60-DAY NOTICE OF VIOLATION OF CALIFORNIA HEALTH & SAFETY CODE § 25249.7(d) (PROPOSITION 65)

Date: April 21, 2023

 To: Jackie Yu, Chief Executive Officer, Hair Art Int'l, Inc.; California Attorney General's Office; District Attorney's Office for 58 Counties; and City Attorneys for San Francisco, San Diego, San Jose, Sacramento & Los Angeles
From: Keep America Safe and Beautiful

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I. <u>INTRODUCTION</u>

Keep America Safe and Beautiful is a California nonprofit corporation acting in the interest of the general public, pursuant to California Health & Safety Code § 25249.7(d). Keep America Safe and Beautiful seeks to promote awareness of exposures to toxic chemicals in products sold in California and, if possible, to improve human health by eliminating hazardous substances contained in such items, promoting corporate responsibility.

This 60-Day Notice of Violation ("**Notice**") is being provided to the alleged violator, Hair Art Int'l, Inc. ("**Notice Recipient**"), as well as the California Attorney General's Office, the District Attorney's Offices for 58 Counties, and City Attorneys for San Francisco, San Diego, San Jose, Sacramento, and Los Angeles.

Keep America Safe and Beautiful provides this Notice after identifying violations of California's Safe Drinking Water and Toxic Enforcement Act of 1986, codified at California Health & Safety Code § 25249.5 *et seq.* ("**Proposition 65**"), based on the failure to provide a clear and reasonable health hazard warning in connection with the sale or use of the products, listed below, in the State of California. The Notice Recipient is hereby given notice it violated and continues to violate Proposition 65 with respect to the warning requirement, codified at California's Health & Safety Code § 25249.6: "No 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 giving a clear and reasonable warning to such individual." Without proper warnings about the toxic effects of exposures to listed chemicals, citizens in California lack the information necessary to make an informed decision as to whether or how to eliminate or reduce their risk of exposure from the reasonably foreseeable use of products containing listed chemicals.

II. NATURE OF ALLEGED VIOLATIONS

<u>Product</u>. The specific type or category of products ("**Products**") that are the subject of this Notice are as follows:

| Exemplar Product | Category/Type | Retailer | Manufacturer/Distributor |
|----------------------|------------------|---------------------|--------------------------|
| Waterproof Aprons | Vinyl/PVC Aprons | Hair Art | Hair Art Int'l, Inc. |
| SKU: 9228 | | hairartproducts.com | |
| UPC: 7 27428 09228 7 | | | |

Identified above is a specific example of Products recently purchased and witnessed as being available for sale or use in the State of California, within the *category* of offending products covered by this Notice. The identified retailers, manufacturers and/or distributors of the Products are based on publicly available information.

The Exemplar Product is identified for the Notice Recipient's benefit to assist in its investigation into the alleged violations that are the subject of this Notice. The specific identified Exemplar Product is not intended to be an exhaustive list of all such products potentially in violation of Proposition 65. It is Keep America Safe and Beautiful's position the Notice Recipient is now obligated to conduct a good faith investigation into other products within the category or of the type, identified above, that were manufactured, imported, sold or distributed for sale, or that have otherwise been in the Notice Recipient's custody or control during the relevant period, identified below, to ensure the requisite health hazard warnings are provided to individuals in California prior to purchase.

Listed Chemical. The chemical that is the subject of this Notice is diisononyl phthalate ("**DINP**"). The State of California listed DINP as a chemical known to cause cancer on December 20, 2013.

Routes of Exposure. The exposures subject to this Notice result from the purchase, acquisition and handling of Products containing DINP. Exposures occur when individuals handle, touch or otherwise utilize vinyl/PVC aprons containing DINP in accordance with the Products' reasonably foreseeable and intended uses, resulting in exposures through ingestion and dermal absorption. Individuals ingest DINP when they touch or handle the Products, transferring the chemical from their fingers or hands to their mouths. Dermal absorption of DINP occurs when individuals handle, touch, or utilize the Products in accordance with their reasonably foreseeable and intended uses.

The California State Plan for Occupational Safety and Health incorporates the provisions of Proposition 65, as approved by Federal OSHA on June 6, 1997. This approval specifically placed certain conditions with regard to occupational exposures on Proposition 65, including that it does not apply to the conduct of manufacturers occurring outside the State of California. The approval also provides that an employer may use the means of compliance in the general hazard communication requirements to comply with Proposition 65. It also requires that supplemental enforcement is subject to the supervision of the California Occupational Safety and Health Administration. Accordingly, any settlement, civil complaint, or substantive court orders in this matter must be submitted to the Attorney General.

