

# Law Offices of John A. Belcher

ATTORNEYS AT LAW  
150 EAST COLORADO BOULEVARD, SUITE 215  
PASADENA, CALIFORNIA 91105  
TELEPHONE (626) 577-5771  
FAX (626) 577-7769

September 26, 2018

Via First Class Mail

Member/Manager  
Putu, LLC  
c/o National Registered Agents, Inc.  
160 Greentree Drive, Suite 101  
Dover, DE 19904

President/CEO  
Bed Bath & Beyond Inc.  
c/o The Prentice-Hall Corporation System, Inc.  
2710 Gateway Oaks Drive, Suite 150N  
Sacramento, CA 925833

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

Re: Notice of Violation of California Health & Safety Code §25249.6 *et seq.*

To Whom It May Concern:

We represent Hunter Bolding (“Bolding”), 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, Bolding 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, we intend to file a private enforcement action on behalf of Bolding sixty (60) days after the 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 companies covered by this notice that Violated Proposition 65 (hereinafter “the Violators”) are:

Putu, LLC  
Bed Bath & Beyond Inc.

**Product Category/Type:** The type of product causing this violation is:

Product <sup>2</sup>	Retainer(s)	Manufacturer(s) / Distributor(s)
LOLO Hello Gorgeous Luggage Tag in Chocolate 6" L x 3.5" W 100% vinyl SKU # 63734539	Bed Bath & Beyond Inc.	Putu, LLC

---

<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.

<sup>2</sup> The specifically identified example of the type of product that is subject to this Notice is for the recipient’s benefit to assist in its investigation of, among other things, the magnitude of potential exposures to the listed chemical from other items within the product category. It is important to note that this example is not meant to be an exhaustive or comprehensive identification of each specific offending product of the type listed under “Product.” Further, it is our position that the alleged Violator is obligated to continue to conduct in good faith an investigation into other specific products within the type or category described above that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the notice recipient’s custody or control) during the relevant period so as to ensure that the requisite toxic warnings were and are provided to California citizens prior to purchase.

**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 we 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, exceeds 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.

**Routes 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 absorption. Given that phthalate plasticizers are not attached to the plastic and can migrate on contact with other surfaces, their presence in consumer products results in exposure to the plasticizers upon contact with human skin. Subsequently, phthalates can enter the body via dermal absorption or ingestion. Initial exposure would result from directly touching or holding the item during normal use. Ingestion would occur from hand to mouth contact, for example, from eating after having handled the item.

**Duration of the Violations:** Each of these ongoing violations has occurred on every day since at least August 30, 2018; 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.

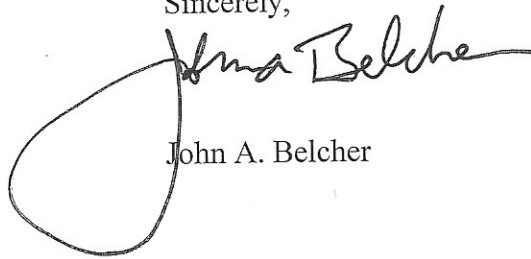
Pursuant to Title 11, C.C.R. §3100, a certificate of merit is attached hereto. Pursuant to Title 27, C.C.R. §25903(b), a copy of "The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary" is also enclosed.

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

Putu, LLC / Bed Bath & Beyond, Inc.  
September 26, 2018  
Page 4

Hunter Bolding has retained us as legal counsel in connection with this matter. Please direct all communications regarding this Notice of Violation to our attention at the law office address and telephone number indicated on the letterhead.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Belcher". The signature is written in a cursive style with a large, looping initial "J".

John A. Belcher

Attachments

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

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

I, John A. Belcher, declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged the parties identified in the notice have violated Health & Safety Code Section 25249.6 by failing to provide clear and reasonable warnings.

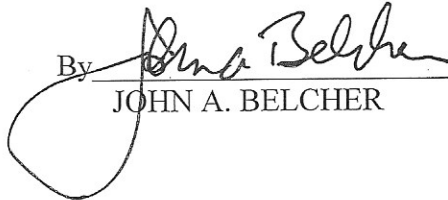
2. I am the attorney for the noticing party Hunter Bolding.

3. 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 alleged exposure to the listed chemical that is the subject of the action.

4. Based on the information obtained through these consultations, and on all 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 private action" means that the information provides a credible basis that all elements of the plaintiffs' case can be established and the information did not prove that the alleged violator(s) will be able to establish any of the affirmative defenses set forth in the statute.

5. The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including information identified in Health & Safety Code Section 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.

DATED: September 26, 2018

By   
JOHN A. BELCHER

**CERTIFICATE OF SERVICE**

I, the undersigned, declare under penalty of perjury under the laws of the State of California that the following is true and correct:

I am a citizen of the United States, over the age of 18 years of age, and am not a party to the within action. My business address is 150 East Colorado Boulevard, Suite 215, Pasadena, CA 91105. I am employed in Los Angeles County where the mailing occurred.

