

## NOTICE OF VIOLATION

### California Safe Drinking Water and Toxic Enforcement Act

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

September 30, 2019

This Notice of Violation (the "Notice") 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 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. Caroline Cox is the Senior Scientist and a responsible individual within CEH.

#### Description of Violation:

- Violators: The names and addresses of the violators are:

**Nasty Gal Limited**  
49/51 Dale Street  
Manchester, England M1 2HF  
United Kingdom

**boohoo.com UK Limited**  
49/51 Dale Street  
Manchester, England M1 2HF  
United Kingdom

**Boohoo Group PLC**  
12 Castle Street  
St. Helier, Jersey JE2 3RT  
United Kingdom

- Time Period of Exposure: The violations have been occurring since at least September 27, 2016, and are ongoing.
- Provision of Proposition 65: This Notice 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 these violations is belts made with leather, vinyl, or imitation leather materials. A non-exclusive example of this specific type of product is the Copperose Belt in Black, sold with the Copperose Walking on the Wild Side Leopard Belted Dress in Grey (Nasty Gal Item No. AGG68075-131-30).
- 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. Lead is also found in metallic components such as buckles used on the products. The route of exposure for the violations is ingestion via hand to mouth contact after consumers touch or handle the products, and dermal absorption directly through the skin when consumers take on or off the products or touch or handle the products. No clear and reasonable warning is provided with these products 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 the alleged violators unless such violators agree 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 Lead exposures; and (3) pay an appropriate civil penalty based on the factors enumerated in California Health and Safety Code Section 25249.7(b). If the alleged violators are 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.

#### **Preservation of Relevant Evidence:**

This Notice also serves as a demand that the alleged violators preserve and maintain all relevant evidence, including all electronic documents and data, pending resolution of this matter. Such relevant evidence includes but is not limited to all documents relating to the presence or potential presence of Lead in belts made with leather, vinyl, or imitation leather materials; purchase and sales information for such products; efforts to comply with Proposition 65 with respect to such products; communications with any person relating to the presence or potential presence of Lead in such products; and representative exemplars of each unit of any such products sold by each alleged violator in the year

preceding this Notice through the date of any trial of the claims alleged in this Notice.

Please direct any inquiries regarding this Notice to CEH's counsel Howard Hirsch at Lexington Law Group, 503 Divisadero Street, San Francisco, CA 94117, (415) 913-7800, [hhirsch@lexlawgroup.com](mailto:hhirsch@lexlawgroup.com).

**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.

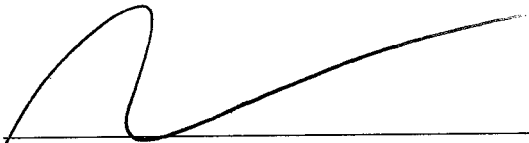
2. I am an attorney with the Lexington Law Group, and I represent the noticing party, the Center for Environmental Health.

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.

September 27, 2019

  
Howard Hirsch  
Attorney for CENTER FOR  
ENVIRONMENTAL HEALTH

1 **PROOF OF SERVICE**

2  
3 I, Nick Redfield, declare:

4 I am a citizen of the United States and employed in the County of San Francisco, State of  
5 California. I am over the age of eighteen (18) years and not a party to this action. My business  
6 address is 503 Divisadero Street, San Francisco, CA 94117 and my email address is  
7 nredfield@lexlawgroup.com.

8 On September 30, 2019, I served the following document(s) on all interested parties in  
9 this action by placing a true copy thereof in the manner and at the addresses indicated below:

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

12 **CERTIFICATE OF MERIT;** and

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

16  **BY MAIL:** I am readily familiar with the firm's practice for collecting and processing mail  
17 with the United States Postal Service ("USPS"). Under that practice, mail would be deposited  
18 with USPS that same day with postage thereon fully prepaid at San Francisco, California in the  
19 ordinary course of business. On this date, I placed sealed envelopes containing the above  
20 mentioned documents for collection and mailing following my firm's ordinary business practices.

21 *Please see attached service list.*

22  **BY ELECTRONIC MAIL:** I transmitted a PDF version of the document(s) listed above via  
23 email to the email address(es) indicated on the attached service list [or noted above] before 5 p.m.  
24 on the date executed.

25 Stacey Grassini, Deputy District Attorney  
26 Contra Costa County  
27 900 Ward Street  
28 Martinez, CA 94553  
sgrassini@contracostada.org

Allison Haley, District Attorney  
Napa County  
1127 First Street, Suite C  
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CEPD@countyofnapa.org

Michelle Latimer, Program Coordinator  
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220 S. Lassen Street  
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mlatimer@co.lassen.ca.us

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600 Administration Drive, Rm. 212J  
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jbarnes@sonoma-county.org

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Prop65@co.tulare.ca.us

1 Paul E. Zellerbach, District Attorney  
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2 4075 Main Street  
Riverside, CA 92501  
3 Prop65@rivcoda.org  
4  
5 Jeff W. Reisig, District Attorney  
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6 301 Second Street  
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8 Dije Ndreu, Deputy District Attorney  
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9 Monterey, CA 93940  
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11 Tori Verber Salazar, District Attorney  
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222 E. Weber Avenue, Room 202  
12 Stockton, CA 95202  
DAConsumer.Environmental@sjcda.org  
13  
14 Christopher Dalbey, Deputy District  
Attorney, Santa Barbara County  
1112 Santa Barbara Street  
15 Santa Barbara, CA 93101  
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16  
17 San Francisco City Attorney's Office  
City Hall, Room 234  
18 1 Dr. Carlton B. Goodlett Place  
Valerie.lopez@sfcityatty.org  
19 San Francisco, CA 94102  
20  
21 Mara W. Elliott, City Attorney  
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22 San Diego, CA 92101  
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Gregory D. Totten, District Attorney  
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CEPDProp65@acgov.org  
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Calaveras County  
891 Mountain Ranch Road  
San Andreas, CA 95249  
Prop65Env@co.calaveras.ca.us

23  
24 I declare under penalty of perjury under the laws of the State of California that the  
foregoing is true and correct.

25 Executed on September 30, 2019 at San Francisco, California.

26  
27  
28



Nick Redfield

## SERVICE LIST

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

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25 County Center Drive  
Oroville, CA 95965

District Attorney of Colusa County  
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Colusa, CA 95932

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Crescent City, CA 95531

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Placerville, CA 95667

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Fresno, CA 93721

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675 Texas Street, Ste. 4500  
Fairfield, CA 94533

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Modesto, CA 95354

District Attorney of Sutter County  
446 Second Street  
Yuba City, CA 95991

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Weaverville, CA 96093

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Sonora, CA 95370

District Attorney of Yuba County  
215 Fifth Street  
Marysville, CA 95901

Los Angeles City Attorney's Office  
City Hall East  
200 N. Main Street, Rm. 800  
Los Angeles, CA 90012

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  
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