ENTORNO LAW, LLP
Noam Glick (SBN 251582)
Craig M. Nicholas (SBN 178444)
Jake W. Schulte (SBN 293777)
Janani Natarajan (SBN 346770)
225 Broadway, Suite 1900
San Diego, California 92101
Tel: (619) 629-0527
Email: noam@entornolaw.com
Email: craig@entornolaw.com
Email: jake@entornolaw.com
Email: janani@entornolaw.com

Attorneys for Plaintiff
Environmental Health Advocates, Inc.

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF ALAMEDA

ENVIRONMENTAL HEALTH ADVOCATES, INC.,

Plaintiff,

v.

L'OREAL USA S/D, INC. , a Delaware corporation; KAREWAY PRODUCT, INC., a California corporation; UNILEVER MANUFACTURING (US) INC. , a Delaware corporation; LG H&H USA, INC., a California corporation ; and DOES 1 through 100, inclusive,

Defendants.

Case No.: 24CV102655

COMPLAINT FOR CIVIL PENALTIES AND INJUNCTIVE RELIEF

(Health & Safety Code § 25249.6 et seq.)

I.
INTRODUCTION

1. This Complaint is a representative action brought by Environmental Health Advocates, Inc. ("Plaintiff") in the public interest of the citizens of the State of California ("the People"). Plaintiff seeks to remedy Defendants' failure to inform the People of exposure to diethanolamine ("DEA"), a chemical known to the State of California to cause cancer. DEA is a common component of cosmetic and grooming products, and often functions as an emulsifier or foaming agent. Defendants manufacture, import, sell, and/or distribute Products containing DEA in the State of California, including but not limited to cleansers. These Products[1] include: (1) L'Oreal Revitalift 3.5% Pure Glycolic Acid Cleansing Gel; (2) Epielle Facial Foam Cleanser; (3) Pond's Cold Cream Make-Up Remover Deep Cleanser; (4) The Face Shop Rice Water Bright Foaming Cleanser. Defendants know and intend that consumers will use Products containing DEA.

2. Under California's Safe Drinking Water and Toxic Enforcement Act of 1986, California Health and Safety Code, section 25249.6 et seq. ("Proposition 65"), "[n]o person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the state to cause cancer or reproductive toxicity without first giving clear and reasonable warning to such individual. . . ." (Health & Safety Code, § 25249.6.)

3. On or around June 22, 2012, the State of California added DEA to Proposition 65 as a known carcinogen, thereby requiring a clear and reasonable warning about potential exposure to DEA on any consumer good. Despite this, Defendants failed to sufficiently warn consumers and individuals in California about potential exposure to DEA in connection with Defendants' manufacture, import, sale, or distribution of Products. This is a violation of Proposition 65.

4. Plaintiff seeks injunctive relief compelling Defendants to sufficiently warn consumers in California before exposing them to DEA in Products. (Health & Safety Code, § 25249.7(a).) Plaintiff also seeks civil penalties against Defendants for violations of Proposition 65 along with attorney's fees and costs. (Health & Safety Code, § 25249.7(b).)

[1] The 60-Day Notices of Violation, Attorney General Nos. 2024-03126, 2024-03657, 2024-03916, 2024-03898, are attached hereto as **Exhibits 1 – 4** (hereinafter, the "Notices").

II.
PARTIES

5. Plaintiff ENVIRONMENTAL HEALTH ADVOCATES, INC. ("Plaintiff") is a corporation in the State of California dedicated to protecting the health of California citizens through the elimination or reduction of toxic exposure from consumer products. Plaintiff has prosecuted a number of Proposition 65 cases in the public interest. These cases have resulted in significant public benefit—including the reformulation and repackaging of numerous consumer products—to make them safer for California consumers, and to properly apprise California consumers of any health risks associated with their usage. Plaintiff brings this action in the public interest pursuant to Health and Safety Code, section 25249.7.

6. Defendant L'OREAL USA S/D, INC. ("L'Oreal') is a corporation organized and existing under the laws of Delaware. L'Oreal is registered to do business in California, and does business in the County of Alameda, within the meaning of Health and Safety Code, section 25249.11. L'Oreal manufactures, imports, sells, or distributes Product 1 in California and Alameda County.

7. Defendant KAREWAY PRODUCT, INC. ("Kareway") is a corporation organized and existing under the laws of California. Kareway is registered to do business in California, and does business in the County of Alameda, within the meaning of Health and Safety Code, section 25249.11. Kareway manufactures, imports, sells, or distributes Product 2 in California and Alameda County.

8. Defendant UNILEVER MANUFACTURING (US) INC. ("Unilever") is a corporation organized and existing under the laws of Delaware. Unilever is registered to do business in California, and does business in the County of Alameda, within the meaning of Health and Safety Code, section 25249.11. Unilever manufactures, imports, sells, or distributes Product 3 in California and Alameda County.

9. Defendant LG H&H USA, INC. ("LG") is a corporation organized and existing under the laws of California. LG is registered to do business in California, and does business in the County of Alameda, within the meaning of Health and Safety Code, section 25249.11. LG manufactures, imports, sells, or distributes Product 4 in California and Alameda County.

