

## NOTICE OF VIOLATION

### California Safe Drinking Water and Toxic Enforcement Act

Bisphenol S in Thermal Labels, including but not limited to, Thermal Adhesive Paper, Sticky-Back Thermal Paper, and Thermal Stickers

June 9, 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. Shakoor 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 labels, including but not limited to, thermal adhesive paper, sticky-back thermal paper, and thermal sticker labels ("Thermal Labels"). 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 Labels are 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 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 Labels; 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 at Lexington Law Group, LLP, 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.

June 9, 2025



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Patrick Carey  
Attorney for CENTER FOR  
ENVIRONMENTAL HEALTH

**EXHIBIT 1****June 9, 2025 Notice of Violation****Bisphenol S in Thermal Labels, including but not limited to, Thermal Adhesive Paper, Sticky-Back Thermal Paper, and Thermal Sticker Labels**

<b>Names and Addresses of Responsible Parties</b>	<b>Non-Exclusive Examples of the Products</b>	<b>Further Description of Non-Exclusive Exemplar</b>
<b>Applebee's Restaurants LLC Dine Brands Global, Inc.</b> 10 W. Walnut Street, Fifth Floor Pasadena, CA 91103	Applebee's Thermal Food Label from Applebee's at 1041 Admiral Callaghan Lane Vallejo, CA 94591 (received February 24, 2025)	Order No. 203, To Go "ALA BROCC" Label
<b>Dunkin' Brands, Inc. Dunkin' Donuts Franchising LLC</b> 130 Royall Street Canton, MA 02021	Dunkin' Thermal Drink Label from Dunkin' at 1250 Newell Avenue, Suite K Walnut Creek, CA 94596 (received April 14, 2025)	Dunkin' Mobile Walk In Beverage Order Label, Order No. 2787
<b>FedEx Office and Print Services, Inc.</b> 3630 Hacks Cross Road, Bldg. C, 3rd Floor Memphis, TN 38125-8800	FedEx Office Thermal Invoice Label from FedEx at 742 Admiral Callaghan Lane Vallejo, CA 94591 (received March 17, 2025)	Transaction Record Label for Shipment 772774329084
<b>Red Robin International, Inc.</b> 10000 E. Geddes Avenue, Suite 500 Englewood, CO 80112	Red Robin Food Order Thermal Label from Red Robin at 1184 Galleria Blvd. Roseville, CA 95678 (received February 14, 2025)	Food Order Label for "1 SD COLESLAW" Order No. 30017
<b>United Parcel Service, Inc.</b> 55 Glenlake Parkway NE Atlanta, GA 30328	UPS Thermal Label from Yoox.com (order dated January 23, 2025)	UPS Return Label for Tracking No: 1Z 2E0 8V2 90 0404 9036
<b>Whole Foods Market California, Inc.</b> 6401 Hollis Street, Suite 150 Emeryville, CA 94608	Whole Foods Thermal Butcher Counter Meat Label from Whole Foods at 690 Stanyan Street San Francisco, CA 94117 (received April 3, 2025)	Butcher Counter Meat Order Label for 90/10 Ground Beef

Names and Addresses of Responsible Parties	Non-Exclusive Examples of the Products	Further Description of Non-Exclusive Exemplar
<b>YNAP Corporation</b> 111 West 33rd Street New York, NY 10120	UPS Thermal Label from Yoox.com (order dated January 23, 2025)	UPS Return Label for Tracking No: 1Z 2E0 8V2 90 0404 9036

1 **PROOF OF SERVICE**

2 I, Sophia Filipe, 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  
sfilipe@lexlawgroup.com.

6 On June 9, 2025, I served the following document(s) on all interested parties in this action  
7 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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10 Todd Spitzer, District Attorney of Orange County  
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13 Prop65Notice@ocdapa.org

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

14 Executed on June 9, 2025 at San Francisco, California.



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Sophia Filipe



## **SERVICE LIST**

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