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Attorneys for Plaintiff,
The Chemical Toxin Working Group, Inc.

FILED BY FAX
ALAMEDA COUNTY
October 23, 2020
CLERK OF
THE SUPERIOR COURT
By Milagros Cortez, Deputy
CASE NUMBER:
RG20078416

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ALAMEDA**

THE CHEMICAL TOXIN WORKING
GROUP, INC.,

Plaintiff,

vs.

KELLOGG SALES COMPANY;
WALMART INC.; and DOES 1 to 50,

Defendants.

CASE NO.

**COMPLAINT FOR INJUNCTIVE
RELIEF AND CIVIL PENALTIES**

[Violations of Proposition 65, the Safe
Drinking Water and Toxic Enforcement
Act of 1986 (*Health & Safety Code* §§
25249.5, *et seq.*)]

UNLIMITED CIVIL
(Demand exceeds \$25,000)

Plaintiff THE CHEMICAL TOXIN WORKING GROUP, INC. ("CTWG" or
"Plaintiff") brings this action in the interests of the general public pursuant to California's
Safe Drinking Water and Toxic Enforcement Act of 1986, codified as Cal. Health & Safety
Code ("HSC") § 25249.5 *et seq.* and related statutes (also known and referred to herein as
"Proposition 65") and, based on information and belief, hereby alleges:

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I
THE PARTIES

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3 1. Plaintiff CTWG a/k/a The Healthy Living Foundation is a California non-
4 profit public benefit corporation dedicated to, among other causes, reducing the amount of
5 chemical toxins in consumer products, the promotion of human health, environmental
6 safety, and improvement of worker and consumer safety.

7 2. Plaintiff is a person within the meaning of HSC § 25249.11(a) and brings
8 this enforcement action in the public interest pursuant to HSC § 25249.7(d).

9 3. Defendant KELLOGG SALES COMPANY (“Kellogg”) is a Delaware
10 corporation, and a person doing business in the State of California within the meaning of
11 HSC §25249.11(b) and had ten (10) or more employees at all relevant times.

12 4. Defendant WALMART INC. (“Walmart”) is a Delaware corporation, and a
13 person doing business in the State of California within the meaning of HSC §25249.11(b)
14 and had ten (10) or more employees at all relevant times.

15 5. Defendant Kellogg and Defendant Walmart are sometimes each referred to
16 herein as a “Defendant”, and collectively, the “Defendants”.

17 6. Defendants own, administer, direct, control, and/or operate facilities and/or
18 agents, distributors, sellers, marketers, or other retail operations who place the “Subject
19 Product” (as defined in Paragraph 18, p.6 below) into the stream of commerce in California
20 (including but not limited to Alameda County) which contains acrylamide without first
21 giving “clear and reasonable” warnings.

22 7. Defendants DOES 1-50 are named herein under fictitious names, as their true
23 names and capacities are unknown to Plaintiff. Plaintiff is informed and believes, and
24 thereon alleges, that each of said DOES has manufactured, packaged, distributed,
25 marketed, sold and/or has otherwise been involved in the chain of commerce of, and
26 continues to manufacture, package, distribute, market, sell, and/or otherwise continues to
27 be involved in the chain of commerce of the “Subject Product” (as defined below) for sale
28 or use in California, and/or is responsible, in some actionable manner, for the events and

1 happenings referred to herein, either through its conduct or through the conduct of its
2 agents, servants or employees, or in some other manner, causing the harms alleged herein.
3 Plaintiff will seek leave to amend this Complaint to set forth the true names and capacities
4 of DOES when ascertained.

5 8. Upon information and belief, at all times relevant to this action, each of the
6 Defendants, including DOES 1-50, was an agent, servant, or employee of each of the other
7 Defendants. In conducting the activities alleged in this Complaint, each of the Defendants
8 was acting within the course and scope of this agency, service, or employment, and was
9 acting with the consent, permission, and authorization of each of the other Defendants. All
10 actions of each of the Defendants alleged in this Complaint were ratified and approved by
11 every other Defendant or their officers or managing agents. Alternatively, each of the
12 Defendants aided, conspired with and/or facilitated the alleged wrongful conduct of each
13 of the other Defendants.

14
15 **II**
16 **JURISDICTION AND VENUE**

17 9. This Court has jurisdiction over this action pursuant to California
18 Constitution Article VI, Section 10, which grants the Superior Court “original jurisdiction
19 in all causes except those given by statute to other trial courts.” This Court has jurisdiction
20 over this action pursuant to HSC § 25249.7, which allows enforcement of violations of
21 Proposition 65 in any Court of competent jurisdiction.

22 10. This Court has jurisdiction over each Defendant because, based on information and
23 belief, each Defendant is a business entity having sufficient minimum contacts in
24 California, or otherwise intentionally availing itself of the California market through the
25 sale, marketing, distribution and/or use of the Subject Product in the State of California, to
26 render the exercise of jurisdiction over each Defendant by the California courts consistent
27 with traditional notions of fair play and substantial justice.

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1 See HSC § 25249.8. The list, which the Governor updates at least once a year, contains
2 over 700 chemicals and chemical families. Proposition 65 imposes warning requirements
3 and other controls that apply to Proposition 65-listed chemicals.

4 15. All businesses with ten (10) or more employees that operate or sell products
5 in California must comply with Proposition 65. Under Proposition 65, businesses are: (1)
6 prohibited from knowingly discharging Proposition 65-listed chemicals into sources of
7 drinking water (HSC § 25249.5), and (2) required to provide “clear and reasonable”
8 warnings before exposing a person, knowingly and intentionally, to a Proposition 65-listed
9 chemical (HSC § 25249.6).

10 16. Proposition 65 provides that any person who “violates or threatens to
11 violate” the statute “may be enjoined in any court of competent jurisdiction.” HSC
12 §25249.7(a). “Threaten to violate” is defined to mean creating “a condition in which there
13 is a substantial probability that a violation will occur.” HSC §25249.11(e). Violators are
14 liable for civil penalties of up to \$2,500 per day for each violation of Proposition 65. See
15 HSC §25249.7(b).

16
17 **IV**
18 **BACKGROUND AND PRELIMINARY FACTS**

19 17. This action seeks to remedy the continuing failure of Defendants failure to
20 clearly and reasonably warn consumers in California that they are being exposed to
21 acrylamide, a chemical known to the State of California to cause cancer, birth defects,
22 developmental toxicity and male reproductive toxicity.

23 18. Defendants have each manufactured, packaged, distributed, marketed, sold
24 and/or have otherwise been involved in the chain of commerce of, and continue to
25 manufacture, distribute, package, promote, market, sell and/or otherwise continue to be
26 involved in the chain of the following food product: “Austin Toasty Crackers __ Peanut
27 Butter Sandwich Crackers” (referred to as the “Subject Product”), which contains the
28 chemical acrylamide.

1 19. The Subject Product continues to be offered for sale, sold and/or otherwise
2 provided for use and/or handling to individuals in California.