Violations and Time Period of Exposure. Keep America Safe and Beautiful alleges the Notice Recipient knowingly and intentionally exposed, and continues to knowingly and intentionally expose, individuals within the State of California to DINP, without first giving a health hazard warning regarding the chemical's toxic effects, as required by Proposition 65.

Exposures caused by the use of the Products have occurred each day since the Products were introduced into the California marketplace, but, at a minimum, since April 21, 2022, and, potentially, as far back as April 21, 2020. Because the Products lack clear and reasonable warnings regarding the toxic effects of exposures to DINP, each Product sold during this period and not accompanied by a warning constitutes a violation by the Notice Recipient and/or other sellers of the Products, whether sold directly through retailers located in, or with locations in, California, via the internet, or through catalog purchases by customers and individuals located in California. Moreover, these exposures are ongoing and will continue either until clear and reasonable warnings are provided to protect consumers and users or until this known toxic chemical is removed from the Products or reduced to allowable levels.

III. <u>RESOLUTION OF NOTICED CLAIMS</u>

Consistent with the public interest goals of Proposition 65, Keep America Safe and Beautiful seeks to pursue a constructive resolution of this matter to quickly rectify ongoing violations of California law. To that end, based on the allegations set forth in this Notice and pursuant to Health & Safety Code § 25249.7(d), Keep America Safe and Beautiful intends to file a private enforcement action in the public interest sixty (60) days after effective service of this Notice, unless the appropriate public enforcement agencies have commenced and are diligently prosecuting an action to rectify these allegations. If the Notice Recipient seeks to resolve the claims alleged in this Notice without litigation, it may contact Keep America Safe and Beautiful's counsel at the address listed below.

It should be noted neither Keep America Safe and Beautiful or its counsel can: (1) finalize any settlement until after the expiration of the 60-day Notice period; or (2) speak for the California Attorney General or any District or City attorney in receipt of this Notice. Therefore, while reaching an agreement with Keep America Safe and Beautiful will satisfy its claims, the agreement may not satisfy any public prosecutors.

IV. GENERAL INFORMATION AND SUMMARY OF PROPOSITION 65

A copy of a summary of Proposition 65's provisions, prepared by the Office of Environmental Health Hazard Assessment ("**OEHHA**") is enclosed with the copy of the Notice served on the Notice Recipient for its reference. For further general information concerning Proposition 65, contact OEHHA's Proposition 65 Implementation Office at (916) 445-6900.

V. <u>CERTIFICATE OF MERIT</u>

Pursuant to Health & Safety Code § 25249.7(d) and Cal. Code. Regs. tit 11, § 3100, a Certificate of Merit is attached hereto. A copy of the Notice and Certificate of Merit is served on the California Attorney General and marked "Attorney General Copy: Contains Official Information Pursuant to Evidence Code Section 1040" with all supporting documentation, as required by Cal. Code. Regs. tit 11, § 3102, attached thereto.

VI. <u>CONTACT INFORMATION</u>

Please direct all questions, issues or communications regarding this 60-Day Notice of Violation and its potential resolution to Keep America Safe and Beautiful's counsel at the following address:

Keep America Safe and Beautiful c/o Laralei Paras, Esq. Seven Hills LLP 4 Embarcadero Center, Suite 1400 San Francisco, California 94111 Telephone: (415) 926-7247 Email: laralei@sevenhillsllp.com

<u>Attachments:</u> Certificate of Merit; Proof of Service; The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary (to Violator(s) only); and Additional Confidential Supporting Information for Certificate of Merit (to AG only.)

Printed on 100% Post-Consumer Recycled Paper.

CERTIFICATE OF MERIT

Health and Safety Code § 25249.7(d)

Re: Keep America Safe and Beautiful's Notice of Proposition 65 Violations

- I, Laralei Paras, hereby declare and certify:
- 1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged the parties identified in the notice violated California Health & Safety Code § 25249.6 by failing to provide clear and reasonable warnings.
- 2. I am an attorney for the noticing party.
- 3. I have consulted with one or more persons with relevant and appropriate experience or expertise who have reviewed facts, studies or other data regarding the alleged exposure to and the lack of warnings for the listed chemical that is the subject of the notice.
- 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 noticing party'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 this 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 California Health & Safety Code § 25249.7(h)(2), i.e., 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: April 21, 2023

Laralei Paras

PROOF OF SERVICE

I, the undersigned, declare under penalty of perjury:

I am over the age of 18 years of age and not a party to this case. Seven Hills LLP's business address is 4 Embarcadero Center, Suite 1400, San Francisco, CA 94111.