10. Plaintiff does not know the true names and/or capacities, whether individual, partners, or corporate, of the Defendants sued herein as DOES 1 through 100, inclusive, and for that reason sues

said Defendants under fictitious names pursuant to Cal. Civ. Proc. § 474. Plaintiff will seek leave to amend this Complaint when the true names and capacities of these Defendants have been ascertained. Plaintiff is informed and believes and thereon alleges that these Defendants are responsible in whole or in part for the remedies and penalties sought herein.

11. At all times mentioned, Defendants were the agents, alter egos, servants, joint venturers, joint employers, or employees for each other. Defendants acted with the consent of the other Co-Defendants and acted within the course, purpose, and scope of their agency, service, or employment. All conduct was ratified by Defendants, and each of them.

III.
VENUE AND JURISDICTION

12. California Constitution Article VI, Section 10 grants the Superior Court original jurisdiction in all cases except those given by statute to other trial courts. The Health and Safety Code statute upon which this action is based does not give jurisdiction to any other court. As such, this Court has jurisdiction.

13. Venue is proper in Alameda County Superior Court pursuant to Code of Civil Procedure, sections 394, 395, and 395.5. Wrongful conduct occurred and continues to occur in this County. Defendants conducted and continue to conduct business in this County as it relates to Products.

14. Defendants have sufficient minimum contacts in the State of California or otherwise purposefully avail themselves of the California market. Exercising jurisdiction over Defendants would be consistent with traditional notions of fair play and substantial justice.

IV.
BACKGROUND FACTS

15. Under California's Safe Drinking Water and Toxic Enforcement Act of 1986, California Health and Safety Code, section 2529.6 et seq. ("Proposition 65"), "no person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the state of to cause cancer or reproductive toxicity without first giving clear and reasonable warning to such individual…" (Health & Safety Code, § 25249.6.)

16. Proposition 65 requires the State of California to maintain "a list of chemicals known to the state to cause cancer or reproductive toxicity," which is to be "revised and republished in light of additional knowledge" on at least an annual basis. (Health & Safety Code, § 25249.8(a).)

17. On June 22, 2012, the State of California formally identified and listed DEA as a chemical known to cause cancer. DEA is a common component of cosmetic and grooming products, and often functions as an emulsifier or foaming agent.

18. In 2012, the International Agency for Research on Cancer (IARC) also formally identified DEA as a Group 2B possible human carcinogen. (*See* IARC Working Group on the Evaluation of Carcinogenic Risks to Humans, Some Chemicals Present in Industrial and Consumer Products, Food and Drinking-Water. Lyon (FR): International Agency for Research on Cancer; 2013, (IARC Monographs on the Evaluation of Carcinogenic Risks to Humans, No. 101.) DIETHANOLAMINE, available at: https://www.ncbi.nlm.nih.gov/books/NBK373177/ [last visited December 10, 2024].)

19. Animal studies have reported effects on various organ systems from long-term topical administration of DEA. For example, a study conducted by the National Toxicology Program (hereinafter, the "NTP study") showed that dermal exposure to DEA amplified the development of tumors in the liver and kidney tubules. (*See* National Toxicology Program, NTP Toxicology and Carcinogenesis Studies of Diethanolamine (CAS No. 111-42-2) in F344/N Rats and B6C3F1 Mice (Dermal Studies). Natl Toxicol Program Tech Rep Ser. 1999 Jul; 478:1-212. PMID: 12571685., available at: https://pubmed.ncbi.nlm.nih.gov/12571685/ [last visited December 10, 2024].)

20. The Office of Environmental Health Hazard Assessment ("OEHHA") has established specific safe harbor levels for many of the chemicals listed under Proposition 65. For cancer-causing chemicals in particular, a safe harbor level is called a "No Significant Risk Level," or "NSRL." An NSRL is the daily intake level calculated to result in one excess case of cancer in an exposed human population of 100,000, assuming lifetime exposure at the level in question. (*See* OEHHA's Proposition 65 Process for Developing Safe Harbor Numbers (February 2001), *available at* https://oehha.ca.gov/media/downloads/crnr/2001safeharborprocess.pdf [last visited December 10, 2024].) The State of California has not yet established an NSRL for DEA. However, research suggests

that an NSRL of 5.6 micrograms/day of DEA is appropriate, where dermal absorption is the route of exposure. (*See* Wang B, Amacher DE, Whittaker MH. Derivation of a No-Significant-Risk-Level (NSRL) for diethanolamine (DEA). Regul Toxicol Pharmacol. 2014 Feb;68(1):76-84. doi: 10.1016/j.yrtph.2013.11.009. Epub 2013 Nov 23. PMID: 24275050. [last visited December 10, 2024].) This NSRL is derived from the NTP study described above, using a benchmark dose modeling method based on the incidence of hepatocellular carcinomas in female mice, in accordance with the guidelines of the California Environmental Protection Agency.

21. In order to ensure that the injunctive relief sought herein confers a public benefit upon California consumers, EHA adopts the NSRL of 5.6 micrograms/day for DEA derived from the NTP study.

V.
CAUSES OF ACTION

FIRST CAUSE OF ACTION
(Violation of Proposition 65 – Against all Defendants)

22. Plaintiff incorporates by reference each and every allegation contained above.

23. Proposition 65 mandates that citizens be informed about exposures to chemicals that cause cancer, birth defects, and other reproductive harm.