3 20. The consumption, use and/or handling of the Subject Product causes
4 exposures to acrylamide at levels requiring a “clear and reasonable warning” under
5 California’s Safe Drinking Water and Toxic Enforcement Act of 1986, codified as Cal.
6 Health & Safety Code (“HSC”) § 25249.5 *et seq.* and related statutes (also known as
7 “Proposition 65”). Defendants expose consumers of the Subject Product to acrylamide
8 and has failed to provide the health hazard warnings required by Proposition 65.

9 21. The past, and continued manufacturing, packaging, distributing, marketing
10 and/or sale of the Subject Product, without the required health hazard warnings, causes
11 individuals to be involuntarily exposed to high levels of acrylamide in violation of
12 Proposition 65.

13 22. Plaintiff seeks injunctive relief enjoining Defendants from the continued
14 manufacturing, packaging, distributing, marketing and/or selling of the Subject Product in
15 California without first providing clear and reasonable warnings, within the meaning of
16 Proposition 65, regarding the risks of cancer, birth defects and other reproductive harm
17 posed by exposures to acrylamide through the ingestion, use and/or handling of the Subject
18 Product. Plaintiff seeks an injunctive order compelling Defendants to bring their business
19 practices into compliance with Proposition 65 by providing clear and reasonable warnings
20 to each individual who may be exposed to acrylamide from the ingestion, use and/or
21 handling of the Subject Product. Plaintiff also seeks an order compelling Defendants to
22 identify and locate each individual person who in the past has purchased the Subject
23 Product, and to provide to each such purchaser a clear and reasonable warning that the use
24 of the Subject Product, as applicable, will cause exposure to acrylamide.

25 23. In addition to injunctive relief, Plaintiff seeks an assessment of civil penalties
26 to remedy Defendants’ failure to provide clear and reasonable warnings regarding
27 exposures to acrylamide.

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1 24. On January 01, 1990, the State of California officially listed acrylamide as a
2 chemical known to cause cancer.

3 25. On February 25, 2011, the State of California officially listed acrylamide as a
4 chemical known to cause developmental toxicity and male reproductive toxicity.

5 26. The No Significant Risk Level (“NSRL”) for cancer as relating acrylamide is
6 0.20 µg/day. The NSRL is calculated based on a body weight of 58 kg for an adult or
7 pregnant woman, 70 kg for an adult male, 40 kg for an adolescent, 20 kg for a child, 10 kg
8 for an infant, and 3.5 kg for a neonate (27 CCR § 25803, subd. (b)). The exposure
9 estimates from the Subject Product exceed the acrylamide NSRL set by the California
10 Office of Environmental Health Hazard Assessment (“OEHHA”). As a result, the Subject
11 Product is required to have a clear and reasonable warning under Proposition 65.

12 27. Plaintiff purchased the Subject Product without a Proposition 65 warning on
13 the Subject Product, or as required by Proposition 65.

14 28. To test the Subject Product for acrylamide, Plaintiff engaged a well-respected
15 and accredited testing laboratory that used the testing protocol used and approved by the
16 California Attorney General. The results of testing undertaken by Plaintiff of the Subject
17 Product, shows that the Subject Product tested was in violation of the 0.20 G/day NSRL “safe
18 harbor” daily limit for acrylamide set forth in Proposition 65’s regulations. As a result, the
19 Subject Product is required to have clear and reasonable warning under Proposition 65.

20 29. As a proximate result of acts by each Defendant, as a person in the course of
21 doing business within the meaning of HSC §25249.11(b), individuals throughout the State
22 of California, including in the County of Alameda, have been exposed to acrylamide
23 without clear and reasonable warnings. The individuals subject to exposures to acrylamide
24 include normal and foreseeable users of the Subject Product, as well as all other persons
25 exposed to the Subject Product.

26 30. At all times relevant to this action, Defendants have knowingly and
27 intentionally exposed the users of the Subject Products to acrylamide without first giving
28 clear and reasonable warnings to such individuals.

1 31. Individuals using the Subject Product are exposed to acrylamide in excess of
2 the “maximum allowable daily” level determined by the State of California, as applicable
3 for acrylamide.

4 32. At all times relevant to this action, Defendants have, in the course of doing
5 business, failed to provide individuals ingesting, using and/or handling the Subject
6 Product with clear and reasonable warnings that the Subject Product exposes individuals to
7 acrylamide.

8
9 **V**
SATISFACTION OF PRIOR NOTICE

10 33. On or about November 08, 2018, Plaintiff gave 60-day notice of alleged
11 violations of HSC §25249.6 (the “Notice”), concerning consumer product exposures
12 subject to a private action, to each of the Defendants and to the California Attorney
13 General, County District Attorneys, and City Attorneys for each city containing a
14 population of at least 750,000 people in whose jurisdictions the violations allegedly
15 occurred, concerning the Subject Product containing acrylamide. A true and correct copy
16 of the Notice is attached hereto as **Exhibit “A”**, is hereby incorporated by reference, and is
17 available on the Attorney General’s website located at <https://oag.ca.gov/prop65>, under
18 **AG Number 2018-02039**.

19 34. Before sending the Notice of alleged violations, Plaintiff investigated the
20 consumer product involved, the likelihood that such product would cause users to suffer
21 significant exposures to acrylamide and the corporate structure of each Defendant.

22 35. The Notice of alleged violations included a Certificate of Merit executed by
23 the attorney for the noticing party, Plaintiff CTWG. The Certificate of Merit stated that
24 the attorney for Plaintiff who executed the certificate had consulted with at least one
25 person with relevant and appropriate expertise who reviewed data regarding the exposures
26 to acrylamide, the subject Proposition 65-listed chemical related to this action. Based on
27 that information, the attorney for Plaintiff who executed the Certificate of Merit believed
28 there was a reasonable and meritorious case for this private action. The attorney for

1 Plaintiff attached to the Certificate of Merit served on the Attorney General, the
2 confidential factual information sufficient to establish the basis of the Certificate of Merit.

3 36. Plaintiff's Notice of alleged violations also includes a Certificate of Service
4 and documents entitled "Appendix "A" - The Safe Drinking Water & Toxic Enforcement
5 Act of 1986 (Proposition 65): A Summary", and "Appendix "B" - The Safe Drinking
6 Water & Toxic Enforcement Act of 1986 (Proposition 65): Special Compliance
7 Procedure". HSC §25249.7(d)

8 37. The Notice was issued pursuant to, and in compliance with, the requirements
9 of Health and Safety Code section 25249.7, subdivision (d) and the statute's implementing
10 regulations regarding the notice of the violations to be given to certain public enforcement
11 agencies and to the violator. The Notices included, *inter alia*, the following information:
12 the name, address, and telephone number of the noticing individual; the name of the
13 alleged violator; the statute violated; the approximate time period during which violations
14 occurred; and descriptions of the violations including the chemical involved, the routes of
15 toxic exposure, and the specific product or type of product causing the violations.

16 38. Plaintiff is commencing this action more than sixty (60) days from the date
17 that Plaintiff served the Notice to Defendants and the public prosecutors referenced in the
18 paragraphs above.

19 39. Plaintiff is informed, believes, and thereon alleges that neither the Attorney
20 General, nor any applicable district attorney or city attorney has commenced an action or is
21 diligently prosecuting an action against either of the Defendants.

22 40. Plaintiff CTWG and Defendant Kellogg entered into several statutes of
23 limitations tolling agreements, with respect to retail sales by Defendant Walmart as
24 supplied by Defendant Kellogg, to allow the parties time to discuss resolution of the
25 alleged violations referenced in the Notice. The final Statutes of Limitations Tolling
26 Agreement was fully executed as of October 01, 2020 (the "Tolling Agreement").

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1 Pursuant to Section 2 of the Tolling Agreement, Plaintiff and Defendant Kellogg, and on
2 behalf of Defendant Walmart as a third-party beneficiary, agreed to toll:

3 “each and every: (a) time limit, statute of limitation and/or
4 statute of repose (of any kind or nature, including all statutes
5 of limitations specified within the Prop 65 statute), (b) deadline
6 and/or defense based in whole or in part upon the passage of
7 time from certain events, and (c) contractual provision or
8 deadline, if any, requiring the Parties to institute or assert any
9 claim, right, objection, action, arbitration, administrative
10 proceeding or legal proceeding, or take any step therein, within
11 a specific period of time” . . .

12 during the “Tolling Period” (as defined in Section 3 of the Tolling Agreement). The
13 Tolling Period was defined as commencing on January 18, 2019 and ending October 23,
14 2020 with respect to the allegations and claims in the Notice related to sales of the Subject
15 Product by Defendant Kellogg and Defendant Walmart.

16
17 **FIRST CAUSE OF ACTION**

18 **(Injunctive Relief for Violations of Proposition 65, The Safe Drinking Water and**
19 **Toxic Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**
20 **(Against All Defendants and Does 1 - 50)**

21 41. Plaintiff repeats and incorporates by reference Paragraphs 1 through 40,
22 inclusive, as if specifically set forth in this cause of action.

23 42. By committing the acts alleged in this Complaint, each Defendant at all
24 times relevant to this action, and continuing through the present, has violated and
25 continues to violate HSC §25249.6 by, in the course of doing business, knowingly and
26 intentionally exposing individuals, who ingest, use or handle the Subject Product, to the
27 chemical acrylamide at levels exceeding allowable exposure levels under Proposition 65

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1 guidelines without Defendants first giving clear and reasonable warnings to such
2 individuals pursuant to HSC §§25249.6 and 25249.11(f).

3 43. Defendants have manufactured, packaged, distributed, marketed, sold and/or
4 has otherwise been involved in the chain of commerce of, and continue to manufacture,
5 package, distribute, market, sell and/or otherwise continue to be involved in the chain of
6 commerce the Subject Product, which has been, is, and will be ingested, used and/or
7 handled by individuals in California, without Defendants providing clear and reasonable
8 warnings, within the meaning of Proposition 65, regarding the risks of cancer posed by
9 exposure to acrylamide through the ingestion, use and/or handling of the Subject Product.
10 Furthermore, Defendants have threatened to violate HSC §25249.6 by the Subject Product
11 being marketed, offered for sale, sold and/or otherwise provided for ingestion, use and/or
12 handling to individuals in California.

13 44. By the above-described acts, Defendants have violated HSC §25249.6 and
14 are therefore subject to an injunction ordering Defendants to stop violating Proposition 65,
15 and to provide warnings to consumers and other individuals who will purchase, use and/or
16 handle the Subject Product.

17 45. An action for injunctive relief under Proposition 65 is specifically authorized
18 by Health & Safety Code §25249.7(a) in any court of competent jurisdiction.

19 46. Continuing commission by the Defendants of the acts alleged above will
20 irreparably harm consumers within the State of California, for which harm they have no
21 plain, speedy, or adequate remedy at law. In the absence of equitable relief, Defendants
22 will continue to create a substantial risk of irreparable injury by continuing to cause
23 consumers to be involuntarily and unwittingly exposed to acrylamide through the
24 ingestion, use and/or handling of the Subject Product.

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1 **SECOND CAUSE OF ACTION**

2 **(Civil Penalties for Violations of Proposition 65, The Safe Drinking Water and Toxic**
3 **Enforcement Act of 1986 (*Health & Safety Code*, §§ 25249.5, *et seq.*)**

4 **(Against All Defendants and Does 1 - 50)**

5 47. Plaintiff repeats and incorporates by reference Paragraphs 1 through 46,
6 inclusive, as if specifically set forth in this cause of action.

7 48. By committing the acts alleged in this Complaint, each of the Defendants at
8 all times relevant to this action, and continuing through the present, have violated and
9 continue to violate HSC §25249.6 by, in the course of doing business, knowingly and
10 intentionally exposing individuals who ingest, use or handle the Subject Product to the
11 chemical acrylamide at levels exceeding allowable exposure levels without Defendants
12 first giving clear and reasonable warnings to such individuals pursuant to HSC §§25249.6
13 and 25249.11(f).

14 49. Defendants have manufactured, packaged, distributed, marketed, sold and/or
15 have otherwise been involved in the chain of commerce of, and continue to manufacture,
16 package, distribute, market, sell and/or otherwise continue to be involved in the chain of
17 commerce of the Subject Product, which has been, is, and will be ingested, used and/or
18 handled by individuals in California, without Defendants providing clear and reasonable
19 warnings, within the meaning of Proposition 65, regarding the risks of cancer posed by
20 exposure to acrylamide through the use and/or handling of the Subject Product.
21 Furthermore, Defendants have threatened to violate HSC §25249.6 by the Subject Product
22 being marketed, offered for sale, sold and/or otherwise provided for ingestion, use and/or
23 handling to individuals in California.

24 50. By the above-described acts, Defendants are liable, pursuant to HSC
25 §25249.7(b), for a civil penalty of up to \$2,500 per day for each violation of HSC
26 §25249.6 relating to the Subject Product.

27 51. Wherefore, Plaintiff prays judgment against Defendants, as set forth
28 hereafter.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for relief against each of the Defendants as follows:

1. A preliminary and permanent injunction enjoining the Defendants, their agents employees, assigns and all persons acting in concert or participating with each Defendant, from manufacturing, packaging, distributing, marketing and/or selling the Subject Product for sale or use in California without first providing clear and reasonable warnings, within the meaning of Proposition 65, that the users and/or handlers of the Subject Product are exposed to the chemical acrylamide;
2. An injunctive order, pursuant to HSC § 25249.7(b) and 27 CCR §§ 25603 and 25603.1, compelling Defendants to provide “clear and reasonable” warning on the label of the Subject Product. The warning should indicate that the Subject Product will expose the user or consumer to chemicals known to the State of California to cause cancer.
3. An assessment of civil penalties against Defendants, pursuant to Health & Safety Code §25249.7(b), in the amount of \$2,500 per day for each violation of Proposition 65;
4. An award to Plaintiff of its attorneys’ fees pursuant to CCP § 1021.5 or the substantial benefit theory;
5. An award of costs of suit herein pursuant to CCP § 1032 et seq. or as otherwise warranted; and
6. Such other and further relief as the Court may deem just and proper.

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DATED: October 23, 2020

Respectfully submitted,

KHANSARI LAW CORP., APC



Andre A. Khansari, Esq.
Attorneys for Plaintiff,
The Chemical Toxin Working Group, Inc.

