

Humana Group

18324 Clark St. Unit 204
Tarzana, CA 91356
Email: thehumanagroup@gmail.com

11/21/24

Via Electronic Submission to the California Attorney General

Proposition 65 Enforcement Reporting System

Re: Proposition 65 Notice of Violation

To Whom It May Concern:

We represent **Humana Group**, an organization in the State of California acting in the interest of the general public. This letter serves as a **60-day Notice of Violation** under California's Safe Drinking Water and Toxic Enforcement Act of 1986, commonly known as **Proposition 65** (California Health & Safety Code § 25249.5 et seq.). This notice is in compliance with California Code of Regulations, Title 27, Section 25903, and Title 11, Sections 3100-3102.

I. Description of Violation

Product Exposure			
ALLEGED VIOLATOR(S) (Manufacturers, Distributors, Retailers)	Fasco Epoxies, Inc.; Amazon.com, Inc; Walmart Inc.; Kmart Corporation; Four Ventures Inc DBA Mac Marvel's; Fiberglass Supply Depot Inc.; Sears, Roebuck and Co.		
TIME PERIOD OF EXPOSURE	Violations have been occurring since at least September 2022 or since the date the chemical was listed, whichever is sooner, and are continuing to this day		
LISTED CHEMICAL 1	Epichlorohydrin	List Date	October 1, 1987 / September 1, 1996
LISTED CHEMICAL 2	Coal Tar Pitch	List	November 17, 2023

		Date	
LISTED CHEMICAL 3	Ethylbenzene	List Date	June 11, 2004
LISTED CHEMICAL 4	Bisphenol-A	List Date	May 11, 2015 / December 18, 2020

II. Product Information

Non-exclusive examples of the product causing exposure:

Product Name	Manufacturer	Distributor/Retailer
Fasco 54 Coal Tar Epoxy (Part A and B)	Fasco Epoxies, Inc.	Amazon.com, Walmart, Kmart, etc.

III. Nature of Violation

The exposures that are the subject of this Notice result from the purchase, acquisition, handling and recommended use of the Product.

PRODUCT PURPOSE	
PRODUCT USE	The protection of substrates exposed to a corrosive atmosphere. It may be used to repair leaking pipes where corrosive materials are present. It is typically used to coat storage tanks, pipelines, steel and concrete bridge structures or in marine applications along the waterline or tidal zone where salt corrosion is prevalent. Coat Rebar, Storage Tanks, Pipelines, Steel Boat Hulls, Concrete Bridge Structures, etc. Occupational exposures: The product is used in various occupational settings, such as construction and infrastructure sites where workers are potentially exposed to the listed chemicals during activities such as application, mixing, and handling of the epoxy.

EXPOSURE DETAILS	
VIOLATION	This notice alleges that the product, Fasco #54 Coal Tar Epoxy, contains chemicals listed under California Proposition 65 that require a clear and reasonable warning prior to exposure. The product's safety data sheet (SDS) provides a Proposition 65 warning for only one chemical, epichlorohydrin (CAS No. 106-89-8), but fails to include warnings for other

	<p>listed chemicals contained in the product: coal tar pitch (CAS No. 65996-93-2), ethylbenzene (CAS No. 100-41-4), and bisphenol-A (BPA) (CAS No. 80-05-7), all of which are known to the state of California to cause cancer and/or reproductive toxicity. Furthermore, this product is marketed and sold without any Proposition 65 warnings on the manufacturer's website or other online listings by third-party sellers, in violation of California Health and Safety Code Section 25249.6. This constitutes a failure to provide the necessary warning before exposing individuals to the listed chemicals through the use or handling of the product, as required by Proposition 65.</p>
--	--

This alleged violation covers exposures to the above chemicals through inhalation (during application and drying, fumes and airborne particles may be inhaled), dermal contact (through skin contact when handling the product before curing), and ingestion (hand-to-mouth contact, contamination of surfaces) during regular use or handling of the product, which may occur without adequate consumer awareness of the associated risks.

Use of the Product causes consumer and environmental exposures to the Listed Chemical(s). Clear and reasonable warning is not provided with the Products regarding the health hazards of exposure to the Listed Chemical(s).

VI. Actions Required

Proposition 65 requires businesses to provide a clear and reasonable warning before exposing individuals to chemicals known to cause cancer. To remedy this violation, **ALLEGED VIOLATOR(S)** must:

1. Provide clear and reasonable warnings compliant with Proposition 65 regulations.
2. Cease the sale of the product in California until such warnings are provided or the product is reformulated.

VII. Notice and Intent to Sue

Pursuant to Health & Safety Code § 25249.7(d), if no public enforcement agency commences and diligently prosecutes an action to rectify these violations within **60 days** of receipt of this notice, **Humana Group** intends to file a private enforcement action on behalf of the general public.

VIII. Contact Information

Please direct all communications regarding this notice to:

Michelle Daneshrad, Esq.

Attorney

Humana Group

18324 Clark St. Unit 204

Tarzana, CA 91356

Email: thehumanagroup@gmail.com

Sincerely,

Michelle Daneshrad, Esq.

Humana Group

CERTIFICATE OF MERIT

I, Michelle Daneshrad, hereby declare:

1. This Certificate of Merit accompanies the attached 60-day notice in which it is alleged that the ALLEGED VIOLATOR(S) violated 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 the listed chemical.
4. Based on the information obtained through those consultations, and on all other information in my possession, I believe there is a reasonable and meritorious case for this action. I understand that 'reasonable and meritorious case for this action' means that the information provides a credible basis that all elements of the plaintiff's case can be established and that the information does 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 includes a confidential factual information sheet that provides the basis for this certificate, including the identity of the persons consulted and the facts, studies, or other data reviewed by those persons.

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

Executed on 11/21/24, at Los Angeles, California.

Michelle Daneshrad, Esq.
Attorney at Law

CERTIFICATE OF SERVICE

I, Michelle Daneshrad, Esq., declare: I am over the age of 18 years and not a party to this action. My business address is 18324 Clark St. Unit 204, Tarzana, CA 91356. On 11/21/24, I served the following documents:

1. 60-Day Notice of Violation Sent in Compliance with Health & Safety Code § 25249.7(d)
2. Certificate of Merit
3. Certificate of Merit Attachment (*served only on the California Attorney General*)
4. Appendix A: Proposition 65: A Summary
5. Appendix B: E-Mail Service List
6. Appendix C: Mail Service List

Service was completed as follows:

1. By Certified Mail to the Alleged Violator:
 - Fasco Epoxies, Inc.
2550 North U.S. Highway 1, Fort Pierce, FL, US, 34946
2. By Electronic Submission to the California Attorney General:
 - Via the Proposition 65 Enforcement Reporting System.
3. By Electronic Mail to Public Enforcement Agencies:
 - See Attached Appendix B: E-Mail Service List
4. By First-Class Mail to Public Enforcement Agencies:
 - See Attached Appendix C: Mail Service List

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

Executed on 11/21/24, at Los Angeles, California.

Michelle Daneshrad, Esq.
Attorney at Law

Attachments:

- Appendix A: Proposition 65: A Summary
 - Appendix B: E-Mail Service List (*served to agencies accepting electronic service*)
 - Appendix C: Mail Service List (*served to agencies requiring first-class mail*)
-