24. Defendants manufactured, imported, sold, and/or distributed Products containing DEA in violation of Health and Safety Code, section 25249.6 et seq. Plaintiff is informed and believes such violations have continued after receipt of the Notices and will continue to occur into the future.

25. In manufacturing, importing, selling, and/or distributing Products, Defendants failed to provide a clear and reasonable warning to consumers and individuals in California who may be exposed to DEA through reasonably foreseeable use of the Products.

26. Products expose individuals to DEA through dermal absorption. This exposure is a natural and foreseeable consequence of Defendants placing Products into the stream of commerce. As such, Defendants intend that consumers will use Products, exposing them to DEA.

27. Defendant's Products exceed the NSRL of 5.6 micrograms/day, which was derived from the NTP study.

28. Defendants knew or should have known that the Products contained DEA and exposed individuals to DEA in the ways provided above. The Notices informed Defendants of the presence of DEA in the Products. Likewise, media coverage concerning DEA and related chemicals in consumer products provided constructive notice to Defendants.

29. Defendants' actions in this regard were deliberate and not accidental.

30. More than sixty days prior to naming each defendant in this lawsuit, Plaintiff issued a 60-Day Notice of Violations upon each Defendant as required by and in compliance with Proposition 65. Plaintiff provided the Notice to the various required public enforcement agencies along with a certificate of merit. The Notices allege that Defendants violated Proposition 65 by failing to sufficiently warn consumers in California of the health hazards associated with exposures to DEA contained in the Products.

31. The appropriate public enforcement agencies provided with the Notice failed to commence and diligently prosecute a cause of action against Defendants.

32. Individuals exposed to DEA contained in Products through dermal absorption resulting from reasonably foreseeable use of the Products have suffered and continue to suffer irreparable harm. There is no other plain, speedy, or adequate remedy at law.

33. Defendants are liable for a maximum civil penalty of $2,500 per day for each violation of Proposition 65 pursuant to Health and Safety Code, section 252497(b). Injunctive relief is also appropriate pursuant to Health and Safety Code, section 25249.7(a).

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PRAYER FOR RELIEF

Wherefore, Plaintiff prays for judgment against Defendants as follows:

1. Civil penalties in the amount of $2,500 per day for each violation. Plaintiff alleges that damages total a minimum of $1,000,000;

2. A preliminary and permanent injunction against Defendants from manufacturing, importing, selling, and/or distributing Products in California without providing a clear and reasonable warning as required by Proposition 65 and related Regulations;

3. Reasonable attorney's fees and costs of suit; and

4. Such other and further relief as may be just and proper.

Respectfully submitted:

Dated: December 10, 2024

ENTORNO LAW, LLP

By: 

Noam Glick

Craig M. Nicholas
Jake W. Schulte
Janani Natarajan

Attorneys for Plaintiff
Environmental Health Advocates, Inc.

EXHIBIT 1

ENTORNO LAW

ATTORNEYS AT LAW

Tel: 619-629-0527
noam@entornolaw.com
craig@entornolaw.com
jake@entornolaw.com
janani@entornolaw.com

225 Broadway, Suite 1900
San Diego, CA 92101

July 24, 2024

Via Certified Mail:

L'Oreal USA S/D, Inc. c/o CSC- Lawyers Incorporating Service 2710 Gateway Oaks Drive Sacramento, CA 95833	Chief Executive Officer L'Oreal USA S/D, Inc c/o David Greenberg 10 Hudson Yards New York, NY 10001

Re: This notice amends the original notice of violation AG No. 2024-01895. This notice correctly names L'Oreal and serves the CEO.

To Whom It May Concern:

We represent Environmental Health Advocates, Inc., an organization in the State of California acting in the interest of the general public. This letter serves as notice that the parties listed above are in violation of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act, commencing with section 25249.5 of the Health and Safety Code ("Proposition 65"). In particular, the violations alleged by this notice consist of types of harm that may potentially result from exposures to the toxic chemical Diethanolamine ("DEA"). This chemical was listed as a carcinogen on June 22, 2012.

The specific type of product that is causing exposures in violation of Proposition 65 is cleansing gel including but not limited to:

	Product Name	**Manufacturer**	**Distributor/Retailer**
1.	L'Oreal Revitalift 3.5% Pure Glycolic Acid Cleansing Gel	L'Oreal USA S/D, Inc.	L'Oreal USA S/D, Inc.

The routes of exposure for the violations include dermal absorption by consumers. These exposures occur through the reasonably foreseeable use of the product. The sales of this product have been occurring since at least February 2024, are continuing to this day and will continue to occur as long as the product subject to this notice is sold to and used by consumers.

Proposition 65 requires that a clear and reasonable warning is provided with these products regarding the exposures to DEA caused by ordinary use of the product. The Parties are in violation of Proposition 65 by failing to provide such warning to consumers and as a

result of the sales of this product, exposures to DEA have been occurring without proper warnings.

Pursuant to Proposition 65, notice and intent to sue shall be provided to violators 60-days before filing a complaint. This letter provides notice of the alleged violation to the parties listed above and the appropriate governmental authorities. A summary of Proposition 65 is attached.

