

LAW OFFICES  
**BRODSKY & SMITH, LLC**

TWO BALA PLAZA, SUITE 510  
BALA CYNWYD, PA 19004

610.667.6200  
FAX 610.667.9029  
www.brodsky-smith.com

NEW JERSEY OFFICE  
1040 KINGS HIGHWAY NORTH, STE 601  
CHERRY HILL, NJ 08034  
856.795.7250

NEW YORK OFFICE  
240 MINEOLA BOULEVARD  
MINEOLA, NY 11501  
516.741.4977

CALIFORNIA OFFICE  
9595 WILSHIRE BLVD., SUITE 900  
BEVERLY HILLS, CA 90212  
877.534.2590

March 8, 2016

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|--|---|
| President/CEO<br>Family Dollar Stores of Michigan, Inc.<br>c/o The Corporation Company<br>30600 Telegraph Road, Suite 2345<br>Bingham Farms, MI 48025        | President/CEO<br>Family Dollar Services, Inc.<br>c/o CT Corporation System<br>150 Fayetteville Street<br>Box 1011<br>Raleigh, NC 27601-2957           |
| President/CEO<br>Family Dollar Stores, Inc.<br>c/o Corporate Creations Network, Inc.<br>3411 Silverside Road<br>#104 Rodney Building<br>Wilmington, DE 19810 | Howard Berger Co., LLC<br>Attention: Diane Garrity<br>Vice President of Administration and Legal Affairs<br>624A Half Acre Road<br>Cranbury, NJ 08512 |

AND THE PUBLIC PROSECUTORS LISTED ON THE DISTRIBUTION LIST ACCOMPANYING  
THE ATTACHED CERTIFICATE OF SERVICE

Re: Notice of Violation of California Health & Safety Code §25249.5, *et seq.*

To Whom It May Concern:

Brodsky & Smith, LLC (“Brodsky Smith”) represents Anthony Ferreiro (“Ferreiro”), a citizen of the State of California acting in the interest of the general public to promote awareness of exposures to toxic chemicals in products sold in California and to improve human health by reducing hazardous substances contained in such items.

With respect to the product identified below, Anthony Ferreiro has identified a violation of California’s Safe Drinking Water and Toxic Enforcement Act of 1986 (“Proposition 65”), which is codified at Cal. Health & Safety Code §25249.5, *et seq.* This violation has occurred and continues to occur because the alleged Violator(s) identified below failed to provide required clear and reasonable warnings with this product. Section 25249.6 of the statute provides that “[n]o person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the State to cause cancer or reproductive toxicity without first providing a clear and reasonable warning to such individual ...” Without proper warnings regarding the toxic effects of exposures to this listed chemical that results from contact with this product, California citizens lack the information necessary to make an informed decision on whether and/or how to eliminate (or reduce) their risk of exposure to the listed chemical from the reasonably foreseeable use of the product.

Please allow this letter to serve as notice of this violation to the alleged Violators and the appropriate public enforcement agencies. Pursuant to Section 25249.7(d) of the statute, Brodsky Smith intends to file a private enforcement action on behalf of Anthony Ferreiro sixty (60) days after effective

service of this notice unless the public enforcement agencies<sup>1</sup> have commenced and are earnestly prosecuting an action to redress these violations.

**Alleged Violator(s):** The name of the company's covered by this notice that Violated Proposition 65 (hereinafter "the Violators") is:

Family Dollar Stores of Michigan, Inc.  
Family Dollar Services, Inc.  
Family Dollar Stores, Inc.  
Howard Berger Co., LLC

**Product Category/Type:** The type of product causing this violation is a toilet seat.

| <b><i>Product</i></b>   | <b><i>Retailer(s)</i></b>  | <b><i>Manufacturer(s)/Distributor(s)</i></b> |
|---|--|--|
| Interiors by Design Soft Toilet Seat/Padded Toilet Seat<br>Color: white<br>UPC#032251 033704<br>SKU#1137002<br>RN#57623 | Family Dollar Stores, Inc.<br>Family Dollar Stores of Michigan, Inc.<br>Family Dollar Services, Inc. | Howard Berger Co., LLC                       |

**Listed Chemicals:** This violation involves exposure to the chemical Di(2-ethylhexyl) phthalate (DEHP). On January 1, 1988, the State of California listed DEHP as a chemical known to the State to cause cancer. On October 24, 2003, the State of California listed Di(2-ethylhexyl) phthalate (DEHP) as a chemical known to cause developmental male reproductive toxicity. Both additions took place more than twenty (20) months before Ferreiro served this Notice.

**Violations:** The alleged Violators knowingly and intentionally have exposed and continue to knowingly and intentionally expose consumers within the State of California to Di(2-ethylhexyl) phthalate (DEHP) at levels that, upon reasonable use of the product, exceed the No Significant Risk Level and the Maximum Allowable Dose Level without providing clear and reasonable warning of this exposure. In particular, the product does not warn that it contains chemicals known to the State of California to cause both cancer and reproductive toxicity, developmental, male.

**Route of Exposure:** The exposures that are the subject of this notice result from the purchase, acquisition, handling and recommended use of the product. Consequently, the primary route of exposure to these chemicals is through dermal transfer. The toilet seat is expected to be in direct contact with human skin during its use and thus dermal transfer of phthalates to the user's gluteal area (buttocks) is likely. Should the user's skin become wet, aqueous DEHP skin permeation rates have been reported to be faster than neat DEHP permeation. The product can be expected to emit gas phase DEHP into the air over the lifetime of the product. This gas phase DEHP can potentially be inhaled or can be absorbed to dust that can be resuspended and potentially ingested. Finally, while mouthing of the product does not seem likely, some amount of exposure through ingestion can occur by touching the product, for instance in raising and lowering the seat, with subsequent touching of the users hand to mouth.

**Duration of the Violations:** Each of these ongoing violations has occurred on every day since at least November 7, 2015; as well as every day since the product was introduced to the California marketplace and following the one-year anniversary date of the listing at issue; and will continue every day until clear and reasonable warnings are provided to product purchasers and users or until this known toxic chemical is removed from the product.

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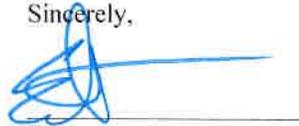
<sup>1</sup> The public enforcement agencies that have been served with copies of this notice of violations are identified in the attached distribution list accompanying the Certificate of Service.

Pursuant to Title 11, C.C.R. §3100, a certificate of merit is attached hereto. Pursuant to Title 27, C.C.R. §25903(b), a copy of “The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary” is also enclosed.

Consistent with the public interest goals of Proposition 65 and desire to have these ongoing violations of California law quickly rectified, Anthony Ferreiro is interested in seeking a constructive resolution of this matter without engaging in costly and protracted litigation.

Anthony Ferreiro has retained me as legal counsel in connection with this matter. **Please direct all communications regarding this Notice of Violations to my attention at the law office address and telephone number indicated on the letterhead.**

Sincerely,



Evan J. Smith

Attachments

Certificate of Merit

Certificate of Service

The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary