

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

1,4-Dioxane in Shampoo, Body Wash & Hand Soap

March 7, 2024

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 is provided by the Center for Environmental Health (“CEH”), 2201 Broadway, Suite 508, Oakland, CA 94612, (510) 655-3900. CEH is a nonprofit corporation dedicated to protecting the environment, improving human health and supporting environmentally sound practices. Emily Reder is the Senior Manager of the Illegal Toxic Threats Program and a responsible individual within CEH.

Description of Violation:

- Violators: The names and addresses of the violators are identified on the attached Exhibit 1.
- Time Period of Exposure: The violations have been occurring since at least March 7, 2021, 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 name of the listed chemical involved in these violations is 1,4-Dioxane. Exposures to 1,4-Dioxane occur from use of the products identified in this Notice.
- Types of Products: The specific types of products causing these violations are shampoo, body wash, and hand soap. Non-exclusive examples of these specific types of products are identified on the attached Exhibit 1. Limitations of these types of products as to each alleged violator are identified on the attached Exhibit 1.
- Description of Exposure: This Notice addresses consumer exposures to 1,4-Dioxane. Use of the products subject to this Notice results in human exposures to 1,4-Dioxane. The products contain 1,4-Dioxane. The routes of exposure for the violations include dermal contact and absorption, inhalation, and ingestion. These exposures occur through the reasonably foreseeable use of the products

when, for example, individuals apply the products to their hair, scalp, and/or skin. These exposures occur in homes, workplaces and everywhere else throughout California where the products are used. No clear and reasonable warning is provided with these products regarding the carcinogenic hazards of 1,4-Dioxane.

Resolution of Noticed Claims:

Based on the allegations set forth in this Notice, CEH intends to file a citizen enforcement lawsuit against each alleged violator unless such violator agrees 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 1,4-Dioxane exposures; and (3) pay an appropriate civil penalty based on the factors enumerated in California Health and Safety Code Section 25249.7(b). If any alleged violator 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.

Preservation of Relevant Evidence:

This Notice also serves as a demand that each alleged violator 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 1,4-Dioxane in shampoo, shower gel, body wash, and/or hand soap; 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 1,4-Dioxane in such products; and representative exemplars of each lot of each variety of any such product sold by each alleged violator since one year prior to the date of 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 Mark N. Todzo at Lexington Law Group, 503 Divisadero Street, San Francisco, CA 94117, (415) 913-7800, mtodzo@lexlawgroup.com.

EXHIBIT 1
March 7, 2024 Notice of Violation
1,4-Dioxane in Shampoo, Body Wash & Hand Soap

Names and Addresses of Responsible Parties	Product Type	Non-Exclusive Examples of the Products
Industrias Lavin Insurgentes Sur 2117, San Ángel, 01000 Ciudad de México, CDMX	Body Wash	Nuvel Body Wash Moisturizing Pink Grapefruit (354 mL); UPC No. 7-10632-23009-5; 108404
Dollar Tree Stores, Inc. 500 Volvo Parkway Chesapeake, VA 23320	Hand Soap	Nuvel Fresh Berries Hand Soap (444 mL); UPC No. 7-10632-24013-1; 043224
Unilever United States, Inc. 700 Sylvan Avenue Englewood Cliffs, NJ 07632 Conopco, Inc. 700 Sylvan Avenue Englewood Cliffs, NJ 07632 Unilever Manufacturera, S. de R.L. de C.V. Tepalcapa No. 2 Col. Rancho Santo Domingo. C.P. 54900, Tultitlán, Estado de México Midway Importing, Inc. 1807 Brittmoore Rd Houston, TX 77043 Target Corporation 1000 Nicollet Mall Minneapolis, MN 55403	Shampoo	Savilé Shampoo Con Pulpa de Sábila y Keratina (730mL); 68860602; UPC No. 8-50022-82029-8; 2313VAL11/2025 02:21
Kamedis Inc. 18 Country Club Rd Canton, MA 02021	Shampoo	Kamedis Scalp Control Dandruff Therapy Shampoo (200mL); EAN 7-290006-278562; NDC: 50718-0021-1

Names and Addresses of Responsible Parties	Product Type	Non-Exclusive Examples of the Products
<p>Ecolab USA Inc. 1 Ecolab Place St. Paul, MN 55102</p> <p>Ecolab Inc. 1 Ecolab Place St. Paul, MN 55102</p> <p>Betty Mills 19 South B Street, Ste. 8 San Mateo, CA 94401</p>	<p>Shampoo</p>	<p>Ecolab Total Body Shampoo (540mL); UPC No. 0-25469- 68563-6</p>

CERTIFICATE OF MERIT
Health & Safety Code § 25249.7(d)

I, Mark N. Todzo, 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.

March 7, 2024



Mark N. Todzo
Attorney for CENTER FOR
ENVIRONMENTAL HEALTH

1 **PROOF OF SERVICE**

2 I, Lilian Macancela, declare:

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

6 On March 7, 2024, I served the following document(s) on all interested parties in this
7 action by placing a true copy thereof in the manner and at the addresses indicated below:

8 **NOTICE OF VIOLATION OF CALIFORNIA SAFE DRINKING WATER AND
9 TOXIC ENFORCEMENT ACT;**

10 **CERTIFICATE OF MERIT;** and

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

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

19 *Please see attached service list.*

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

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

23 Executed on March 7, 2024 at San Francisco, California.

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25
26
27
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Lilian Macancela

SERVICE LIST

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