EHA identifies Fred Duran as a responsible individual within the entity, 12245 Carmel Vista Road, Unit 193, 92130; 915-312-2577. Mr. Duran requests all communications be sent to EHA's attorneys.

If you have any questions or wish to discuss any of the above, please contact me at noam@entornolaw.com and include clerks@entornolaw.com in the email.

Sincerely,

ENTORNO LAW LLP.

Noam Glick

Craig M. Nicholas
Jake Schulte
Janani Natarajan

CERTIFICATE OF MERIT

I, Noam Glick, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is allegedthe parties identified in the notice have violated Health and Safety Code section 25249.6 by failingto provide clear and reasonable warnings.

2. I am an attorney for the noticing party.

3. 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 alleged exposure to the listed chemical that is the subject of the action.

4. Based on the information obtained through those consultations, and on all 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 violator will be able to establish any of the affirmative defenses set forth in the statute.

5. The copy of this 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 and 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: July 24, 2024

Noam Glick, Attorney at Law

CERTIFICATE OF SERVICE

I, Madeline Walsh, declare that I am over the age of 18 years, and am not a party to the within action. I am employed in the County of San Diego, California, where the mailing occurs; and my business address is 225 Broadway, 19th Floor, San Diego, California 92101.

On July 24, 2024, I served the following documents: **(1) 60-DAY NOTICE OF VIOLATION SENT IN COMPLIANCE WITH HEALTH & SAFETY CODE SECTION 25249.7(d); (2) CERTIFICATE OF MERIT; (3) PROPOSITION 65: A SUMMARY; and (4) CERTIFICATE OF MERIT ATTACHMENT (served only on the Attorney General)** on the parties listed below by placing a true and correct copy thereof in a sealed envelope, addressed to each party and depositing it at my business address with the U.S. Postal Service for delivery by Certified Mail with the postage thereon fully prepaid:

Via Certified Mail

L'Oreal USA S/D, Inc. c/o CSC- Lawyers Incorporating Service 2710 Gateway Oaks Drive Sacramento, CA 95833	Chief Executive Officer L'Oreal USA S/D, Inc c/o David Greenberg 10 Hudson Yards New York, NY 10001

On July 24, 2024, I served the California Attorney General (via website Portal) by uploading a trueand correct copy thereof as a PDF file via the California Attorney General's website.

On July 24, 2024, I transmitted via electronic mail the above-listed documents to the electronic mail addresses of the City and/or District Attorneys who have specifically authorized e-mail serviceand the authorization appears on the Attorney General's web site.

See Attached Service List

On July 24, 2024, I served the following persons and/or entities at the last known address by placinga true and correct copy thereof in a sealed envelope and depositing it at my business address with the U.S.Postal Service for delivery with the postage thereon fully prepaid, and addressed as follows:

See Attached Service List

I declare under penalty of perjury under the laws of the State of California that the foregoing is trueand correct.

Executed on July 24, 2024, at San Diego, California.

Madeline Walsh

Madeline Walsh

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 contaminant[2] 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.

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[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.