EXHIBIT "A"

EXHIBIT "A"



Andre A. Khansari, Esq.
Direct Dial: (424) 248-6610
Email: andre@khansarilaw.com

November 08, 2018

VIA CERTIFIED MAIL

Gary Pilnick, CEO/President
Kellogg Sales Company
One Kellogg Square
Battle Creek, Michigan 49017

Douglas C. McMillon, President/CEO
Walmart Inc.
702 SW 8th Street
Bentonville, Arkansas 72716

VIA U.S. MAIL

District Attorneys of All California Counties and
Select City Attorneys
(See Attached - Certificate of Service)

VIA CERTIFIED MAIL

Kellogg Sales Company
c/o CT Corporation System
818 West Seventh Street, Suite 930
Los Angeles, California 90017

Walmart Inc.
c/o CT Corporation System
818 West Seventh Street, Suite 930
Los Angeles, California 90017

VIA ELECTRONIC FILING

State of California Department of Justice
Office of the Attorney General
Proposition 65 Enforcement Reporting
Filing link: oag.ca.gov/prop65

**Notice of Violations of
California Health & Safety Code Section 25249.5 et seq.**

Dear Alleged Violators and the Appropriate Public Enforcement Agencies:

We represent The Chemical Toxin Working Group, Inc., a California non-profit corporation, aka The Healthy Living Foundation ("HLF"), an organization dedicated to reducing the amount of chemical toxins in consumer products, the promotion of human health, environmental safety, and improvement of worker and consumer safety. David Steinman created HLF to effectuate his commitments as an environmentalist, journalist, consumer health advocate, publisher and author. His major books include "Diet for a Poisoned Planet" (1990, 2007); "The Safe Shopper's Bible" (1995); "Living Healthy in a Toxic World" (1996); and "Safe Trip to Eden: Ten Steps to Save the Planet Earth from Global Warming Meltdown" (2007), along with his many publications as the publisher of the "Healthy Living Magazine" and its associated websites and periodicals.

Through this Notice of Violations (this "Notice"), HLF seeks to reduce and/or eliminate consumer exposures to acrylamide from snacks foods sold by Walmart, among other retailers. This Notice constitutes written notification that Kellogg Sales Company and Walmart Inc. (collectively referred to as the "Noticed Parties") have violated the

warning requirements of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act (codified at California Health & Safety Code §25249.5, *et seq.*). The product subject to this Notice (the "**specified product**") and the chemical in the specified product identified as exceeding allowable levels are the following:

■ **Austin Toasty Crackers _ Peanut Butter Sandwich Crackers
– Acrylamide**

The Noticed Parties have manufactured, marketed, distributed and/or sold the specified product which has exposed and continues to expose numerous individuals within California to acrylamide. This chemical was listed pursuant to Proposition 65 as a chemical known to the State of California to cause cancer on January 01, 1990, and as a chemical known to cause developmental toxicity and reproductive toxicity on February 25, 2011.

With respect to the specified product listed above, the violation: commenced on the later of the date that the specified product was first offered for sale in California or the date upon which California law codified the allowable level of the relevant chemical surpassed by the specified product; has continued every day since the relevant date the violation commenced; and will continue every day henceforth until acrylamide is removed from the specified product, reduced to allowable levels, or until a "clear and reasonable" warning is provided to consumers by the Noticed Parties in accordance with the law. The primary route of exposure has been through ingestion.

Proposition 65 requires that a "clear and reasonable" warning be provided prior to exposure to certain listed chemicals. The Noticed Parties are in violation of Proposition 65 because the Noticed Parties have failed to provide a warning to consumers that they are being exposed to acrylamide. While in the course of doing business, the Noticed Parties are "knowingly and intentionally" exposing consumers to acrylamide without first providing a "clear and reasonable" warning. See Cal. Health and Safety Code § 25249.6. The method of warning should be a warning that appears on the product's label. See Cal. Code Regs. tit. 27, § 25602, subd. (a)(3), and subd. (b) for internet purchases, as applicable. The Noticed Parties have not provided any Proposition 65 warnings on the specified product's label or any other appropriate warnings that persons handling, ingesting and/or otherwise using the specified product(s) are being exposed to acrylamide.

Proposition 65 requires that notice and intent to sue be provided to a violator 60-days before a suit is filed in connection therewith. With this Notice, HLF gives written notice of the alleged violations to the Noticed Parties and the appropriate governmental authorities. This Notice covers all violations of Proposition 65 that are currently known to the noticing party from information now available as related to the violating product sold

through the Noticed Parties, among other retailers and/or distributors, as applicable. HLF is continuing its investigation that may reveal further violations.

Pursuant to Title 27, C.C.R. § 25903(b), copies of the documents entitled (i) "The Safe Drinking Water and Toxic Enforcement act of 1986 (Proposition 65): A Summary", referenced as Appendix "A", and (ii) "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): Special Compliance Procedure", referenced as Appendix "B", are attached hereto for reference by the Noticed Parties.

Pursuant to Title 11, C.C.R. § 3100, a "Certificate of Merit" is attached hereto.

HLF is interested in a prompt resolution of this matter with an enforceable written agreement by the Noticed Parties to (1) eliminate or reduce acrylamide to an allowable level in, or provide appropriate warning on the label of, the specified product; and (2) pay an appropriate civil penalty. Such a resolution will prevent further unwarned consumer exposures and expensive and time-consuming litigation.

In keeping with its public interest mission and to expeditiously rectify these ongoing violations of California law, HLF is interested in seeking a constructive resolution of this matter without engaging in costly and protracted litigation. Please direct all communications regarding this Notice to my office on behalf of HLF.

If you have any questions, please contact my office at your earliest convenience. Thank you for your time and consideration with respect to this urgent matter.

Sincerely,
KHANSARI LAW CORP., APC



Andre A. Khansari, Esq.
(Attachments)

Attachments:

1. Certificate of Merit;
2. Certificate of Service;
3. Additional Supporting Information for Certificate of Merit (to Attorney General only); and
4. Appendix "A" – "The Safe Drinking Water and Toxic Enforcement act of 1986 (Proposition 65): A Summary", and Appendix "B" – "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): Special Compliance Procedure" (to the Noticed Parties only).

Copy to: The Chemical Toxin Working Group, Inc. (via email only)

CERTIFICATE OF MERIT

**Re: The Chemical Toxin Working Group Inc.'s Notice of Proposition 65
Violations by Kellogg Sales Company and Walmart Inc.**

I, Andre A. Khansari, hereby declare:

1. This Certificate of Merit (this "Certificate") accompanies the attached Notice of Violations dated November 08, 2018 (the "NOV") in which it is alleged that each of the parties identified in the NOV ("alleged violators") have violated California Health and Safety Code Section 25249.6 by failing to provide clear and reasonable warnings.
2. I am the attorney for the noticing party The Chemical Toxin Working Group, Inc. a/k/a The Healthy Living Foundation. The NOV alleges that the alleged violators have exposed persons in California to the listed chemical that is the subject of this Certificate. Please refer to the NOV for additional details regarding the product name and alleged violations.
3. I have consulted with one or more persons with relevant and appropriate experience or expertise who have reviewed facts, studies, or other data regarding the alleged exposure to the listed chemical that is the subject of this Certificate. I have reviewed the laboratory testing results for the chemical subject to the NOV and relied on these results. The testing was conducted by a reputable testing laboratory, and by experienced scientists. The facts, studies and other data derived through this investigation overwhelmingly demonstrate that the alleged violators expose persons to the listed chemical that is the subject of this Certificate.
4. Based on the information obtained through these consultants and on other information in my possession, I believe there is sufficient evidence that the listed product in the NOV exposes people to unlawfully high levels of the specified chemical. Furthermore, 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 that 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 this Certificate served on the California Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health & Safety Code Section 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.

