

## NOTICE OF VIOLATION

### California Safe Drinking Water and Toxic Enforcement Act

#### Bisphenol S in Thermal Receipt Paper

February 10, 2025

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 Senior Director of the Toxic Exposures and Pollution Prevention program of 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 December 29, 2024 and are continuing to this day.
- Provision of Proposition 65: This Notice covers the exposure/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 S ("BPS"). Exposures to BPS occur from handling of the products identified in this Notice.
- Type of Product: The specific type of product causing these violations is thermal receipt paper. Non-exclusive examples of this specific type of product are identified on the attached Exhibit 1.
- Description of Exposure: This Notice addresses consumer exposures to BPS. Use of the products identified in this Notice results in human exposures to BPS. BPS is found on the surface of the products. Thermal receipt paper is treated with a surface coating of BPS. The routes of exposure for the violations are dermal absorption directly through the skin when consumers touch or handle the products, and ingestion via hand-to-mouth contact after consumers touch or

handle the products. No clear and reasonable Proposition 65 warning is provided with these products regarding the presence of BPS 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) provide clear and reasonable warnings for products sold or otherwise provided to consumers in the future or reformulate such products to eliminate the BPS exposures; and (2) 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 BPS in thermal receipt paper; 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 BPS 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 Patrick Carey or Joseph Mann at Lexington Law Group, 503 Divisadero Street, San Francisco, CA 94117, (415) 913-7800, [pcarey@lexlawgroup.com](mailto:pcarey@lexlawgroup.com), [jmann@lexlawgroup.com](mailto:jmann@lexlawgroup.com).

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

I, Patrick Carey, 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.

February 10, 2025



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Patrick Carey  
Attorney for CENTER FOR  
ENVIRONMENTAL HEALTH

**EXHIBIT 1**  
**February 10, 2025 Notice of Violation**  
**Bisphenol S in Thermal Receipt Paper**

Names and Addresses of Responsible Parties	Non-Exclusive Examples of the Products	Further Description of Non-Exclusive Exemplar
<p style="text-align: center;"><b>Cardenas Markets LLC</b>            2501 E. Guasti Road            Ontario, CA 91761</p>	<p style="text-align: center;">Cardenas Receipt            2107 Solano Avenue            Vallejo, CA 94590            (dated January 2, 2025)</p>	<p style="text-align: center;">Store 13</p>
<p style="text-align: center;"><b>Del Taco LLC</b>            25521 Commercentre Drive, Suite            200            Lake Forest, CA 92630</p>	<p style="text-align: center;">Del Taco Receipt            4490 Delta Gateway            Blvd.            Pittsburg, CA 94565            (dated January 3, 2025)</p>	<p style="text-align: center;">Order No. 98            Store No. 886</p>
<p style="text-align: center;"><b>FedEx Office and Print Services, Inc.</b>            3630 Hacks Cross Road,            Bldg. C, 3rd Floor            Memphis, TN 38125-8800</p>	<p style="text-align: center;">FedEx Office Receipt            5601 Lone Tree Way,            Suite 100            Brentwood, CA 94513            (dated January 3, 2025)</p>	<p style="text-align: center;">Receipt No.            CCRKI00607340</p>
<p style="text-align: center;"><b>Grocery Outlet Inc.</b>            5650 Hollis Street            Emeryville, CA 94608</p>	<p style="text-align: center;">Grocery Outlet Receipt            1245 S. Van Ness            Avenue            San Francisco, CA            94110            (dated January 1, 2025)</p>	<p style="text-align: center;">TC 48344DD068917A48            RRN 049282            Store No. 306</p>
<p style="text-align: center;"><b>JPMorgan Chase &amp; Co.</b>            383 Madison Avenue            New York, NY 10179</p> <p style="text-align: center;"><b>JPMorgan Chase Bank, N.A.</b>            1111 Polaris Parkway            Columbus, OH 43240</p>	<p style="text-align: center;">Chase ATM Receipt            972 Admiral Callaghan            Lane, Suite A            Vallejo, CA 94591            (dated January 2, 2025)</p>	<p style="text-align: center;">Term ID CA9351</p>

Names and Addresses of Responsible Parties	Non-Exclusive Examples of the Products	Further Description of Non-Exclusive Exemplar
<p><b>The Kroger Co.</b> 1014 Vine Street Cincinnati, OH 45202</p>	<p>Foods Co Receipt 1250 MacDonald Avenue Richmond, CA 94804 (dated January 2, 2025)</p>	<p>REF No. 312011 TC 4FA173EC5D2AC872</p>
<p><b>McDonald's Corporation McDonald's Restaurants of California, Inc. McDonald's USA, LLC</b> 110 N. Carpenter Street Chicago, IL 60607</p>	<p>McDonald's Receipt 902 Admiral Callaghan Lane Vallejo, CA 94590 (dated January 2, 2025)</p>	<p>MER No. 033546 SEQ No. 044796 Store No. 6810</p>
<p><b>Phillips 66 Company</b> 2331 Citywest Blvd. Houston, TX 77042</p>	<p>76 Receipt 433 Divisadero Street San Francisco, CA 94117 (dated January 1, 2025)</p>	<p>Invoice 185637 REF No. 0101185637290 Term ID 5</p>
<p><b>Taco Bell Corp. Taco Bell of America, LLC</b> 1 Glen Bell Way Irvine, CA 92618</p>	<p>Taco Bell Receipt 408 Napa Junction Road American Canyon, CA 94503 (dated January 2, 2025)</p>	<p>Order No. f3b154 Store No 031850</p>
<p><b>Wells Fargo &amp; Company</b> 420 Montgomery Street San Francisco, CA 94104</p>	<p>Wells Fargo ATM Receipt 3157 Danville Blvd. Alamo, CA 94507 (dated January 6, 2025)</p>	<p>ATM 0233E Transaction No. 905</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 February 10, 2025, 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 UPLOAD:** I transmitted a PDF version of the document(s) listed above,  
17 as well as a Confidential Supporting Certificate of Merit, to the Office of the Attorney General of  
California via the Proposition 65 60-Day Notice Search website at [https://oag.ca.gov/prop65/60-](https://oag.ca.gov/prop65/60-day-notice-search)  
18 [day-notice-search](https://oag.ca.gov/prop65/60-day-notice-search).

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

21 Pamela Y. Price, Alameda District Attorney  
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25 Stacey Grassini, Contra Costa Deputy  
26 District Attorney  
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4	Lori E. Frugoli, Marin District Attorney 3501 Civic Center Drive, Room 145 San Rafael, CA 94903 consumer@marincounty.org	Summer Stephan, San Diego District Attorney 330 West Broadway San Diego, CA 92101 SanDiegoDAProp65@sdca.org
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17	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
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23	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
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13 I declare under penalty of perjury under the laws of the State of California that the  
foregoing is true and correct.

14 Executed on February 10, 2025, at San Francisco, California.

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Star Beltman

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## SERVICE LIST

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