E-Mail Service List

The Honorable Pamela Price Alameda County, District Attorney 7677 Oakport Street, Suite 650 Oakland, CA 94621 CEPDProp65@acgov.org	The Honorable Barbara Yook Calaveras County, 891 Mountain Ranch Rd. San Andreas, CA 95249 Phone: 209-754-6330 Prop65Env@co.calaveras.ca.us	The Honorable Stacey Grassini Contra Costa County, Deputy District Attorney 900 Ward Street Martinez, CA 94553 sgrassini@contracostada.org
The Honorable James Clinchard El Dorado County, Assistant District Attorney 778 Pacific Street Placerville, CA 95667 EDCDAPROP65@edcda.us	The Honorable Lisa A. Smittcamp, Fresno County, District Attorney 2100 Tulare Street Fresno, CA 93721 Phone: (559) 600-3141 consumerprotection@fresnocountyca.gov	The Honorable Thomas L. Hardy Inyo County, District Attorney 168 North Edwards Street Independence, CA 93526 Phone: 760.878.0282 inyoda@inyocounty.us
The Honorable Michelle Latimer Lassen County, Program Coordinator 220 S. Lassen Street Susanville, CA 96130 Phone: 530-251-8284 mlatimer@co.lassen.ca.us	The Honorable Lori Frugoli Marin County, District Attorney 3501 Civic Center Drive, Room 145 San Rafael, CA 94903 consumer@marincounty.gov	The Honorable Walter W. Wall , Mariposa County, District Attorney P.O. Box 730 Mariposa, CA 95338 Phone: (209) 966-3626 mcda@mariposacounty.org
The Honorable Kimberly Lewis, Merced County, District Attorney 550 West Main Street Merced, CA 95340 Phone: (209) 385-7381 Prop65@countyofmerced.com	The Honorable Jeannine M. Pacioni, Monterey County, District Attorney 1200 Aguajito Road Monterey , CA 93940 Prop65DA@co.monterey.ca.us	The Honorable Allison Haley Napa County, District Attorney 1127 First Street, Suite C Napa , CA 94559 CEPD@countyofnapa.org
The Honorable Clifford H. Newell Nevada County, District Attorney 201 Commercial Street Nevada City , CA 95959 DA.Prop65@co.nevada.ca.us	The Honorable Morgan Briggs Gire Placer County, District Attorney 10810 Justice Center Drive Roseville, CA 95678 Phone: 916-543-8000 prop65@placer.ca.gov	The Honorabble David Hollister Plumas County, District Attorney 520 Main St. Quincy, CA 95971 Phone: (530) 283-6303 davidhollister@countyofplumas.com
The Honorable Paul E. Zellerbach Riverside County, District Attorney 3072 Orange Street Riverside, CA 92501 Prop65@rivcoda.org	The Honorable Anne Marie Schubert Sacramento County, District Attorney 901 G Street Sacramento, CA 95814 Prop65@sacda.org	The Honorable Summer Stephan San Diego County, District Attorney 330 West Broadway San Diego, CA 92101 SanDiegoDAProp65@sdcda.org
The Honorable Alexander Grayner San Francisco County, Asst. District Attorney 350 Rhode Island Street San Francisco, CA 94103 alexandra.grayner@sfgov.org	The Honorable Tori Verber Salazar San Joaquin County, District Attorney 222 E. Weber Avenue, Room 202 Stockton, CA 95202 DAConsumer.Environmental@sjcda.org	The Honorable Eric J. Dobroth San Luis Obispo County, Deputy District Attorney County Government Center Annex, 4th Floor San Luis Obispo, CA 93408 Phone: 805-781-5800 edobroth@co.slo.ca.us
The Honorable Christopher Dalbey Santa Barbara County, Deputy District Attorney 1112 Santa Barbara St. Santa Barbara, CA 93101 Phone: 805-568-2300 DAProp65@co.santa-barbara.ca.us	The Honorable Bud Porter Santa Clara County, Supervising Deputy District Attorney 70 W Hedding St San Jose, CA 95110 EPU@da.sccgov.org	The Honorable Jeffrey S. Rosell Santa Cruz County, District Attorney 701 Ocean Street Santa Cruz, CA 95060 Phone: 831-454-2400 Prop65DA@santacruzcounty.us
The Honorable Jill Ravitch Sonoma County, District Attorney 600 Administration Drive Santa Rosa, CA 95403 Jeannie.Barnes@sonoma-county.org	The Honorable Phillip J. Cline Tulare County, District Attorney 221 S Mooney Blvd Visalia, CA 95370 Prop65@co.tulare.ca.us	The Honorable Gregory D. Totten Ventura County, District Attorney 800 S Victoria Ave Ventura, CA 93009 daspecialops@ventura.org
The Honorable Jeff W. Resig Yolo County, District Attorney 301 Second Street Woodland, CA 95695 cfepd@yolocounty.org	The Honorable Mark Ankcorn City of San Diego, Deputy City Attorney 1200 Third Avenue San Diego, CA 92101 CityAttyProp65@sandiego.gov	The Honorable Henry Lifton City of San Francisco, Deputy City Attorney 1390 Market Street, 7th Floor San Francisco, CA 94102 Prop65@sfcityatty.org
The Honorable Nora V. Frimann City of Santa Clara, City Attorney 200 E. Santa Clara Street, 16th Floor San Jose, CA 96113 Proposition65notices@sanjoseca.gov		

MAIL SERVICE LIST

The Honorable Robert Priscaro Alpine County, District Attorney P.O. Box 248 Markleeville, CA 96120	The Honorable Todd Riebe Amador County, District Attorney 708 Court Street, #202 Jackson, CA 95642	The Honorable Michael L. Ramsey Butte County, District Attorney 25 County Center Drive - Administrative Building Oroville, CA 95965
The Honorable Brenden Farrell Colusa County, District Attorney 310 6th Street Colusa, CA 95932	The Honorable Katherine Micks Del Norte County, District Attorney 450 H Street, Room 171 Crescent City, CA 95531	The Honorable Dwayne Stewart Glenn County, District Attorney P.O. Box 430 Willows, CA 95988
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The Honorable Sandra Groven Sierra County, District Attorney 100 Courthouse Square Downieville, CA 95936	The Honorable James Kirk Andrus Siskiyou County, District Attorney P.O. Box 986 Yreka, CA 96097	The Honorable Krishna A. Abrams Solano County, District Attorney 675 Texas Street, Suite 4500 Fairfield, CA 94533
The Honorable Jeff Laugero Stanislaus County, District Attorney 832 12th Street, Suite 300 Modesto, CA 95353	The Honorable Jennifer Dupre Sutter County, District Attorney 463 2nd Street, Suite 102 Yuba City, CA 95991	The Honorable Matthew Rogers Tehama County, District Attorney P.O. Box 519 Red Bluff, CA 96080
The Honorable David Brady Trinity County, District Attorney P.O. Box 310 Weaverville, CA 96093	The Honorable Cassandra Jenecke Tuolumne County, District Attorney 2 S. Green St. Sonora, CA 95370	The Honorable Clint Curry Yuba County, District Attorney 215 Fifth Street, Suite 152 Marysville, CA 95901
The Honorable Mike Feuer City of Los Angeles, City Attorney 200 N. Main Street Los Angeles, CA 90012		

EXHIBIT 2

ENTORNO LAW

ATTORNEYS AT LAW

Tel: 619-629-0527
noam@entornolaw.com
craig@entornolaw.com
jake@entornolaw.com
janani@entornolaw.com

225 Broadway, Suite 1900
San Diego, CA 92101

August 29, 2024

Via Certified Mail:

Current Chief Executive Officer Kareway Product, Inc. c/o Eddie Park 2550 S. Dominguez Hills Dr. Compton, CA 90220	
Grocery Outlet Inc. c/o Registered Agent Solutions, Inc. 720 14th St Sacramento, CA 95814	Current Chief Executive Officer Grocery Outlet Inc. c/o Robert J. Sheedy Jr. 5650 Hollis Street Emeryville, CA 94608

Re: Proposition 65 Notice of Violation

This notice amends the original notice of violation AG No. 2024-01640. This notice serves CEOs for all entities listed.