On April 21, 2023, I caused to be served the following:

60-DAY NOTICE OF VIOLATION SENT IN COMPLIANCE WITH HEALTH & SAFETY CODE § 25249.7(d);

THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY; and

CERTIFICATE OF MERIT

XXXX by **Certified First Class Mail** through the United States Postal Service by placing true and correct copies of the above documents in a sealed envelope, individually addressed to each alleged violator listed below and providing such envelope to a United States Postal Service Representative:

| Jackie Yu, CEO | Jackie Yu, CEO |
|------------------------------|-----------------------------|
| Hair Art Int'l, Inc. | Hair Art Int'l, Inc. |
| 400 W. 157 th St. | 8112 W. 3 rd St. |
| Gardena, CA 90248 | Los Angeles, CA 90048 |

On April 21, 2023, I caused to be served true and correct copies of the following documents:

60-DAY NOTICE OF VIOLATION SENT IN COMPLIANCE WITH HEALTH & SAFETY CODE § 25249.7(d); and

CERTIFICATE OF MERIT

XXXX by **First Class Mail** through the United States Postal Service by placing copies of the above documents in a sealed envelope, addressed to each entity on the attached "Service List" and providing such envelope to a United States Postal Representative, with correct postage. XXXX via **Electronic Mail**, by sending copies of the above documents, addressed individually, to the Recipient listed on the attached "Electronic Mail Service List".

On April 21, 2023, I caused to be served true and correct copies of the following documents:

60-DAY NOTICE OF VIOLATION SENT IN COMPLIANCE WITH HEALTH & SAFETY CODE § 25249.7(d); CERTIFICATE OF MERIT; and CERTIFICATE OF MERIT ATTACHMENTS

XXXX via **Electronic Mail**, by uploading the documents, addressed to California Attorney General at their website address, listed under the "Electronic Upload Service List".

Executed on the 21st day of April 2023, at Folsom, California.

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SERVICE LIST

| The Honorable Michael Atwell | The Honorable Jackie Lacey | The Honorable Todd Riebe |
|---|--|------------------------------------|
| Alpine County District Attorney | Los Angeles County District Attorney | Amador County District Attorney |
| P.O. Box 248 | 211 West Temple Street, Ste 1200 | 708 Court Street, #202 |
| Markleeville, CA 96120 | Los Angeles, CA, 90012 | Jackson, CA 95642 |
| The Honorable Michael Ramsey | | Del Norte County District Attorney |
| Butte County District Attorney | Colusa County District Attorney | 450 H street, Room 171 |
| 25 County Center Drive, Suite 245 | 346 5th Street, Suite 101 | Crescent City, CA 95531 |
| Oroville, CA 95965 | Colusa, CA 95932 | |
| The Honorable Vern Pierson | The Honorable Gilbert Otero | The Honorable Dwayne Stewart |
| | Imperial County District Attorney | Glenn County District Attorney |
| 778 Pacific Street | 940 West Main Street, Suite 102 | P.O. Box 430 |
| Placerville, CA 95667 | El Centro, CA 92243 | Willows CA 95988 |
| The Honorable Maggie Fleming | The Honorable Donald Anderson | The Honorable Lisa Green |
| Humboldt County District Attorney | Lake County District Attorney | Kern County District Attorney |
| 825 5 th Street, 4 th Floor | 255 N. Forbes Street | 1215 Truxtun Avenue |
| Eureka, CA 95501 | Lakeport, CA 95453 | Bakersfield, CA 93301 |
| The Honorable Keith Fagundes | The Honorable Mike Feuer | The Honorable David Linn |
| Kings County District Attorney 1400 | Office of the City Attorney, Los Angeles | Madera County District Attorney |
| West Lacey Blvd. | Kames K. Hahn Hall East | 209 West Yosemite Avenue |
| Hanford, CA 93230 | 200 North Main Street, 8th Floor | Madera, CA 93637 |
| | Los Angeles, CA 90012 | |
| The Honorable Edward Berberian | The Honorable Todd Spitzer | The Honorable C. David Eyster |
| Marin County District Attorney | Orange County District Attorney | Mendocino County District Attorney |
| 3501 Civic Center Drive, Room 130 | 300 North Flower Street | P.O. Box 1000 |
| San Rafael, CA 94903 | Santa Ana, CA 92703 | Ukiah, CA 9548 |
| The Honorable Birgit Fladager | The Honorable Candace Hooper | The Honorable Tim Kendall |
| Stanislaus County District Attorney | San Benito District Attorney | Mono County District Attorney |
| 832 12th street, Suite 300 | 419 4th Street | P.O. Box 2053 |
| Modesto, CA 95353 | Hollister, CA 95023 | Mammoth Lakes, CA 93546 |
| The Honorable Stephen Wagstaffe | The Honorable Michael Ramos | The Honorable Stephanie Bridgett |
| San Mateo County District Attorney | San Bernardino County District Attorney | |
| 400 County Center, Third Floor | 303 W. Third Street | 1355 West Street |
| Redwood City, CA 94063 | San Bernardino, CA 92415 | Redding, CA 96001 |
| The Honorable James Kirk Andrus | The Honorable Krishna Abrams | The Honorable Amanda Hopper |
| Siskiyou County District Attorney | Solano County District Attorney | Sutter County District Attorney |
| P.O. Box 986 | 675 Texas Street, Suite 4500 | 446 Second Street, Suite 102 |
| Redding, CA 96097 | Fairfield, CA 94533 | Yuba City, CA 95991 |
| The Honorable Laura Krieg | The Honorable James Sanchez | The Honorable Eric Heryford |
| Tuolumne County District Attorney | | Trinity County District Attorney |
| 423 N. Washington Street | 915 I Street, 4 th Floor | P.O. Box 310 |
| Sonora, CA 95370 | Sacramento, CA 95814 | Weaverville, CA 96093 |
| The Honorable Lawrence Allen | The Honorable Gregg Cohen | The Honorable Patrick McGrath |
| Sierra County District Attorney | Tehama County District Attorney | Yuba County District Attorney |
| 100 Courthouse Square | P.O. Box 519 | 215 Fifth street, Suite 152 |
| Downieville, CA 95936 | Red Bluff, CA 96080 | Marysville, CA 95901 |
| The Honorable Jordan Funk | | 19101 yovinc, CA 93701 |
| Modoc County District Attorney | | |
| | | |
| 204 S. Court Street Room 202 | | |
| Alturas, CA 96101 | l | |