Dated: November 08, 2018



Andre A. Khansari
Attorney for The Chemical Toxin Working Group, Inc.

APPENDIX A

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY

The following summary has been prepared by the California Office of Environmental Health Hazard Assessment (OEHHA), the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly known as "Proposition 65"). A copy of this summary must be included as an attachment to any notice of violation served upon an alleged violator of the Act. The summary provides basic information about the provisions of the law, and is intended to serve only as a convenient source of general information. It is not intended to provide authoritative guidance on the meaning or application of the law. The reader is directed to the statute and OEHHA implementing regulations (see citations below) for further information.

FOR INFORMATION CONCERNING THE BASIS FOR THE ALLEGATIONS IN THE NOTICE RELATED TO YOUR BUSINESS, CONTACT THE PERSON IDENTIFIED ON THE NOTICE.

The text of Proposition 65 (Health and Safety Code Sections 25249.5 through 25249.13) is available online at: <http://oehha.ca.gov/prop65/law/P65law72003.html>. Regulations that provide more specific guidance on compliance, and that specify procedures to be followed by the State in carrying out certain aspects of the law, are found in Title 27 of the California Code of Regulations, sections 25102 through 27001.¹ These implementing regulations are available online at: <http://oehha.ca.gov/prop65/law/P65Regs.html>.

WHAT DOES PROPOSITION 65 REQUIRE?

The "Proposition 65 List." Under Proposition 65, the lead agency (OEHHA) publishes a list of chemicals that are known to the State of California to cause cancer and/or reproductive toxicity. Chemicals are placed on the Proposition 65 list if they are known to cause cancer and/or birth defects or other reproductive harm, such as damage to

¹ All further regulatory references are to sections of Title 27 of the California Code of Regulations unless otherwise indicated. The statute, regulations and relevant case law are available on the OEHHA website at: <http://www.oehha.ca.gov/prop65/law/index.html>.

female or male reproductive systems or to the developing fetus. This list must be updated at least once a year. The current Proposition 65 list of chemicals is available on the OEHHA website at: http://www.oehha.ca.gov/prop65/prop65_list/Newlist.html.

Only those chemicals that are on the list are regulated under Proposition 65. Businesses that produce, use, release or otherwise engage in activities involving listed chemicals must comply with the following:

Clear and reasonable warnings. A business is required to warn a person before "knowingly and intentionally" exposing that person to a listed chemical unless an exemption applies. The warning given must be "clear and reasonable." This means that the warning must: (1) clearly make known that the chemical involved is known to cause cancer, or birth defects or other reproductive harm; and (2) be given in such a way that it will effectively reach the person before he or she is exposed to that chemical. Some exposures are exempt from the warning requirement under certain circumstances discussed below.

Prohibition from discharges into drinking water. A business must not knowingly discharge or release a listed chemical into water or onto land where it passes or probably will pass into a source of drinking water. Some discharges are exempt from this requirement under certain circumstances discussed below.

DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?

Yes. You should consult the current version of the statute and regulations (<http://www.oehha.ca.gov/prop65/law/index.html>) to determine all applicable exemptions, the most common of which are the following:

Grace Period. Proposition 65 warning requirements do not apply until 12 months after the chemical has been listed. The Proposition 65 discharge prohibition does not apply to a discharge or release of a chemical that takes place less than 20 months after the listing of the chemical.

Governmental agencies and public water utilities. All agencies of the federal, state or local government, as well as entities operating public water systems, are exempt.

Businesses with nine or fewer employees. Neither the warning requirement nor the discharge prohibition applies to a business that employs a total of nine or fewer employees. This includes all employees, not just those present in California.

Exposures that pose no significant risk of cancer. For chemicals that are listed under Proposition 65 as known to the State to cause cancer, a warning is not required if the business causing the exposure can demonstrate that the exposure occurs at a level that poses "no significant risk." This means that the exposure is calculated to result in not more than one excess case of cancer in 100,000 individuals exposed over a 70-year lifetime. The Proposition 65 regulations identify specific "No Significant Risk Levels" (NSRLs) for many listed carcinogens. Exposures below these levels are exempt from the warning requirement. See OEHHA's website at: <http://www.oehha.ca.gov/prop65/getNSRLs.html> for a list of NSRLs, and Section 25701 *et seq.* of the regulations for information concerning how these levels are calculated.

Exposures that will produce no observable reproductive effect at 1,000 times the level in question. For chemicals known to the State to cause reproductive toxicity, a warning is not required if the business causing the exposure can demonstrate that the exposure will produce no observable effect, even at 1,000 times the level in question. In other words, the level of exposure must be below the "no observable effect level" divided by 1,000. This number is known as the Maximum Allowable Dose Level (MADL). See OEHHA's website at: <http://www.oehha.ca.gov/prop65/getNSRLs.html> for a list of MADLs, and Section 25801 *et seq.* of the regulations for information concerning how these levels are calculated.

Exposures to Naturally Occurring Chemicals in Food. Certain exposures to chemicals that naturally occur in foods (i.e., that do not result from any known human activity, including activity by someone other than the person causing the exposure) are exempt from the warning requirements of the law. If the chemical is a contaminant² it must be reduced to the lowest level feasible. Regulations explaining this exemption can be found in Section 25501.

Discharges that do not result in a "significant amount" of the listed chemical entering any source of drinking water. The prohibition from discharges into drinking water does not apply if the discharger is able to demonstrate that a "significant amount" of the listed chemical has not, does not, or will not pass into or probably pass into a source of drinking water, and that the discharge complies with all other applicable laws, regulations, permits, requirements, or orders. A "significant amount" means any detectable amount, except an amount that would meet the "no significant risk" level for chemicals that cause cancer or that is 1,000 times below the "no observable effect" level for chemicals that cause reproductive toxicity, if an individual were exposed to that amount in drinking water.

² See Section 25501(a)(4).

HOW IS PROPOSITION 65 ENFORCED?

Enforcement is carried out through civil lawsuits. These lawsuits may be brought by the Attorney General, any district attorney, or certain city attorneys. Lawsuits may also be brought by private parties acting in the public interest, but only after providing notice of the alleged violation to the Attorney General, the appropriate district attorney and city attorney, and the business accused of the violation. The notice must provide adequate information to allow the recipient to assess the nature of the alleged violation. The notice must comply with the information and procedural requirements specified in Section 25903 of Title 27 and sections 3100-3103 of Title 11. A private party may not pursue an independent enforcement action under Proposition 65 if one of the governmental officials noted above initiates an enforcement action within sixty days of the notice.

A business found to be in violation of Proposition 65 is subject to civil penalties of up to \$2,500 per day for each violation. In addition, the business may be ordered by a court to stop committing the violation.

