

SUPPLEMENTAL NOTICE OF VIOLATION

(Supplements Notice 2021-02255)

California Safe Drinking Water and Toxic Enforcement Act

Bisphenol A in Socks Made Primarily of Polyester with Spandex

March 26, 2024

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 Supplemental Notice is provided by the Center for Environmental Health ("CEH"), 2201 Broadway, Suite 508, Oakland, CA 94612, (510) 655-3900. This Supplemental Notice adds alleged violators related to a previously noticed Daytona Apparel Group LLC product (noticed in AG No. 2021-02255). 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:

Windsong Brands LLC

15 Riverside Ave
Westport, CT, 06880

Windsong Allegiance Group

15 Riverside Ave
Westport, CT, 06880

Tengram Capital Partners

15 Riverside Avenue
First Floor
Westport, CT 06880

- Time Period of Exposure: The violations have been occurring since at least September 10, 2020.

- 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 name of the listed chemical involved in these violations is bisphenol A (“BPA”). Exposures to BPA occur from use of the products identified in this Notice.
- Type of Product: The specific type of product causing these violations is socks made primarily of polyester with spandex. The products are worn by females.
- Description of Exposure: This Notice addresses female exposures to BPA. Ordinary use of the products identified in this Notice results in human exposures to BPA. BPA is found in, and comes out of, the products. The routes of exposure for the violations are dermal absorption directly through the skin when individuals wear the products, and ingestion via hand-to-mouth contact after individuals touch or handle the products. No clear and reasonable Proposition 65 warning is provided with these products regarding the presence of BPA in the products.

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 or otherwise provided to consumers; (2) provide clear and reasonable warnings for products sold or otherwise provided to consumers in the future or reformulate such products to eliminate the BPA 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 BPA in socks; purchase and usage 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 BPA in such products; and representative exemplars of any such products provided to customers or consumers by the 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 Mark N. Todzo at Lexington Law Group, 503 Divisadero Street, San Francisco, CA 94117, (415) 913-7800, mtodzo@lexlawgroup.com.

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 party identified in the notice has 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 26, 2024



Mark N. Todzo
Attorney for CENTER FOR
ENVIRONMENTAL HEALTH

EXHIBIT 1
March 26, 2024 Notice of Violation
Bisphenol A in Socks Made Primarily of Polyester with Spandex

| Names and Addresses of Responsible Parties | Non-Exclusive Examples of the Products | Further Description of Non-Exclusive Exemplar |
|--|---|---|
| <p>Windsong Brands LLC 15 Riverside Ave Westport, CT, 06880,</p> <p>Windsong Allegiance Group 15 Riverside Ave Westport, CT, 06880</p> <p>Tengram Capital Partners 15 Riverside Avenue First Floor Westport, CT 06880</p> | <p>G.H. Bass & Co. (6 Pack)</p> | <p>One Size RN#161899 UPC No. 7-30838-80662-7</p> |

1 **PROOF OF SERVICE**

2 I, Star Beltman, 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
sbeltman@lexlawgroup.com.

6 On March 26, 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
TOXIC ENFORCEMENT ACT;**

9 **CERTIFICATE OF MERIT;** and

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

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

15 *Please see attached service list.*

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

18 Pamela Y. Price, Alameda District Attorney
19 7677 Oakport Street, Suite 650
Oakland, CA 94621
CEPDProp65@acgov.org

Lisa A. Smittcamp, Fresno District Attorney
2100 Tulare Street
Fresno, CA 93721
consumerprotection@fresnocountyca.gov

20 Barbara Yook, Calaveras District Attorney
21 891 Mountain Ranch Rd.
San Andreas, CA 95249
22 Prop65Env@co.calaveras.ca.us

Thomas L. Hardy, Inyo District Attorney
168 North Edwards Street
Independence, CA 93526
inyoda@inyocounty.us

23 Stacey Grassini, Contra Costa Deputy
24 District Attorney
900 Ward Street
Martinez, CA 94553
25 sgrassini@contracostada.org

Devin Chandler, Lassen Program
Coordinator
2950 Riverside Dr
Susanville, CA 96130
dchandler@co.lassen.ca.us

26 James Clinchard, El Dorado Assistant
27 District Attorney
778 Pacific Street
Placerville, CA 95667
28 EDCDAPROP65@edcda.us

Lori E. Frugoli, Marin District Attorney
3501 Civic Center Drive, Room 145
San Rafael, CA 94903
consumer@marincounty.org

