

PROP 65 UPDATE: Where the Chips are Falling Six Weeks Later

By: [Anne Marie Ellis](#)

It has been over six weeks since the new changes to California's Proposition 65 ("Prop 65") took effect. This update summarizes my review of the recent 60-day Notices of Violation. The Plaintiff's bar is out with a vengeance, targeting all types of consumer products, with a sharp focus on products containing phthalates - DINP, DEHP and DBP. There have also been numerous notices filed related to "Designated Smoking Areas" which is one of the specifically enumerated places where the new warnings must be placed. This is one example of "low hanging fruit" – because the only thing Plaintiffs have to do is look for a sign. If the required sign is not there or the warning is incorrect, your business will undoubtedly receive a notice of violation.

The food and supplement industry is also vulnerable right now. Many of the recent notices involve spices, nut butters and dietary supplements. For the automotive industry, a notice was filed against Pep Boys for selling vehicle lights with suction cups that contain DEHP. In the true consumer products arena, pouches, bags, goggles, earmuffs, earbuds/cords, hangers and backpacks are all subject to violations largely related to vinyl components and the alleged presence of phthalates.

You will note that the most prolific filer is Anthony Ferreiro, represented by Brodsky & Smith. Out of the 42 Notices of Violation identified below, he has filed 12 Notices. The runner up is Consumer Advocacy Group, Inc. represented by Yeroushalmi & Yeroushalmi. They have filed 8 Notices of Violation.

If you would like me to monitor filings against your business or have an interest in tracking a specific industry, please let me know. Thanks for reading!

PRODUCT	CHEMICAL	NOTICING PARTY
Ace Hot Water Nozzle with Rear Trigger	Lead and lead compounds	Kingpun Chen
Adventure Medical Kits Mountain Explorer First Aid Kit	DEHP	Anthony Ferreiro
Apron	DEHP	Anthony Ferreiro
Axis clothing hangers	DINP	Anthony Ferreiro
Baby Banz Mini Earmuff	DINP	Anthony Ferreiro
Bin Warehouse Fold-A-Totes	DEHP	Anthony Ferreiro
Cacoco - Drinking Chocolate	Cadmium	Erika McCartney
Candle Holders With Handles	DEHP	Dennis Johnson
Citrus Juicer	DEHP	Consumer Advocacy Group, Inc.
Compass Design Bag	DEHP	CA Citizen Protection Group, LLC
Curry Powder	Lead and lead components	Consumer Advocacy Group, Inc.
Daiso Colorato Pouch with Clear PVC window	DEHP	Sara Hammond
Damask Closet Storage Bin- Clear Plastic	DEHP	Anthony Ferreiro
Dietary Supplements	Lead and lead compounds	Environmental Research Center
Dietary Supplements	Arsenic	Environmental Research Center, Inc.
Dumbbells	DEHP	Ecological Alliance, LLC

Dwell Studio Pet Carrier	DEHP	Precila Balabbo
Earbuds (cords)	DEHP	Center for Advanced Public Awareness, Inc.
ECO Mask and Snorkel	DINP	Ema Bell
Environmental Tobacco Smoke (ETS) and Designated Smoking Area (Hookah)	Tobacco Smoke	Kim Embry
Gloves With Vinyl/PVC Components	DEHP	Center for Advanced Public Awareness, Inc.
Goggles With Vinyl Components	DEHP	Anthony Held, Ph.D., P.E.
Golden Stag All Purpose Gloves	DEHP	Anthony Ferreiro
GoTravel Pouch with PVC Window	DINP	Sara Hammond
Ground Cinnamon, Ground Sage	Arsenic	Consumer Advocacy Group, Inc.
Ground Oregano	Arsenic	Consumer Advocacy Group, Inc.
Kirkland Signature Organic Creamy Peanut Butter/Almond Butter	Acrylamide	Center for Food Safety
Lalizas Rectangular Flexible Water Tank	DINP	Anthony Ferreiro
Light Cords	DEHP	Center for Advanced Public Awareness, Inc.
Luggage tag	DEHP	Hunter Bolding
Mojo Flock Flicker Bag	DEHP	Anthony Ferreiro
Novelty Clip-Ons With Vinyl/PVC Components	DEHP, DINP	Consumer Advocacy Group, Inc.
Olivia Miller Glitter Backpack	DEHP	Gabriel Espinosa
Plastic Cosmetic Bag	DINP	Consumer Advocacy Group, Inc.
Plastic Flip Flops	DEHP, DINP, DBP	Consumer Advocacy Group, Inc.
Rolling Papers	Carbon Monoxide	Jennifer Fishman
Rustic Ridge Hip Wader-Nylon/PVC	DEHP	Anthony Ferreiro
Shears	DINP	Ecological Alliance, LLC
Slalom Waterski Buoy	DINP	Anthony Ferreiro
Vehicle lights with plastic suction cups	DEHP	Consumer Advocacy Group, Inc.
WayPoint Heavyweight Dry Pak	DEHP	Anthony Ferreiro
Wolverine Car Seats Cover Seat – Clear Plastic Case	DEHP	Anthony Ferreiro



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