

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

Hexavalent Chromium in Gloves Made With Leather Materials

August 9, 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 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. Shakoora Azimi-Gaylon is the Toxic Exposures and Pollution Prevention Program Senior Director and a responsible individual within CEH.

Description of Violation:

- Violator: 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 August 9, 2021 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 name of the listed chemical involved in these violations is chromium (hexavalent compounds), which is also known as hexavalent chromium. Hexavalent chromium is listed under Proposition 65 as a chemical known to the State of California to cause cancer and reproductive toxicity. Exposures to hexavalent chromium occur from use of the products identified in this Notice.
- Type of Product: The specific type of product causing these violations is gloves made with leather materials. Gloves are used to protect hands and fingers from the elements, abrasion, and trauma. The gloves at issue are either all leather or made with a combination of leather and non-leather materials. Non-exclusive examples of this specific type of product are attached hereto as Exhibit 1.
- Description of Exposure: This Notice addresses consumer exposures to hexavalent chromium. Use of the products identified in this Notice results in

human exposures to hexavalent chromium. The routes of exposure for the violations are dermal absorption directly through the skin when consumers wear, touch, or handle the products. Additional exposures occur through ingestion via hand to mouth contact after consumers wear, touch, or handle the products. No clear and reasonable warning is provided with these products regarding the carcinogenic or reproductive hazards of hexavalent chromium.

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 hexavalent chromium 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 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 hexavalent chromium in leather gloves; 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 hexavalent chromium 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 Joseph Mann at Lexington Law Group, 503 Divisadero Street, San Francisco, CA 94117, (415) 913-7800, jmann@lexlawgroup.com.

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

I, Joseph Mann, 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.

August 9, 2024



Joseph Mann
Attorney for the CENTER FOR
ENVIRONMENTAL HEALTH

EXHIBIT 1
August 9, 2024 Notice of Violation
Hexavalent Chromium in Gloves Made with Leather Materials

Names and Addresses of Responsible Parties	Non-Exclusive Examples of the Products	Further Description of Non-Exclusive Exemplar Products
<p>J. Crew Group, Inc. 225 Liberty Street, 17th Floor New York, NY 10281</p> <p>Grace Holmes, Inc. 225 Liberty Street, 17th Floor New York, NY 10281</p> <p>J. Crew Inc. 225 Liberty Street, 17th Floor New York, NY 10281</p>	<p>Barebones Open-Fire Gloves in Charcoal</p>	<p>UPC No. 8-19665-01481-5 Style No. N1051 Item No. CKW-481</p>
<p>Dolce & Gabbana USA Inc. 546 5th Avenue, 10th Floor New York, NY 10036</p>	<p>Dolce & Gabbana Nappa Leather Gloves in Black</p>	<p>UPC No. 8-05626-540377-5 Item No. BG0169AQ381180999</p>
<p>Hugo Boss USA, Inc. 55 Water Street, 48th Floor New York, NY 10041</p>	<p>Hugo Boss T-Hanton Lambskin Men's Glove in Medium Brown</p>	<p>Style No. 50478598</p>
<p>Columbia Sportswear Company 14375 NW Science Park Drive Portland, OR 97229</p> <p>Sorel Corporation 6600 N. Baltimore Avenue Portland, OR 97203</p> <p>Mountain Hardwear, Inc. 14375 NW Science Park Drive Portland, OR 97229</p> <p>prAna Living, LLC 14375 NW Science Park Drive Portland, OR 97229</p> <p>Columbia Brands USA, LLC 14375 NW Science Park Drive Portland, OR 97229</p>	<p>Mountain Hardwear FL Belay Gloves in Black</p>	<p>Style No. 1912721</p>

PROOF OF SERVICE

I, Star Beltman, declare:

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

On August 9, 2024, I served the following document(s) on all interested parties in this action by placing a true copy thereof in the manner and at the addresses indicated below:

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

CERTIFICATE OF MERIT; and

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

BY MAIL: I am readily familiar with the firm’s practice for collecting and processing mail with the United States Postal Service (“USPS”). Under that practice, mail would be deposited 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.

Please see attached service list.

