

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

Perfluorooctane Sulfonate (PFOS) in Artificial Turf

March 4, 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. Emily Reder is the Senior Manager of the Illegal Toxic Threats Program and a responsible individual within CEH.

Description of Violation:

- Violators: The names and addresses of each violator are listed in **Exhibit 1**.
- Time Period of Exposure: The violations have been occurring since at least March 4, 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 names of the listed chemical involved in these violations is Perfluorooctane Sulfonate ("PFOS"). Exposures to PFOS occur from dermal and hand to mouth exposures with the products identified in this Notice.
- Type of Product: The specific type of product causing these violations is artificial turf. Non-exclusive examples of this specific type of product are identified in Exhibit 1.
- Description of Exposure: This Notice addresses consumer exposures to PFOS in artificial turf. Use of the products identified in this Notice results in human exposures to PFOS. The route of exposure for the violations is ingestion via hand to mouth contact after consumers touch or handle the products. No clear

and reasonable warning is provided with the Products regarding the developmental hazards of PFOS.

Resolution of Noticed Claims:

Based on the allegations set forth in this Notice, CEH intends to file a citizen enforcement lawsuit against the 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 PFOS exposures; and (3) pay an appropriate civil penalty based on the factors enumerated in California Health and Safety Code Section 25249.7(b). If the alleged violator is 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 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 PFOS in Artificial Turf; 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 PFOS in such products; and representative exemplars of each of the 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, Mark N. Todzo, at Lexington Law Group, 503 Divisadero Street, San Francisco, CA 94117, (415) 913-7800, mtodzo@lexlawgroup.com.

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

I, Mark N. Todzo, 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.

March 4, 2024



Mark N. Todzo
Attorney for CENTER FOR
ENVIRONMENTAL HEALTH

EXHIBIT 1
March 4, 2024 Notice of Violation
PFOS in Artificial Turf

| Responsible Parties | Non-Exclusive Examples of the Products |
|--|---|
| <p>APT Advanced Polymer Technology Corp. 109 Conica Lane Harmony, PA 16037</p> <p>Synthetic Turf Resources Corporation 2680 Abutment Road SE, Dalton, GA 30721</p> <p>Lowe’s Home Centers LLC 1000 Lowes Blvd. Mooresville, NC 28117</p> <p>Lowe’s Companies, Inc. 1000 Lowes Blvd. Mooresville, NC 28117</p> | <p>SYNLush 12 ft Artificial Grass in Clover</p> |
| <p>The Home Depot, Inc. 2455 Paces Ferry Road Atlanta, GA 30339</p> <p>Home Depot Product Authority, LLC 2455 Paces Ferry Road Atlanta, GA 30339</p> | <p>Lifeproof with Petproof Technology Premium Pet Turf</p> |
| | <p>Traffic Master Artificial Turf Interlocking Turf Tiles</p> |
| <p>The Home Depot, Inc. 2455 Paces Ferry Road Atlanta, GA 30339</p> <p>Home Depot Product Authority, LLC 2455 Paces Ferry Road Atlanta, GA 30339</p> | <p>Traffic Master Fescue Multipurpose 12 ft. Wide x Cut to Length Green Artificial Grass Turf; SKU # 1004825055</p> |
| | <p>Traffic Master Verde Green Artificial Turf Grass; SKU # 1008713311</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 March 4, 2024, 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 MAIL:** I transmitted a PDF version of the document(s) listed above via
17 email to the email address(es) indicated on the attached service list [or noted above] before 5 p.m.
on the date executed.

18 Pamela Y. Price, Alameda District Attorney
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19 Oakland, CA 94621
CEPDProp65@acgov.org

Lisa A. Smittcamp, Fresno District Attorney
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20 Barbara Yook, Calaveras District Attorney
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25 James Clinchard, El Dorado Assistant
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| | | |
|----|--|--|
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| 6 | | |
| 7 | Allison Haley, Napa District Attorney 1127 First Street, Suite C Napa, CA 94559 CEPD@countyofnapa.org | Tori Verber Salazar, San Joaquin District Attorney 222 E. Weber Avenue, Room 202 Stockton, CA 95202 DAConsumer.Environmental@sjcda.org |
| 8 | | |
| 9 | 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 |
| 10 | | |
| 11 | Morgan Briggs Gire, Placer District Attorney 10810 Justice Center Drive Roseville, CA 95678 prop65@placer.ca.gov | Christopher Dalbey, Santa Barbara Deputy District Attorney 1112 Santa Barbara St. Santa Barbara, CA 93101 DAProp65@co.santa-barbara.ca.us |
| 12 | | |
| 13 | 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 |
| 14 | | |
| 15 | Paul E. Zellerbach, Riverside District Attorney 3072 Orange Street Riverside, CA 92501 Prop65@rivcoda.org | Bud Porter, Supervising Santa Clara, Deputy District Attorney 70 W Hedding St San Jose, CA 95110 EPU@da.sccgov.org |
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| 17 | Anne Marie Schubert, Sacramento District Attorney 901 G Street Sacramento, CA 95814 Prop65@sacda.org | Jeffrey S. Rosell, Santa Cruz District Attorney 701 Ocean Street Santa Cruz, CA 95060 Prop65DA@santacruzcounty.us |
| 18 | | |
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8 I declare under penalty of perjury under the laws of the State of California that the
foregoing is true and correct.

9 Executed on March 4, 2024 at San Francisco, California.

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Star Beltman

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