On September 27, 2018 I served the following documents: **Notice of Violation of California Health & Safety Code §25249.5, et seq.; Certificate of Merit; The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary** on the following entities and individuals listed below by placing a true and correct copy thereof in a sealed envelope, addressed to the person or entity listed below and depositing it in a US Postal Service Office with postage fully prepaid for delivery by the United States Mail, first class:

Attn: Member or Manager	Putu, LLC c/o National Registered Agents, Inc.	160 Greentree Drive, Suite 101	Dover	DE	19904
Attn: President or CEO	Bed Bath & Beyond Inc. c/o The Prentice- Hall Corporation System, Inc.	2710 Gateway Oaks Drive, Suite 150N	Sacramento	CA	925883

On September 27, 2018 I served the following documents: **Notice of Violation of California Health & Safety Code §25249.5, et seq.; Certificate of Merit; Factual Information; The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary** on the following entities and individuals listed below by placing a true and correct copy thereof in a sealed envelope, addressed to the person or entity listed below and depositing it in a US Postal Service Office with postage fully prepaid for delivery by the United States Mail, first class:

Attn: Prop 65 Coordinator	Office of the Attorney General, Proposition 65 Enforcement Reporting	1515 Clay Street, Suite 2000	Oakland	CA	94612-0550
---------------------------	--	------------------------------	---------	----	------------

On September 27, 2018, I served the following documents: **Notice of Violation of California Health & Safety Code §25249.5, et seq.; Certificate of Merit; The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary** on each of the individuals on the service list attached hereto as Appendix B by placing a true and correct copy thereof in a sealed envelope, addressed to the person or entity listed below and depositing it in a US Postal Service Office with postage fully prepaid the United States Mail, first class.

Executed on September 27, 2018, at Pasadena, California.

By   
Mika Reagor

## SERVICE LIST

The Honorable Nancy O'Malley  
Alameda County District Attorney  
1225 Fallon Street, Room 900  
Oakland, CA 94612

The Honorable Michael Atwell  
Alpine County District Attorney  
17300 Hwy 89, PO Box 248  
Markleeville, CA 96120

The Honorable Todd Riebe  
Amador County District Attorney  
708 Court Street  
Jackson, CA 95642

The Honorable Michael Ramsey  
Butte County District Attorney  
25 County Center Drive  
Oroville, CA 95965

The Honorable Barbara Yook  
Calaveras County District Attorney  
891 Mountain Ranch Road  
San Andreas, CA 95249

The Honorable John Matthew  
Beauchamp  
Colusa County District Attorney  
346 Fifth Street, #101  
Colusa, CA 95932

The Honorable Mark Peterson  
Contra Costa County District  
Attorney  
900 Ward Street  
Martinez, CA 94553

The Honorable Dale Trigg  
Del Norte County District Attorney  
450 H Street, Room 171  
Crescent City, CA 95531

The Honorable Vern Pierson  
El Dorado County District Attorney  
515 Main Street  
Placerville, CA 95667

The Honorable Lisa Smittcamp  
Fresno County District Attorney  
2220 Tulare Street, #1000  
Fresno, CA 93721

The Honorable Dwayne Stewart  
Glenn County District Attorney  
125 S. Murdock Street  
Willows, CA 95988

The Honorable Maggie Fleming  
Humboldt County District Attorney  
825 5<sup>th</sup> Street, Fourth Floor  
Eureka, CA 95501

The Honorable Gilbert Otero  
Imperial County District Attorney  
940 West Main Street, Suite 102  
El Centro, CA 92243

The Honorable Thomas Hardy  
Inyo County District Attorney  
PO Box, Drawer D  
Independence, CA 93526

The Honorable Lisa Green  
Kern County District Attorney  
1215 Truxtun Avenue  
Bakersfield, CA 93301

The Honorable Keith Fagundes  
Kings County District Attorney  
1400 West Lacey Boulevard  
Hanford, CA 93230

The Honorable Donald Anderson  
Lake County District Attorney  
255 North Forbes Street  
Lakeport, CA 95453

The Honorable Stacey Montgomery  
Lassen County District Attorney  
2950 Riverside Drive, Suite 102  
Susanville, CA 96130

The Honorable Jackie Lacey  
Los Angeles County District  
Attorney  
210 West Temple Street, Suite  
18000  
Los Angeles, CA 90012

The Honorable David Linn  
Madera County District Attorney  
209 West Yosemite Avenue  
Madera, CA 93637

The Honorable Edward Berberian  
Marin County District Attorney  
3501 Civic Center Drive, Room  
130  
San Rafael, CA 94903

The Honorable Thomas Cooke  
Mariposa County District Attorney  
5101 Jones Street, P.O. Box 730  
Mariposa, CA 95338

The Honorable C. David Eyster  
Mendocino County District  
Attorney  
100 North State Street, P.O. Box  
1000  
Ukiah, CA 95482

The Honorable Larry Morse II  
Merced County District Attorney  
550 W Main Street  
Merced, CA 95340

The Honorable Jordan Funk  
Modoc County District Attorney  
204 S. Court Street, Suite 202  
Alturas, CA 96101

The Honorable Tim Kendall  
Mono County District Attorney  
P.O. Box 617  
Bridgeport, CA 93517

