Carolyn Molina, President *
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President or CEO*
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