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

<p>Pamela Y. Price, Alameda District Attorney 7677 Oakport Street, Suite 650 Oakland, CA 94621 CEPDProp65@acgov.org</p>	<p>Thomas L. Hardy, Inyo District Attorney 168 North Edwards Street Independence, CA 93526 inyoda@inyocounty.us</p>
---	---

<p>Barbara Yook, Calaveras District Attorney 891 Mountain Ranch Rd. San Andreas, CA 95249 Prop65Env@co.calaveras.ca.us</p>	<p>Devin Chandler, Lassen Program Coordinator 2950 Riverside Dr Susanville, CA 96130 dchandler@co.lassen.ca.us</p>
--	--

<p>Stacey Grassini, Contra Costa Deputy District Attorney 900 Ward Street Martinez, CA 94553 sgrassini@contracostada.org</p>	<p>Lori E. Frugoli, Marin District Attorney 3501 Civic Center Drive, Room 145 San Rafael, CA 94903 consumer@marincounty.org</p>
--	---

<p>James Clinchard, El Dorado Assistant District Attorney 778 Pacific Street Placerville, CA 95667 EDCDAPROP65@edcda.us</p>	<p>Walter W. Wall, Mariposa District Attorney P.O. Box 730 Mariposa, CA 95338 mcda@mariposacounty.org</p>
---	---

<p>Lisa A. Smittcamp, Fresno District Attorney 2100 Tulare Street Fresno, CA 93721 consumerprotection@fresnocountyca.gov</p>	<p>Kimberly Lewis, Merced District Attorney 550 West Main Street Merced, CA 95340 Prop65@countyofmerced.com</p>
--	---

<p>Lisa A. Smittcamp, Fresno District Attorney 2100 Tulare Street Fresno, CA 93721 consumerprotection@fresnocountyca.gov</p>	<p>Jeannine M. Pacioni, Monterey District Attorney 1200 Aguajito Road Monterey, CA 93940</p>
--	--

1	Prop65DA@co.monterey.ca.us	Eric J. Dobroth, San Luis Obispo Deputy District Attorney
2	Allison Haley, Napa District Attorney	County Government Center Annex, 4th Floor
3	1127 First Street, Suite C	San Luis Obispo, CA 93408
4	Napa, CA 94559	edobroth@co.slo.ca.us
5	CEPD@countyofnapa.org	
6	Clifford H. Newell, Nevada District Attorney	Christopher Dalbey, Santa Barbara Deputy District Attorney
7	201 Commercial Street	1112 Santa Barbara St.
8	Nevada City, CA 95959	Santa Barbara, CA 93101
9	DA.Prop65@co.nevada.ca.us	DAProp65@co.santa-barbara.ca.us
10	Morgan Briggs Gire, Placer District Attorney	Nora V. Frimann, Santa Clara City Attorney
11	10810 Justice Center Drive	200 E. Santa Clara Street, 16th Floor
12	Roseville, CA 95678	San Jose, CA 96113
13	prop65@placer.ca.gov	Proposition65notices@sanjoseca.gov
14	David Hollister, Plumas District Attorney	Bud Porter, Supervising Santa Clara, Deputy District Attorney
15	520 Main St.	70 W Hedding St
16	Quincy, CA 95971	San Jose, CA 95110
17	davidhollister@countyofplumas.com	EPU@da.sccgov.org
18	Paul E. Zellerbach, Riverside District Attorney	Jeffrey S. Rosell, Santa Cruz District Attorney
19	3072 Orange Street	701 Ocean Street
20	Riverside, CA 92501	Santa Cruz, CA 95060
21	Prop65@rivcoda.org	Prop65DA@santacruzcounty.us
22	Anne Marie Schubert, Sacramento District Attorney	Jill Ravitch, Sonoma District Attorney
23	901 G Street	600 Administration Drive
24	Sacramento, CA 95814	Santa Rosa, CA 95403
25	Prop65@sacda.org	Jeannie.Barnes@sonoma-county.org
26	Summer Stephan, San Diego District Attorney	Phillip J. Cline, Tulare District Attorney
27	330 West Broadway	221 S Mooney Blvd
28	San Diego, CA 92101	Visalia, CA 95370
29	SanDiegoDAProp65@sdca.org	Prop65@co.tulare.ca.us
30	Mark Ankcorn, San Diego Deputy City Attorney	Gregory D. Totten, Ventura District Attorney
31	1200 Third Avenue	800 S Victoria Ave
32	San Diego, CA 92101	Ventura, CA 93009
33	CityAttyProp65@sandiego.gov	daspecialops@ventura.org
34	Henry Lifton, San Francisco Deputy City Attorney	Jeff W. Reisig, Yolo District Attorney
35	1390 Market Street, 7th Floor	301 Second Street
36	San Francisco, CA 94102	Woodland, CA 95695
37	Prop65@sfcityatty.org	cfepd@yolocounty.org
38	Alexandra Grayner, San Francisco Assistant District Attorney	
39	350 Rhode Island Street	
40	San Francisco, CA 94103	
41	alexandra.grayner@sfgov.org	
42	Tori Verber Salazar, San Joaquin District Attorney	
43	222 E. Weber Avenue, Room 202	
44	Stockton, CA 95202	
45	DAConsumer.Environmental@sjcda.org	