A private party may not file an enforcement action based on certain exposures if the alleged violator meets specific conditions. For the following types of exposures, the Act provides an opportunity for the business to correct the alleged violation:

- An exposure to alcoholic beverages that are consumed on the alleged violator's premises to the extent onsite consumption is permitted by law;
- An exposure to a Proposition 65 listed chemical in a food or beverage prepared and sold on the alleged violator's premises that is primarily intended for immediate consumption on- or off-premises. This only applies if the chemical was not intentionally added to the food, and was formed by cooking or similar preparation of food or beverage components necessary to render the food or beverage palatable or to avoid microbiological contamination;
- An exposure to environmental tobacco smoke caused by entry of persons (other than employees) on premises owned or operated by the alleged violator where smoking is permitted at any location on the premises;
- An exposure to listed chemicals in engine exhaust, to the extent the exposure occurs inside a facility owned or operated by the alleged violator and primarily intended for parking non-commercial vehicles.

If a private party alleges that a violation occurred based on one of the exposures described above, the private party must first provide the alleged violator a notice of special compliance procedure and proof of compliance form.

A copy of the notice of special compliance procedure and proof of compliance form is included in Appendix B and can be downloaded from OEHHA's website at: <http://oehha.ca.gov/prop65/law/p65law72003.html>.

FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...

Contact the Office of Environmental Health Hazard Assessment's Proposition 65 Implementation Office at (916) 445-6900 or via e-mail at P65Public.Comments@oehha.ca.gov.

Revised: May 2017

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.7, 25249.9, 25249.10 and 25249.11, Health and Safety Code.

APPENDIX B

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): SPECIAL COMPLIANCE PROCEDURE

This Appendix B contains the notice of special compliance procedure and proof of compliance form prepared by the California Office of Environmental Health Hazard Assessment (OEHHA), the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly known as "Proposition 65"). Under the Act, a private party may not file an enforcement action based on certain exposures if the alleged violator meets specific conditions. These exposures are:

- An exposure to alcoholic beverages that are consumed on the alleged violator's premises to the extent onsite consumption is permitted by law;
- An exposure to a Proposition 65 listed chemical in a food or beverage prepared and sold on the alleged violator's premises that is primarily intended for immediate consumption on- or off-premises. This only applies if the chemical was not intentionally added to the food, and was formed by cooking or similar preparation of food or beverage components necessary to render the food or beverage palatable or to avoid microbiological contamination;
- An exposure to environmental tobacco smoke caused by entry of persons (other than employees) on premises owned or operated by the alleged violator where smoking is permitted at any location on the premises;
- An exposure to listed chemicals in engine exhaust, to the extent the exposure occurs inside a facility owned or operated by the alleged violator and primarily intended for parking non-commercial vehicles.

A private party may not file an action against the alleged violator for these exposures, or recover in a settlement any payment in lieu of penalties any reimbursement for costs and attorney's fees, if the alleged violator has done *all* of the following within 14 days of being served notice:

- Corrected the alleged violation;
- Agreed to pay a civil penalty of \$500 (subject to change in 2019 and every five years thereafter) to the private party within 30 days; and

- Notified the private party serving the notice in writing that the violation has been corrected.

An alleged violator may satisfy these conditions only one time for a violation arising from the same exposure in the same facility or on the same premises. The satisfaction of these conditions does not prevent the Attorney General, a district attorney, a city attorney of a city of greater than 750,000 population, or any full-time city prosecutor with the consent of the district attorney, from filing an enforcement action against an alleged violator.

When a private party sends a notice of alleged violation that alleges one or more of the exposures listed above, the notice must include a notice of special compliance procedure, and a proof of compliance form to be completed by the alleged violator as directed in the notice.

The notice and proof of compliance form is reproduced here:

Date:
Name of Noticing Party or attorney for Noticing Party:
Address:
Phone number:

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SPECIAL COMPLIANCE PROCEDURE
PROOF OF COMPLIANCE

You are receiving this form because the Noticing Party listed above has alleged that you are violating California Health and Safety Code §25249.6 (Prop. 65).

The Noticing Party may not bring any legal proceedings against you for the alleged violation checked below if:

- (1) You have actually taken the corrective steps that you have certified in this form.**
- (2) The Noticing Party has received this form at the address shown above, accurately completed by you, postmarked within 14 days of your receiving this notice.**
- (3) The Noticing Party receives the required \$500 penalty payment from you at the address shown above postmarked within 30 days of your receiving this notice.**
- (4) This is the first time you have submitted a Proof of Compliance for a violation arising from the same exposure in the same facility on the same premises.**

PART 1: TO BE COMPLETED BY THE NOTICING PARTY OR ATTORNEY FOR THE NOTICING PARTY

The alleged violation is for an exposure to: (check one)

___ Alcoholic beverages that are consumed on the alleged violator's premises to the extent on-site consumption is permitted by law.

___ A chemical known to the state to cause cancer or reproductive toxicity in a food or beverage prepared and sold on the alleged violator's premises for immediate consumption on or off premises to the extent: (1) the chemical was not intentionally added; and (2) the chemical was formed by cooking or similar preparation of food or beverage components necessary to render the food or beverage palatable or to avoid microbiological contamination.

___ Environmental tobacco smoke caused by entry of persons (other than employees) on premises owned or operated by the alleged violator where smoking is permitted at any location on the premises.

___ Chemicals known to the State to cause cancer or reproductive toxicity in engine exhaust, to the extent the exposure occurs inside a facility owned or operated by the alleged violator and primarily intended for parking noncommercial vehicles.

IMPORTANT NOTES:

(1) You have no potential liability under California Health and Safety Code §25249.6 if your business has nine (9) or fewer employees.

(2) Using this form will NOT prevent the Attorney General, a district attorney, a city attorney, or a prosecutor in whose jurisdiction the violation is alleged to have occurred from filing an action over the same alleged violations, and that in any such action, the amount of civil penalty shall be reduced to reflect any payment made at this time.

Date:

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Name of Noticing Party or attorney for Noticing Party:

Address:

Phone number:

PART 2: TO BE COMPLETED BY THE ALLEGED VIOLATOR OR AUTHORIZED REPRESENTATIVE

Certification of Compliance

Accurate completion of this form will demonstrate that you are now in compliance with California Health and Safety Code §25249.6 for the alleged violation listed above. You must complete and submit the form below to the Noticing Party at the address shown above, postmarked within 14 days of you receiving this notice.

I hereby agree to pay, within 30 days of completion of this notice, a civil penalty of \$500 to the Noticing Party only and certify that I have complied with Health and Safety Code §25249.6 by (check only one of the following):

- Posting a warning or warnings about the alleged exposure that complies with the law, and attaching a copy of that warning and a photograph accurately showing its placement on my premises;
- Posting the warning or warnings demanded in writing by the Noticing Party, and attaching a copy of that warning and a photograph accurately showing its placement on my premises; OR
- Eliminating the alleged exposure, and attaching a statement accurately describing how the alleged exposure has been eliminated.

Certification

My statements on this form, and on any attachments to it, are true, complete, and correct to the best of my knowledge and belief and are made in good faith. I have carefully read the instructions to complete this form. I understand that if I make a false statement on this form, I may be subject to additional penalties under the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65).