To Whom It May Concern:

We represent Environmental Health Advocates, Inc., an organization in the State of California acting in the interest of the general public. This letter serves as notice that the parties listed above are in violation of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act, commencing with section 25249.5 of the Health and Safety Code ("Proposition 65"). In particular, the violations alleged by this notice consist of types of harm that may potentially result from exposures to the toxic chemical Diethanolamine ("DEA"). This chemical was listed as a carcinogen on June 22, 2012.

The specific type of product that is causing exposures in violation of Proposition 65 is facial cleansers including but not limited to:

	Product Name	**Manufacturer**	**Distributor/Retailer**
1.	Epielle Facial Foam Cleanser	Kareway Product, Inc.	Grocery Outlet Inc.

The routes of exposure for the violations include dermal absorption by consumers. These exposures occur through the reasonably foreseeable use of the product. The sales of this product have been occurring since at least March 2024, are continuing to this day and will continue to occur as long as the product subject to this notice is sold to and used by consumers.

Proposition 65 requires that a clear and reasonable warning is provided with these products regarding the exposures to DEA caused by ordinary use of the product. The Parties are in violation of Proposition 65 by failing to provide such warning to consumers and as a result of the sales of this product, exposures to DEA have been occurring without proper warnings.

Pursuant to Proposition 65, notice and intent to sue shall be provided to violators 60-days before filing a complaint. This letter provides notice of the alleged violation to the parties listed above and the appropriate governmental authorities. A summary of Proposition 65 is attached.

EHA identifies Fred Duran as a responsible individual within the entity, 12245 Carmel Vista Road, Unit 193, 92130; 915-312-2577. Mr. Duran requests all communications be sent to EHA's attorneys.

If you have any questions or wish to discuss any of the above, please contact me at noam@entornolaw.com and include clerks@entornolaw.com in the email.

Sincerely,

ENTORNO LAW LLP.

Noam Glick

Craig M. Nicholas
Jake Schulte
Janani Natarajan

CERTIFICATE OF MERIT

I, Noam Glick, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is allegedthe parties identified in the notice have violated Health and Safety Code section 25249.6 by failingto provide clear and reasonable warnings.

2. I am an attorney for the noticing party.

3. 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 alleged exposure to the listed chemical that is the subject of the action.

4. Based on the information obtained through those consultations, and on all 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 violator will be able to establish any of the affirmative defenses set forth in the statute.

5. The copy of this 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 and 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: August 29, 2024

Noam Glick, Attorney at Law

CERTIFICATE OF SERVICE

I, Madeline Walsh , declare that I am over the age of 18 years, and am not a party to the within action. I am employed in the County of San Diego, California, where the mailing occurs; and my business address is 225 Broadway, 19th Floor, San Diego, California 92101.

On August 29, 2024, I served the following documents: **(1) 60-DAY NOTICE OF VIOLATION SENT IN COMPLIANCE WITH HEALTH & SAFETY CODE SECTION 25249.7(d); (2) CERTIFICATE OF MERIT; (3) PROPOSITION 65: A SUMMARY; and (4) CERTIFICATE OF MERIT ATTACHMENT (served only on the Attorney General)** on the parties listed below by placing a true and correct copy thereof in a sealed envelope, addressed to each party and depositing it at my business address with the U.S. Postal Service for delivery by Certified Mail with the postage thereon fully prepaid:

Via Certified Mail

Current Chief Executive Officer Kareway Product, Inc. c/o Eddie Park 2550 S. Dominguez Hills Dr. Compton, CA 90220	
Grocery Outlet Inc. c/o Registered Agent Solutions, Inc. 720 14th St Sacramento, CA 95814	Current Chief Executive Officer Grocery Outlet Inc. c/o Robert J. Sheedy Jr. 5650 Hollis Street Emeryville, CA 94608

On August 29, 2024, I served the California Attorney General (via website Portal) by uploading a trueand correct copy thereof as a PDF file via the California Attorney General's website.

On August 29, 2024, I transmitted via electronic mail the above-listed documents to the electronic mail addresses of the City and/or District Attorneys who have specifically authorized e-mail serviceand the authorization appears on the Attorney General's web site.

See Attached Service List

On August 29, 2024, I served the following persons and/or entities at the last known address by placinga true and correct copy thereof in a sealed envelope and depositing it at my business address with the U.S.Postal Service for delivery with the postage thereon fully prepaid, and addressed as follows:

See Attached Service List

I declare under penalty of perjury under the laws of the State of California that the foregoing is trueand correct.

