

IMPORTANT LEGAL NOTICE

May 20, 2022

To: All Burlington Stores Vendors

Re: California Proposition 65 Warning Regulations Update

Dear Valued Business Partner:

As part of our regulatory compliance efforts, we remind you that all products sold at Burlington stores must comply with California's Proposition 65 (Prop 65). Such compliance requires vendors to test their products and packaging for common Prop 65 chemicals and obtain passing test results. Alternatively, vendors may add a Prop 65 warning label to the product (if applicable).

Under Prop 65, citizen plaintiff groups have a private right of action to enforce claims of non-compliance and recover attorneys' fees and other monetary damages. As a result, they frequently test retail products for compliance. Lately, there has been an upward trend in Prop 65 matters relating to phthalates in pliable plastic packaging.

The following are examples of products commonly targeted by citizen plaintiff groups, together with the Prop 65 chemicals they contain. This list is not all-inclusive and is meant only to provide examples of the types of products and chemicals that are commonly targeted for testing by citizen plaintiff groups.

Examples of Common Chemicals	Examples of Common Products
Phthalates (DEHP, DINP, and DBP)	Plastics (in products and outer packaging), including, but not limited to: cosmetic bags, cases, and other miscellaneous items packaged in pliable plastic, such as scissors, notebooks, markers, art supplies, pillows/linens, makeup brushes and gift sets; manicure sets; phone cases; basket handles; wallets; sandals; photo albums; and dog leashes.
Lead, Cadmium, Mercury, Titanium Dioxide	Food items, such as spices, teas, health shakes, and dietary supplements; ceramics and glassware, such as mugs, glassware, and other ceramic decorative products; belts; and cosmetic products.
Bisphenol A (BPA)	Products packaged in plastic containers; eyeglass lenses; household electronics; food containers; and bottles.

What you need to do and know:

- Understand the potential exposure to consumers from the chemicals in your products.
- Test your products and the outer packaging for the presence of the most commonly found chemicals in your products to understand if a warning label is required.
- All products sold, or intended to be sold, at Burlington's California stores that require Prop 65 warnings must be labeled by your company with the required warnings at the time they are

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shipped to Burlington, and you must advise the buying team prior to processing the order that your product will contain warning labels.

- Burlington will not apply Prop 65 warning labels to your inventory.
- Burlington will not post warning signs in our California stores.
- Segregating inventory intended for sale in Burlington California stores is not recommended. If this is done, separate POs and separate style & SKU numbers must be used, and the POs must clearly state: **“DO NOT ALLOCATE TO CALIFORNIA”** each time an order is placed.
- Any merchandise we receive that requires a warning label, but has not been labeled, will be debited and destroyed at your company’s expense, per our PO Terms and Conditions.
- If we receive a Prop 65 violation notice for your product, we will expect your company to defend and indemnify Burlington, per the PO Terms and Conditions.

To learn more about California’s Proposition 65 listed chemicals, please see <https://oehha.ca.gov/proposition-65/proposition-65-list>.

Very truly yours,

BURLINGTON STORES