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

Executed on August 9, 2024 at San Francisco, California.



Star Beltman

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SERVICE LIST

District Attorney of Alpine County
P.O. Box 248
Markleeville, CA 96120

District Attorney of Madera County
300 South G St, Ste 300,
Madera, CA 93637

District Attorney of Amador County
708 Court St, Ste. 202
Jackson, CA 95642

District Attorney of Mendocino County
P.O. Box 1000
Ukiah, CA 95482

District Attorney of Butte County
Administration Building
25 County Center Dr, Ste 245
Oroville, CA 95965

District Attorney of Modoc County
204 S. Court St, Ste 202
Alturas, CA 96101-4020

District Attorney of Colusa County
310 6th St
Colusa, CA 95932

District Attorney of Mono County
P.O. Box 2053
Mammoth Lakes, CA 93546

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

District Attorney of Orange County
300 N Flower St
Santa Ana, CA 92703

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

District Attorney of San Benito County
419 Fourth St, 2nd Fl.
Hollister, CA 95023

District Attorney of Humboldt County
825 5th St
Eureka, CA 95501

District Attorney of San Bernardino
County
303 West 3rd St
San Bernardino, CA 92415-0502

District Attorney of Imperial County
939 Main St, Ste. 102
El Centro, CA 92243

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

District Attorney of Kern County
1215 Truxtun Ave
Bakersfield, CA 93301

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

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

District Attorney of Sierra County
P.O. Box 457
Downieville, CA 95936

District Attorney of Lake County
375 3rd St
Lakeport, CA 95453

District Attorney of Siskiyou County
311 Fourth St, Rm 204
Yreka, CA 96097

District Attorney of Los Angeles County
211 W. Temple St, Ste. 1200
Los Angeles, CA 90012-3210

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

District Attorney of Stanislaus County
832 12th St, Ste. 300
Modesto, CA 95354

Stephan Born, CEO*
Hugo Boss USA, Inc.
55 Water Street, 48th Floor
New York, NY 10041

District Attorney of Sutter County
463 2nd St, Ste 102
Yuba City, CA 95991

Timothy P. Boyle, President*
Columbia Sportswear Company
14375 NW Science Park Drive
Portland, OR 97229

District Attorney of Tehama County
444 Oak St, Rm L
Red Bluff, CA 96080

Timothy P. Boyle, President*
Sorel Corporation
6600 N. Baltimore Avenue
Portland, OR 97203

District Attorney of Trinity County
P.O. Box 310
11 Court St
Weaverville, CA 96093

Timothy P. Boyle, President*
Sorel Corporation
14375 NW Science Park Drive
Portland, OR 97229

District Attorney of Tuolumne County
423 N Washington St
Sonora, CA 95370

District Attorney of Yuba County
215 Fifth St, Ste 152
Marysville, CA 95901

Timothy P. Boyle, CEO*
Mountain Hardwear, Inc.
14375 NW Science Park Drive
Portland, OR 97229

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

President/CEO *
prAna Living, LLC
14375 NW Science Park Drive
Portland, OR 97229

Michael J. Nicholson, CEO*
J. Crew Group, Inc.
225 Liberty Street, 17th Floor
New York, NY 10281

Timothy P. Boyle, CEO*
Columbia Brands USA, LLC
14375 NW Science Park Drive
Portland, OR 97229

Michael J. Nicholson, CEO*
Grace Holmes, Inc.
225 Liberty Street, 17th Floor
New York, NY 10281

Michael J. Nicholson, CEO*
J. Crew Inc.
225 Liberty Street, 17th Floor
New York, NY 10281

Alberto Candellero, CEO*
Dolce & Gabbana USA Inc.
546 5th Avenue, 10th Floor
New York, NY 10036