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| 1 | Walter W. Wall, Mariposa District Attorney P.O. Box 730 Mariposa, CA 95338 mcda@mariposacounty.org | Mark Ankcorn, San Diego Deputy City Attorney 1200 Third Avenue San Diego, CA 92101 CityAttyProp65@sandiego.gov |
| 2 | | |
| 3 | Kimberly Lewis, Merced District Attorney 550 West Main Street Merced, CA 95340 Prop65@countyofmerced.com | Henry Lifton, San Francisco Deputy City Attorney 1390 Market Street, 7th Floor San Francisco, CA 94102 Prop65@sfcityatty.org |
| 4 | | |
| 5 | | |
| 6 | Jeannine M. Pacioni, Monterey District Attorney 1200 Aguajito Road Monterey, CA 93940 Prop65DA@co.monterey.ca.us | Alexandra Grayner, San Francisco Assistant District Attorney 350 Rhode Island Street San Francisco, CA 94103 alexandra.grayner@sfgov.org |
| 7 | | |
| 8 | | |
| 9 | Allison Haley, Napa District Attorney 1127 First Street, Suite C Napa, CA 94559 CEPD@countyofnapa.org | Tori Verber Salazar, San Joaquin District Attorney 222 E. Weber Avenue, Room 202 Stockton, CA 95202 DAConsumer.Environmental@sjcda.org |
| 10 | | |
| 11 | Clifford H. Newell, Nevada District Attorney 201 Commercial Street Nevada City, CA 95959 DA.Prop65@co.nevada.ca.us | Eric J. Dobroth, San Luis Obispo Deputy District Attorney County Government Center Annex, 4th Floor San Luis Obispo, CA 93408 edobroth@co.slo.ca.us |
| 12 | | |
| 13 | | |
| 14 | Morgan Briggs Gire, Placer District Attorney 10810 Justice Center Drive Roseville, CA 95678 prop65@placer.ca.gov | Christopher Dalbey, Santa Barbara Deputy District Attorney 1112 Santa Barbara St. Santa Barbara, CA 93101 DAProp65@co.santa-barbara.ca.us |
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| 17 | David Hollister, Plumas District Attorney 520 Main St. Quincy, CA 95971 davidhollister@countyofplumas.com | Nora V. Frimann, Santa Clara City Attorney 200 E. Santa Clara Street, 16th Floor San Jose, CA 96113 Proposition65notices@sanjoseca.gov |
| 18 | | |
| 19 | | |
| 20 | Paul E. Zellerbach, Riverside District Attorney 3072 Orange Street Riverside, CA 92501 Prop65@rivcoda.org | Bud Porter, Supervising Santa Clara, Deputy District Attorney 70 W Hedding St San Jose, CA 95110 EPU@da.sccgov.org |
| 21 | | |
| 22 | | |
| 23 | Anne Marie Schubert, Sacramento District Attorney 901 G Street Sacramento, CA 95814 Prop65@sacda.org | Jeffrey S. Rosell, Santa Cruz District Attorney 701 Ocean Street Santa Cruz, CA 95060 Prop65DA@santacruzcounty.us |
| 24 | | |
| 25 | | |
| 26 | Summer Stephan, San Diego District Attorney 330 West Broadway San Diego, CA 92101 SanDiegoDAProp65@sdca.org | |
| 27 | | |
| 28 | | |

1 Jill Ravitch, Sonoma District Attorney
2 600 Administration Drive
3 Santa Rosa, CA 95403
4 Jeannie.Barnes@sonoma-county.org

5 Phillip J. Cline, Tulare District Attorney
6 221 S Mooney Blvd
7 Visalia, CA 95370
8 Prop65@co.tulare.ca.us

Gregory D. Totten, Ventura District
Attorney
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Ventura, CA 93009
daspecialops@ventura.org

Jeff W. Reisig, Yolo District Attorney
301 Second Street
Woodland, CA 95695
cfepd@yolocounty.org

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

11 Executed on March 26, 2024 at San Francisco, California.

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Star Beltman

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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Oroville, CA 95965

District Attorney of Colusa County
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Colusa, CA 95932

District Attorney of Del Norte County
450 H Street, Ste. 171
Crescent City, CA 95531

District Attorney of El Dorado County
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Placerville, CA 95667

District Attorney of Glenn County
P.O. Box 430
Willows, CA 95988

District Attorney of Humboldt County
825 5th Street
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District Attorney of Imperial County
939 Main Street, Ste. 102
El Centro, CA 92243

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1215 Truxtun Avenue
Bakersfield, CA 93301

District Attorney of Kings County
1400 West Lacey Blvd.
Hanford, CA 93230

District Attorney of Lake County
255 N. Forbes Street
Lakeport, CA 95453

District Attorney of Los Angeles County
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211 W. Temple Street, Ste. 1200
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District Attorney of Madera County
209 West Yosemite Avenue
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District Attorney of Marin County
3501 Civic Center Drive, Rm. 130
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District Attorney of San Benito County
419 Fourth Street, 2nd Fl.
Hollister, CA 95023

District Attorney of San Bernardino County
316 N. Mountain View Avenue
San Bernardino, CA 92415

District Attorney of San Mateo County
400 County Center, 3rd Fl.
Redwood City, CA 94063

District Attorney of Shasta County
1355 West Street
Redding, CA 96001

District Attorney of Sierra County
Courthouse
100 Courthouse Sq., 2nd Fl.
Downieville, CA 95936

District Attorney of Siskiyou County
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Yreka, CA 96097

District Attorney of Solano County
675 Texas Street, Ste. 4500
Fairfield, CA 94533

District Attorney of Stanislaus County
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Modesto, CA 95354

District Attorney of Sutter County
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Yuba City, CA 95991

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Weaverville, CA 96093

District Attorney of Tuolumne County
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District Attorney of Yuba County
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Marysville, CA 95901

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Los Angeles, CA 90012

San Jose City Attorney's Office
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San Jose, CA 95113

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