Executed on August 29, 2024, at San Diego, California.

Madeline Walsh

Madeline Walsh

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 contaminant[2] 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.

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[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.

E-Mail Service List

The Honorable Pamela Price Alameda County, District Attorney 7677 Oakport Street, Suite 650 Oakland, CA 94621 CEPDProp65@acgov.org	The Honorable Barbara Yook Calaveras County, 891 Mountain Ranch Rd. San Andreas, CA 95249 Phone: 209-754-6330 Prop65Env@co.calaveras.ca.us	The Honorable Stacey Grassini Contra Costa County, Deputy District Attorney 900 Ward Street Martinez, CA 94553 sgrassini@contracostada.org
The Honorable James Clinchard El Dorado County, Assistant District Attorney 778 Pacific Street Placerville, CA 95667 EDCDAPROP65@edcda.us	The Honorable Lisa A. Smittcamp, Fresno County, District Attorney 2100 Tulare Street Fresno, CA 93721 Phone: (559) 600-3141 consumerprotection@fresnocountyca.gov	The Honorable Thomas L. Hardy Inyo County, District Attorney 168 North Edwards Street Independence, CA 93526 Phone: 760.878.0282 inyoda@inyocounty.us
The Honorable Michelle Latimer Lassen County, Program Coordinator 220 S. Lassen Street Susanville, CA 96130 Phone: 530-251-8284 mlatimer@co.lassen.ca.us	The Honorable Lori Frugoli Marin County, District Attorney 3501 Civic Center Drive, Room 145 San Rafael, CA 94903 consumer@marincounty.gov	The Honorable Walter W. Wall , Mariposa County, District Attorney P.O. Box 730 Mariposa, CA 95338 Phone: (209) 966-3626 mcda@mariposacounty.org
The Honorable Kimberly Lewis, Merced County, District Attorney 550 West Main Street Merced, CA 95340 Phone: (209) 385-7381 Prop65@countyofmerced.com	The Honorable Jeannine M. Pacioni, Monterey County, District Attorney 1200 Aguajito Road Monterey , CA 93940 Prop65DA@co.monterey.ca.us	The Honorable Allison Haley Napa County, District Attorney 1127 First Street, Suite C Napa , CA 94559 CEPD@countyofnapa.org
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The Honorable Mike Feuer City of Los Angeles, City Attorney 200 N. Main Street Los Angeles, CA 90012		

EXHIBIT 3

ENTORNO LAW

ATTORNEYS AT LAW

Tel: 619-629-0527
noam@entornolaw.com
craig@entornolaw.com
jake@entornolaw.com
janani@entornolaw.com

225 Broadway, Suite 1900
San Diego, CA 92101

September 19, 2024

Via Certified Mail:

Unilever Manufacturing (US) Inc. c/o C T Corporation System 330 N Brand Blvd Glendale, CA 91203	Current Chief Executive Officer Unilever Manufacturing (US) Inc. c/o Herrish Patel 700 Sylvan Avenue Englewood Cliffs, NJ 07632
Target Corporation c/o C T Corporation System 330 North Brand Blvd., STE 700 Glendale, CA 91203	Current Chief Executive Officer Target Corporation c/o Brian C. Cornell 1000 Nicollet Mall Minneapolis, MN 55403

Re: Proposition 65 Notice of Violation

To Whom It May Concern:

We represent Environmental Health Advocates, Inc., an organization in the State of California acting in the interest of the general public. This letter serves as notice that the parties listed above are in violation of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act, commencing with section 25249.5 of the Health and Safety Code ("Proposition 65"). In particular, the violations alleged by this notice consist of types of harm that may potentially result from exposures to the toxic chemical Diethanolamine ("DEA"). This chemical was listed as a carcinogen on June 22, 2012.

The specific type of product that is causing exposures in violation of Proposition 65 is cream cleanser, including but not limited to:

	Product Name	**Manufacturer**	**Distributor/Retailer**
1.	Pond's Cold Cream Make-Up Remover Deep Cleanser	Unilever Manufacturing (US) Inc.	Target Corporation

The routes of exposure for the violations include dermal absorption by consumers. These exposures occur through the reasonably foreseeable use of the product. The sales of this product have been occurring since at least August 2024, are continuing to this day and will continue to occur as long as the product subject to this notice is sold to and used by consumers.

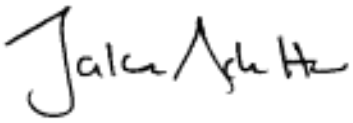
Proposition 65 requires that a clear and reasonable warning is provided with these products regarding the exposures to DEA caused by ordinary use of the product. The Parties are in violation of Proposition 65 by failing to provide such warning to consumers and as a result of the sales of this product, exposures to DEA have been occurring without proper warnings.

Pursuant to Proposition 65, notice and intent to sue shall be provided to violators 60-days before filing a complaint. This letter provides notice of the alleged violation to the parties listed above and the appropriate governmental authorities. A summary of Proposition 65 is attached.

EHA identifies Fred Duran as a responsible individual within the entity, 12245 Carmel Vista Road, Unit 193, 92130; 915-312-2577. Mr. Duran requests all communications be sent to EHA's attorneys.