ELECTRONIC MAIL SERVICE LIST

| Alameda County District Attorney San Joaquin County District Attorney Sacramento County District Attorney 776 Oakport Street, Suite 650 222 E. Weber Avenue, Room 202 Sucramento, CA 95814 CEPDProp65@acgir.org DAConsumer.Environmental@sicda.org Prop65@acgir.seq.acg.acg.acg.acg.acg.acg.acg.acg.acg.acg | | | |
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| 7776 Oakport Street, Suite 650 222 E. Weber Avenue, Room 202 901 G Street Oakland, CA 94621 Stockton, CA 95202 Sacramento, CA 95814 CEPDProp65@acgiv.org DAConsumer.Environmental@sjcda.org Prop65@ascda.org The Honorable Allison Haley The Honorable Jeffrey S. Rosell The Honorable Summer Stephan Sand Cuzz County District Attorney Santa Cruz County District Attorney San Diego County District Attorney Napa, C.A 94559 Santa Cruz, CA 95060 San Diego, CA 92101 CEPD@countyofnapa.org Prop65D.@stantacruzzounty.us SanDiego, CA 92101 CIPD@countyofnapa.org Prop65D.%stantacruzzounty.us San Diego, CA 92101 Sol Second Street 200 Street 1200 Third Avenue Woodland, CA 94695 Susanville, CA 96130 San Diego, CA 92101 Strept San Francisco, CA 94103 Santa Barbara County San Francisco, CA 94103 Santa Barbara County San Francisco, CA 94103 San Jase, CA 95110 San Francisco, CA 94103 Santa Barbara County San Jasec, CA 95110 San Francisco, CA 94103 Santa Barbara, CA 93101 PU@das.sccgov.org DAProp65@sdcca, 92101 Santa Barbara Caus PU@das.sccgov.org Posof | The Honorable Nancy O'Malley | The Honorable Tori Verber Salzar | Honorable Anne Marie Schubert |
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| CEPDProp65@acgiv.org DAConsumer.Environmental@sjcda.org Prop65@acda.org The Honorable Allison Haley The Honorable Jeffrey S. Rosell The Honorable Summer Stephan Napa County District Attorney Santa Craz County District Attorney 300 West Broadway Napa, CA 94559 Santa Craz County District Attorney 300 West Broadway Napa, CA 94559 Santa Craz County District Attorney SanDiego DAProp65@sdcda.org The Honorable Jeff W. Reisig Michelle Latimer, Program Coordinator Mark Ankcorn, Deputy City Attorney Yolo County District Attorney Lassen Street 1200 Third Avenue Woodland, CA 95695 Susanville, CA 96130 San Diego, CA 92101 Stefed@yolocounty.org Maletha M. Sargent Christopher Dalbey, Sunta Clara County San Street San birgo, Ca 92101 Santa Clara County San Francisco, CA 94103 Santa Barbara Street San Jose, CA 95110 San Francisco, CA 94103 Santa Barbara County San Soe, CA 95110 San Francisco, CA 94103 Santa Barbara County PU@da.scegov.org alethea.sargent@gsgv.org DAProp65@cs.santa-barbara.ca.us The Honorable Gregory D. Totten, | · · | | |