Signature of alleged violator or authorized representative Date

Name and title of signatory

FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...

Contact the Office of Environmental Health Hazard Assessment's Proposition 65 Implementation Office at (916) 445-6900 or via e-mail at P65Public.Comments@oehha.ca.gov.

Revised: May 2017

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.7, 25249.9, 25249.10 and 25249.11, Health and Safety Code.

CERTIFICATE OF SERVICE

I am a citizen of the United States and a resident of the County of Los Angeles. I am over the age of eighteen years and not a party to the within entitled action or process. My business address is **11845 W. Olympic Blvd., Suite 1000, Los Angeles, California 90064.**

On November 08, 2018, I served the following documents:

- (i) **Notice of Violations by Kellogg Sales Company and Walmart Inc. for Violations of California Health & Safety Code Section 25249.5 et seq.,**
- (ii) **Certificate of Merit, and**
- (iii) **Appendix "A" – "The Safe Drinking Water and Toxic Enforcement act of 1986 (Proposition 65): A Summary", and Appendix "B" – "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): Special Compliance Procedure",**

on the following parties by placing a true and correct copy thereof in a sealed envelope, addressed to the party below, and causing it to be deposited at a United States Postal Service Office in Los Angeles, California for delivery by Certified Mail:

Gary Pilnick, CEO/President
Kellogg Sales Company
One Kellogg Square
Battle Creek, MI 49017

Kellogg Sales Company
c/o CT Corporation System
818 West Seventh Street, Suite 930
Los Angeles, CA 90017

Douglas C. McMillon, President/CEO
Walmart Inc.
702 SW 8th Street
Bentonville, AR 72716

Walmart Inc.
c/o CT Corporation System
818 West Seventh Street, Suite 930
Los Angeles, CA 90017

On November 08, 2018, I served the following documents:

- (i) **Notice of Violations by Kellogg Sales Company and Walmart Inc. for Violations of California Health & Safety Code Section 25249.5 et seq.,**
- (ii) **Certificate of Merit, and**
- (iii) **Additional Information and Supporting Documentation Required by Title 11, C.C.R. §3102,**

on the following party by filing electronically a true and correct copy thereof as permitted through the website of the California Office of the Attorney General via link at oag.ca.gov/prop65:

State of California Department of Justice
Office of the Attorney General

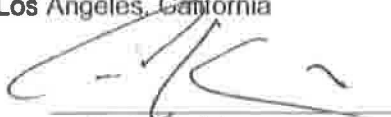
On November 08, 2018, I served the following documents:

- (i) **Notice of Violations by Kellogg Sales Company and Walmart Inc. for Violations of California Health & Safety Code Section 25249.5 et seq., and**
- (ii) **Certificate of Merit,**

on each of the parties on the service list attached hereto (see attached "**Service List**") by placing a true and correct copy thereof in a sealed envelope, addressed to each of the District Attorney and City Attorney offices listed on the attached service list, and causing each envelope to be deposited at a United States Postal Service mail box for delivery by First Class Mail, except for the Contra Costa County District Attorney, Lassen County District Attorney, Riverside County District Attorney, Sacramento County District Attorney, San Francisco County District Attorney, Napa County District Attorney, San Joaquin County District Attorney, San Luis Obispo County District Attorney, Santa Clara County District Attorney, Sonoma

County District Attorney, Tulare County District Attorney, Ventura County District Attorney, Monterey County District Attorney, Yolo County District Attorney, Santa Barbara County District Attorney, and Alameda County District Attorney, which have requested electronic service only via the following email addresses: sgrassini@contracostada.org; mlatimer@co.lassen.ca.us; prop65@rivcoda.org; prop65@sacda.org; Gregory.alker@sfgov.org; cepd@countyofnapa.org; daconsumer.environmental@sicda.org; edobroth@co.slo.ca.us; epu@da.sccgov.org; jbarnes@sonoma-county.org; prop65@co.tulare.ca.us; daspecialops@ventura.org; Prop65DA@co.monterey.ca.us; cfepd@yolocounty.org; DAProp65@co.santa-barbara.ca.us; and CEPDProp65@acgov.org.

I, Andre A. Khansari, declare under penalty of perjury that the foregoing is true and correct.
Executed on November 08, 2018 at Los Angeles, California



Andre A. Khansari

SERVICE LIST

<p>DISTRICT ATTORNEY ALAMEDA COUNTY 1225 FALLON STREET, SUITE 900 OAKLAND, CA 94612 CEPDPProp65@acgov.org</p>	<p>DISTRICT ATTORNEY KERN COUNTY 1215 TRUXTUN AVENUE BAKERSFIELD, CA 93301</p>	<p>DISTRICT ATTORNEY NEVADA COUNTY 201 COMMERCIAL STREET NEVADA CITY, CA 95959</p>
<p>DISTRICT ATTORNEY ALPINE COUNTY P.O. BOX 248 MARKLEEVILLE, CA 96120</p>	<p>DISTRICT ATTORNEY KINGS COUNTY 400 WEST LACEY BLVD. HANFORD, CA 93230</p>	<p>DISTRICT ATTORNEY ORANGE COUNTY 401 WEST CIVIC CENTER DR. SANTA ANA, CA 92701</p>
<p>DISTRICT ATTORNEY AMADOR COUNTY 708 COURT STREET, SUITE 202 JACKSON, CA 95642</p>	<p>DISTRICT ATTORNEY LAKE COUNTY 256 N. FORBES STREET LAKEPORT, CA 95453</p>	<p>DISTRICT ATTORNEY PLACER COUNTY 10810 JUSTICE CENTER DRIVE, STE. 240 ROSEVILLE, CA 95678</p>
<p>DISTRICT ATTORNEY BUTTE COUNTY 25 COUNTY CENTER DRIVE, STE 245 OROVILLE, CA 95966</p>	<p>DISTRICT ATTORNEY LASSEN COUNTY 220 SOUTH LASSEN STREET, SUITE 8 SUSANVILLE, CA 96130 mlatimer@co.lassen.ca.us</p>	<p>DISTRICT ATTORNEY PLUMAS COUNTY 520 MAIN STREET, ROOM 404 QUINCY, CA 95911</p>
<p>DISTRICT ATTORNEY CALAVERAS COUNTY 891 MOUNTAIN RANCH ROAD SAN ANDREAS, CA 95249</p>	<p>DISTRICT ATTORNEY LOS ANGELES COUNTY 210 WEST TEMPLE STREET, STE 18000 LOS ANGELES, CA 90012</p>	<p>DISTRICT ATTORNEY RIVERSIDE COUNTY 3072 ORANGE STREET RIVERSIDE, CA 92501 Prop65@rivcoda.org</p>
<p>DISTRICT ATTORNEY COLUSA COUNTY 346 FIFTH STREET SUITE 101 COLUSA, CA 95932</p>	<p>DISTRICT ATTORNEY MADERA COUNTY 209 WEST YOSEMITE AVENUE MADERA, CA 93637</p>	<p>DISTRICT ATTORNEY SACRAMENTO COUNTY 901 "G" STREET SACRAMENTO, CA 95814 Prop65@sacda.org</p>
<p>DISTRICT ATTORNEY CONTRA COSTA COUNTY 900 WARD STREET. MARTINEZ, CA 94553 sgrassini@contracostada.org</p>	<p>DISTRICT ATTORNEY MARIN COUNTY 350 CIVIC CENTER DRIVE, RM. 130 SAN RAFAEL, CA 94903</p>	<p>DISTRICT ATTORNEY SAN BENITO COUNTY 419 4TH STREET HOLLISTER, CA 95023</p>
<p>DISTRICT ATTORNEY DEL NORTE COUNTY 450 H STREET SUITE 171 CRESCENT CITY, CA 95531</p>	<p>DISTRICT ATTORNEY MARIPOSA COUNTY POST OFFICE BOX 730 MARIPOSA, CA 95338</p>	<p>DISTRICT ATTORNEY SAN BERNARDINO COUNTY 316 N. MOUNTAIN VIEW AVENUE SAN BERNARDINO, CA 92416</p>
<p>DISTRICT ATTORNEY EL DORADO COUNTY 515 MAIN STREET PLACERVILLE, CA 95667</p>	<p>DISTRICT ATTORNEY MENDOCINO COUNTY P. O. BOX 1000 UKIAH, CA 95482</p>	<p>DISTRICT ATTORNEY SAN DIEGO COUNTY 330 WEST BROADWAY, SUITE 1300 SAN DIEGO, CA 92101</p>
<p>DISTRICT ATTORNEY FRESNO COUNTY 2220 TULARE STREET, SUITE 1000 FRESNO, CA 93721</p>	<p>DISTRICT ATTORNEY MERCED COUNTY 550 W. MAIN STREET MERCED, CA 95340</p>	<p>DISTRICT ATTORNEY SAN FRANCISCO COUNTY 732 BRANNAN STREET SAN FRANCISCO, CA 94103 Gregory.alker@sfgov.org</p>