The Honorable Dean Flippo  
Monterey County District Attorney  
P O. Box 1131  
Salinas, CA 93902

The Honorable Allison Haley  
Napa County District Attorney  
Carithers Building  
931 Parkway Mall  
P.O. Box 720  
Napa, CA 94559

The Honorable Clifford Newell  
Nevada County District Attorney  
201 Commercial Street  
Nevada City, CA 95959

The Honorable Tony Rackauckas  
Orange County District Attorney  
401 Civic Center Drive West  
Santa Ana, CA 92701

The Honorable R. Scott Owens  
Placer County District Attorney  
10810 Justice Center Drive, Suite  
240  
Roseville, CA 95678

The Honorable David Hollister  
Plumas County District Attorney  
520 Main Street, Room 404  
Quincy, CA 95971

The Honorable Michael Hestrin  
Riverside County District Attorney  
3960 Orange Street  
Riverside, CA 92501

The Honorable Anne Marie  
Schubert  
Sacramento County District  
Attorney  
901 G Street  
Sacramento, CA 95814

The Honorable Candice Hooper  
San Benito County District  
Attorney  
419 4<sup>th</sup> Street, Second Floor  
Hollister, CA 95203

The Honorable Michael Ramos  
San Bernardino County District  
Attorney  
303 West 3<sup>rd</sup> Street, 6<sup>th</sup> Floor  
San Bernardino, CA 92415-0502

The Honorable Bonnie Dumanis  
San Diego County District Attorney  
330 W. Broadway Street  
San Diego, CA 92101

The Honorable George Gascon  
San Francisco County District  
Attorney  
850 Bryant Street, Room 322  
San Francisco, CA 94103

The Honorable Tori Verber Salazar  
San Joaquin County District  
Attorney  
222 East Weber Avenue, Room  
202  
Stockton, CA 95201

The Honorable Dan Dow  
San Luis Obispo County District  
Attorney  
1035 Palm Street, 4<sup>th</sup> Floor  
San Luis Obispo, CA 93408

The Honorable Stephen Wagstaffe  
San Mateo County District  
Attorney  
400 County Center, #4  
Redwood City, CA 94063

The Honorable Joyce Dudley  
Santa Barbara County District  
Attorney  
1112 Santa Barbara Street  
Santa Barbara, CA 93101

The Honorable Jeffrey Rosen  
Santa Clara County District  
Attorney  
70 West Hedding Street, West  
Wing  
San Jose, CA 95110

The Honorable Jeff Rosell  
Santa Cruz County District  
Attorney  
701 Ocean Street, Room 200  
Santa Cruz, CA 95060

The Honorable Stephanie Bridgett  
Shasta County District Attorney  
1355 West Street  
Redding, CA 96001

The Honorable Lawrence Allen  
Sierra County District Attorney  
100 Courthouse Square  
Downieville, CA 95936

The Honorable James Kirk Andrus  
Siskiyou County District Attorney  
P.O. Box 986  
Yreka, CA 96097

The Honorable Krishna Abrams  
Solana County District Attorney  
675 Texas Street, Suite 4500  
Fairfield, CA 94533

The Honorable Jill Ravitch  
Sonoma County District Attorney  
600 Administration Drive, Room  
212J  
Santa Rosa, CA 95403

The Honorable Birgit Fladager  
Stanislaus County District Attorney  
832 12<sup>th</sup> Street, Suite 300  
Modesto, CA 95354

The Honorable Amanda Hopper  
Sutter County District Attorney  
463 Second Street, Suite 102  
Yuba City, CA 95991

The Honorable Gregg Cohen  
Tehama County District Attorney  
444 Oak Street, Room L  
Red Bluff, CA 96080

The Honorable Eric Heryford  
Trinity County District Attorney  
P.O. Box 310  
Weaverville, CA 96093

The Honorable Tim Ward  
Tulare County District Attorney  
221 South Mooney Boulevard  
Rm 224  
Visalia, CA 93291-4593

The Honorable Laura Krieg  
Tuolumne County District Attorney  
423 North Washington Street  
Sonora, CA 95370

The Honorable Gregory Totten  
Ventura County District Attorney  
800 South Victoria Avenue  
Ventura, CA 93009

The Honorable Jeff Reisig  
Yolo County District Attorney  
301 Second Street  
Woodland, CA 95695



The Honorable Patrick McGrath  
Yuba County District Attorney  
215 Fifth Street  
Marysville, CA 95901

The Honorable Mike Feuer  
Office of the City Attorney, Los  
Angeles  
800 City Hall East  
200 North Main Street  
Los Angeles, CA 90012

The Honorable James Sanchez  
Office of the City Attorney,  
Sacramento  
915 I Street, 4<sup>th</sup> Floor  
Sacramento, CA 95814

The Honorable Mara W. Elliott  
Office of the City Attorney, San  
Diego  
1200 Third Avenue, Suite 1620  
San Diego, CA 92101

The Honorable Dennis Herrera  
Office of the City Attorney, San  
Francisco  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

The Honorable Richard Doyle  
Office of the City Attorney, San  
Jose  
200 East Santa Clara Street, 16<sup>th</sup>  
Floor  
San Jose, CA 95113