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| Napa County District AttorneySanta Cruz County District AttorneySan Diego County District Attorney1127 First St., Suite C701 Ocean Street300 West BroadwayNapa, CA 94559Santa Cruz, CA 95060San Diego, CA 92101CEPD@countyofnapa.orgProp65DA@santacruzcounty.usSanDiegoDAProp65@sdeda.orgThe Honorable Jeff W. ReisigMichelle Latimer, Program CoordinatorKark Ankcorn, Deputy City Attorney201 Second Street220 S. Lassen Street1200 Third AvenueWoodland, CA 95695Susanville, CA 96130San Diego, CA 92101Cfepd@yolocounty.orgmlatimer@co.lassen.ca.usCity AttorneySupervising Deputy District AttorneySan Francisco District AttorneyDeputy District AttorneySupervising Deputy District AttorneySan Francisco District Attorney'Santa Barbara County70 W Hedding Street350 Rhode Island Street1112 Santa Barbara StreetSan Jose, CA 95110San Francisco, CA 94103Santa Barbara, CA 93101EPU@da.scegov.orgalethea.argent@sfgov.orgDAProp65@co.santa-barbara.ca.usThe Honorable Gregory D. Totten, Ventura County District AttorneyProp65Env@co.alaveras.ca.usValerie Lopez, Deputy City AttorneyVentura, CA 93009San Andreas, CA 95249San Francisco, CA 94102Valerie Lopez@stity.orgStacey GrassiniEric J. DobrothJeannine M. PacioniDeputy District AttorneySulaveras Ca.usValerie Lopez@stity.orgStacey GrassiniEric J. DobrothJeannine M. PacioniDeputy District AttorneySan Luis Obispo, CA 93408M | | | |
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| Yolo County District AttorneyLassen CountyCity of San Diego301 Second Street220 S. Lassen Street1200 Third AvenueWoodland, CA 95695Susanville, CA 96130San Diego, CA 92101etpd@yolocounty.orgmlatimer@co.lassen.ea.usCityAttyProp65@sandiego.govBud PorterAlethea M. SargentChristopher Dalbey,Supervising Deputy District AttorneySans Francisco District Attorney's OfficeSanta Barbara County70 W Hedding Street350 Rhode Island Street1112 Santa Barbara County70 W Hedding Street350 Rhode Island Street1112 Santa Barbara, CA 9310170 W Hedding Street350 Rhode Island Street1112 Santa Barbara, CA 9310170 W Hedding Street350 Rhode Island StreetSanta Barbara, CA 9310170 W Hedding Street350 Rhode Island Street1112 Santa Barbara, CA 9310170 W Hedding Street350 Rhode Island StreetSanta Barbara, CA 9310170 W Hedding Street360 S Victoria AvenueValerie Lopez, Deputy City Attorney80 S Victoria Avenue891 Mountain Ranch Road1390 Market Street, 7the Floor81 Mountain Ranch Road1390 Market Street, 7the FloorSan Andreas, CA 9524981 StreetCounty Govt Center Annex, 4the FloorJeannine M. Pacioni90 Ward StreetCounty Govt Center Annex, 4the Floor1200 Aguetio Monterey, CA 93400900 Ward StreetCounty Govt Center Annex, 4the Floor1200 Aguetio Monterey, CA 93940900 Ward StreetCounty Obstrict AttorneyNonterey, CA 93940900 Surici AttorneyThe Honorable Phillip | CEPD@countyofnapa.org | Prop65DA@santacruzcounty.us | SanDiegoDAProp65@sdcda.org |
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ELECTRONIC UPLOAD SERVICE LIST

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