SERVICE LIST

<p>DISTRICT ATTORNEY GLENN COUNTY POST OFFICE BOX 430 WILLOWS, CA 95988</p>	<p>DISTRICT ATTORNEY SAN MATEO COUNTY 400 COUNTY CTR., 3RD FLOOR REDWOOD CITY, CA 94063</p>	<p>DISTRICT ATTORNEY SUTTER COUNTY 446 SECOND STREET YUBA CITY, CA 95991</p>
<p>DISTRICT ATTORNEY HUMBOLDT COUNTY 825 5TH STREET 4TH FLOOR EUREKA, CA 95501</p>	<p>DISTRICT ATTORNEY SANTA BARBARA COUNTY 1112 SANTA BARBARA STREET SANTA BARBARA, CA 93101 DAProp65@co.santa-barbara.ca.us</p>	<p>DISTRICT ATTORNEY TEHAMA COUNTY P.O. BOX 519 RED BLUFF CA 96080</p>
<p>DISTRICT ATTORNEY IMPERIAL COUNTY 940 WEST MAIN STREET, STE 102 EL CENTRO, CA 92243</p>	<p>DISTRICT ATTORNEY SANTA CLARA COUNTY 70 WEST HEDDING STREET SAN JOSE, CA 95110 EPU@da.sccgov.org</p>	<p>DISTRICT ATTORNEY TRINITY COUNTY P. O. BOX 310 WEAVERVILLE, CA 96093</p>
<p>DISTRICT ATTORNEY INYO COUNTY P.O. DRAWER D INDEPENDENCE, CA 93528</p>	<p>DISTRICT ATTORNEY SANTA CRUZ COUNTY 701 OCEAN STREET. ROOM 200 SANTA CRUZ, CA 95060</p>	<p>DISTRICT ATTORNEY TULARE COUNTY 221 S. MOONEY BLVD. VISALIA, CA 95370 Prop65@co.tulare.ca.us</p>
<p>DISTRICT ATTORNEY MODOC COUNTY 204 S. COURT STREET, ROOM 202 ALTURAS, CA 96101</p>	<p>DISTRICT ATTORNEY SHASTA COUNTY 1355 WEST STREET REDDING, CA 96001</p>	<p>DISTRICT ATTORNEY TUOLUMNE COUNTY 423 N. WASHINGTON ST. SONORA, CA 95370</p>
<p>DISTRICT ATTORNEY MONO COUNTY P. O. BOX 617 BRIDGEPORT, CA 93517</p>	<p>DISTRICT ATTORNEY SIERRA COUNTY P.O. BOX 467 DOWNIEVILLE, CA 95936</p>	<p>DISTRICT ATTORNEY VENTURA COUNTY 800 SOUTH VICTORIA AVE, STE 314 VENTURA, CA 93009 daspecialops@ventura.org</p>
<p>SAN FRANCISCO, CITY ATTORNEY CITY HALL, ROOM 234 1 DR. CARLTON B GOODLETT PLACE SAN FRANCISCO, CA 94102</p>	<p>DISTRICT ATTORNEY SISKIYOU COUNTY P. O. BOX 986 YREKA, CA 96097</p>	<p>BERKELEY CITY ATTORNEY'S OFFICE 2180 MILVIA STREET, 4TH FLOOR BERKELEY, CA 94704</p>
<p>DISTRICT ATTORNEY NAPA COUNTY 1127 First Street, Suite C NAPA, CA 94559 CEPD@countyofnapa.org</p>	<p>DISTRICT ATTORNEY SOLANO COUNTY 675 TEXAS STREET, STE 4500 FAIRFIELD, CA 94533</p>	<p>DISTRICT ATTORNEY YUBA COUNTY 216 FIFTH STREET, SUITE 152 MARYSVILLE, CA 95901</p>
<p>DISTRICT ATTORNEY SAN JOAQUIN COUNTY 222 E. WEBER AVE., RM. 202 STOCKTON, CA 95202 OAConsumer.Environmental@sjcda.org</p>	<p>DISTRICT ATTORNEY SONOMA COUNTY 600 ADMINISTRATIVE DRIVE SONOMA, CA 95403 jbarnes@sonoma-county.org</p>	<p>LOS ANGELES CITY ATTORNEY'S OFFICE CITY HALL EAST 200 N. MAIN STREET, SUITE 800 LOS ANGELES, CA 90012</p>
<p>DISTRICT ATTORNEY SAN LUIS OBISPO COUNTY COUNTY GOVERNMENT CENTER ANNEX SAN LUIS OBISPO, CA 93408 edobroth@co.slo.ca.us</p>	<p>DISTRICT ATTORNEY STANISLAUS COUNTY 83212 STREET, SUITE 300 MODESTO, CA 95354</p>	<p>SAN DIEGO CITY ATTORNEY'S OFFICE 1200 3RD AVENUE, SUITE 1620 SAN DIEGO, CA 92101</p>

SERVICE LIST

<p>DISTRICT ATTORNEY MONTEREY COUNTY 1200 AGUAJITO ROAD MONTEREY, CA 93940 Prop65DA@co.monterey.ca.us</p>	<p>DISTRICT ATTORNEY YOLO COUNTY 301 Second Street WOODLAND, CA 95695 cfepd@yolocounty.org</p>	<p>OAKLAND CITY ATTORNEY CITY HALL, 8TH FLOOR 1 FRANK OGAWA PLAZA OAKLAND, CA 94612</p>
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