

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

Bisphenol S in Thermal Receipt Paper

June 24, 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, 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, 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 24, 2025



Patrick Carey
Attorney for CENTER FOR
ENVIRONMENTAL HEALTH

EXHIBIT 1
June 24, 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
Tawa Supermarket, Inc. 6338 Regio Ave. Buena Park, CA 90620	99 Ranch Market Receipt 1688 Hostetter Rd. San Jose, CA 95131 (dated May 5, 2025)	Store No. 61
H Mart, Inc. H Mart Companies, Inc. 300 Chubb Ave, Lyndhurst, NJ 07071	HMart Receipt 1710 Oakland Rd. San Jose, CA 95129 (dated May 5, 2025)	GTIN No. 0000650070125250505 1237
British Airways PLC 11 W 42nd St., Fl. 24, New York, NY 10036	British Airways Ticket 780 S. Airport Blvd. San Francisco, CA 94128 (dated April 11, 2025)	Flight No. BA 284 Electronic Ticket No. 1257148569474
Teaspoon Franchising Inc. D&A Food Inc. 2290 Ringwood Ave., Suite E San Jose, CA 95131	Teaspoon Receipt 2129 University Ave. Berkeley, CA 94704 (dated May 14, 2025)	Check No. 28
The Little Brown Box Pizza, LLC 18101 Von Karman, Suite 1100 Irvine, CA 92612	Pieology Receipt 1269 Marina Boulevard San Leandro, CA 94577 (dated May 16, 2025)	Check No. 12

Names and Addresses of Responsible Parties	Non-Exclusive Examples of the Products	Further Description of Non-Exclusive Exemplar
Save Mart Supermarkets LLC The Save Mart Companies, LLC 1800 Standiford Ave. Modesto, CA 95350	Foodmaxx Receipt 699 Lewelling Blvd. San Leandro, CA 94579 (dated May 16, 2025)	Transaction No. 19 Terminal No. 23 Store No. 416
Guess?, Inc 1444 S. Alameda Street Los Angeles, CA 90021	Guess Factory Store Receipt 1257 Marina Boulevard San Leandro, CA 94577 (dated May 16, 2025)	Store No. 3280 Register No. 3 Ticket No. 543
Yummy-town USA LLC 5271 Barker Cypress Road, Suite 100 Houston, TX 77084	Happy Lemon Receipt 4214 Piedmont Ave. Oakland, CA 94611 (dated May 7, 2025)	Till No. 1 Check No. 140
Happy Lemon West, Inc. 4435 Enterprise St. Fremont, CA 94538		
KF Tea Franchising LLC KF Tea USA Inc. 589 Eighth Avenue, 17th Floor New York, NY 10018	Kung Fu Tea Receipt 457 Saratoga Ave. San Jose, CA 95129 (dated May 13, 2025)	Order No. 125723334
Infinilush Company Limited 652 Market St. San Francisco, CA 94104	Coco Bubble Tea Receipt 2855 Stevens Creek Blvd. Santa Clara, CA 95050 (dated May 13, 2025)	Receipt No. IQJD

Names and Addresses of Responsible Parties	Non-Exclusive Examples of the Products	Further Description of Non-Exclusive Exemplar
Staples, Inc. 500 Staples Dr. Framingham, MA 01702	Staples Receipt 470 Noor Avenue, Ste. B S. San Francisco, CA 94080 (dated June 3, 2025)	Store No. 488 Register No 6 Transaction No. 22767
EssilorLuxottica USA Inc. One Bausch & Lomb Place Rochester, NY 14604	Ray-Ban Receipt 1302 Broadway Plaza Walnut Creek, CA 94596 (dated May 30, 2025)	Store No. 6996 Register No. 1 Receipt No. 1082806
Dr. Martens Airwair USA LLC 10 NW 10th Ave. Portland, OR 97209	Dr. Martens Receipt 1171 Broadway Plaza, Space C62 Walnut Creek, CA 94596 (dated May 30, 2025)	Terminal No. 000506
Allbirds, Inc. Allbirds International, Inc. 30 Hotaling Place San Francisco, CA 94111	Allbirds Receipt 1259 Broadway Plaza Walnut Creek, CA 94596 (dated May 30, 2025)	Receipt No. 796-4736
Fabletics, Inc. 800 Apollo St. El Segundo, CA 90245	Fabletics Receipt 81 Broadway Lane, Suite 1058 Walnut Creek, CA 94596 (dated May 30, 2025)	Order ID 1637846410
Comcast Corp. 1701 John F. Kennedy Blvd., Fl. 32 Philadelphia, PA 19103	Xfinity Receipt 2186 Geary Blvd. San Francisco, CA 94115 (dated April 10, 2025)	Consultant: Brandon P

Names and Addresses of Responsible Parties	Non-Exclusive Examples of the Products	Further Description of Non-Exclusive Exemplar
DTF Assets, LLC 440 E. Huntington Drive, Suite 401 Arcadia, CA 91006	Din Tai Fung Receipt 855 Stevens Creek Blvd. Santa Clara, CA 95050 (dated May 13, 2025)	Check No. 11
Alto Pharmacy LLC 645 Harrison Street, #200 San Francisco, CA 94107	Alto Pharmacy Receipt 1400 Tennessee St., Unit 2 San Francisco, CA 94107 (dated May 11, 2025)	
WKA Enterprises, Inc. dba Partek Solutions 6185 E. US Highway 136 Brownsburg, IN, 46112	City of Oakland Parking Receipt 1000 Webster St. Oakland, CA 94607 (dated May 7, 2025)	Ticket No. WE1000-2 Receipt No. 4942978
TCS Paper Inc. dba Pacific Coast Supplies 1618 Yeager Avenue La Verne, CA 91750	Cardenas Markets Receipt 2107 Solano Avenue Vallejo, CA 94590 (dated January 2, 2025)	Store 13
Dave's Hot Chicken Franchise Co., LLC 600 Playhouse Alley, Unit 504 Pasadena, CA 91101	Dave's Hot Chicken Receipt from Dave's at 2228 Broadway Oakland, CA 94612 (received April 2, 2025)	Order No. 79551187 Cashier 1

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 24, 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.

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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 24, 2025 at San Francisco, California.



Sophia Filipe

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