If you have any questions or wish to discuss any of the above, please contact me at jake@entornolaw.com and include clerks@entornolaw.com in the email.

ENTORNO LAW, LLP



Jake Schulte

Noam Glick
Craig M. Nicholas
Janani Natarajan

Enclosures

CERTIFICATE OF MERIT

I, Jake Schulte, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is allegedthe parties identified in the notice have violated Health and Safety Code section 25249.6 by failingto provide clear and reasonable warnings.

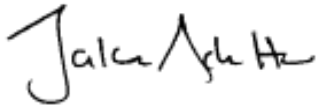
2. I am an attorney for the noticing party.

3. 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 alleged exposure to the listedchemical that is the subject of the action.

4. Based on the information obtained through those consultations, and on all 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 plaintiffs' case can be established andthe information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute.

5. The copy of this Certificate of Merit served on the Attorney General attaches to it factualinformation sufficient to establish the basis for this certificate, including the information identifiedin Health and Safety Code section 25249.7(h)(2), i.e., (1) the identity of the persons consulted withand relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Dated: September 19, 2024



Jake Schulte, Attorney at Law

CERTIFICATE OF SERVICE

I, Madeline Walsh, declare that I am over the age of 18 years, and am not a party to the within action. I am employed in the County of San Diego, California, where the mailing occurs; and my business address is 225 Broadway, 19th Floor, San Diego, California 92101.

On September 19, 2024, I served the following documents: **(1) 60-DAY NOTICE OF VIOLATION SENT IN COMPLIANCE WITH HEALTH & SAFETY CODE SECTION 25249.7(d); (2) CERTIFICATE OF MERIT; (3) PROPOSITION 65: A SUMMARY; and (4) CERTIFICATE OF MERIT ATTACHMENT (served only on the Attorney General)** on the parties listed below by placing a true and correct copy thereof in a sealed envelope, addressed to each party and depositing it at my business address with the U.S. Postal Service for delivery by Certified Mail with the postage thereon fully prepaid:

Via Certified Mail

Unilever Manufacturing (US) Inc. c/o C T Corporation System 330 N Brand Blvd Glendale, CA 91203	Current Chief Executive Officer Unilever Manufacturing (US) Inc. c/o Herrish Patel 700 Sylvan Avenue Englewood Cliffs, NJ 07632
Target Corporation c/o C T Corporation System 330 North Brand Blvd., STE 700 Glendale, CA 91203	Current Chief Executive Officer Target Corporation c/o Brian C. Cornell 1000 Nicollet Mall Minneapolis, MN 55403

On September 19, 2024, I served the California Attorney General (via website Portal) by uploading a trueand correct copy thereof as a PDF file via the California Attorney General's website.

On September 19, 2024, I transmitted via electronic mail the above-listed documents to the electronic mail addresses of the City and/or District Attorneys who have specifically authorized e-mail serviceand the authorization appears on the Attorney General's web site.

See Attached Service List

On September 19, 2024, I served the following persons and/or entities at the last known address by placinga true and correct copy thereof in a sealed envelope and depositing it at my business address with the U.S.Postal Service for delivery with the postage thereon fully prepaid, and addressed as follows:

See Attached Service List

I declare under penalty of perjury under the laws of the State of California that the foregoing is trueand correct.

Executed on September 19, 2024, at San Diego, California.

Madeline Walsh

Madeline Walsh

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 contaminant[2] 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.

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[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.

E-Mail Service List

The Honorable Pamela Price Alameda County, District Attorney 7677 Oakport Street, Suite 650 Oakland, CA 94621 CEPDProp65@acgov.org	The Honorable Barbara Yook Calaveras County, 891 Mountain Ranch Rd. San Andreas, CA 95249 Phone: 209-754-6330 Prop65Env@co.calaveras.ca.us	The Honorable Stacey Grassini Contra Costa County, Deputy District Attorney 900 Ward Street Martinez, CA 94553 sgrassini@contracostada.org
The Honorable James Clinchard El Dorado County, Assistant District Attorney 778 Pacific Street Placerville, CA 95667 EDCDAPROP65@edcda.us	The Honorable Lisa A. Smittcamp, Fresno County, District Attorney 2100 Tulare Street Fresno, CA 93721 Phone: (559) 600-3141 consumerprotection@fresnocountyca.gov	The Honorable Thomas L. Hardy Inyo County, District Attorney 168 North Edwards Street Independence, CA 93526 Phone: 760.878.0282 inyoda@inyocounty.us
The Honorable Michelle Latimer Lassen County, Program Coordinator 220 S. Lassen Street Susanville, CA 96130 Phone: 530-251-8284 mlatimer@co.lassen.ca.us	The Honorable Lori Frugoli Marin County, District Attorney 3501 Civic Center Drive, Room 145 San Rafael, CA 94903 consumer@marincounty.gov	The Honorable Walter W. Wall , Mariposa County, District Attorney P.O. Box 730 Mariposa, CA 95338 Phone: (209) 966-3626 mcda@mariposacounty.org
The Honorable Kimberly Lewis, Merced County, District Attorney 550 West Main Street Merced, CA 95340 Phone: (209) 385-7381 Prop65@countyofmerced.com	The Honorable Jeannine M. Pacioni, Monterey County, District Attorney 1200 Aguajito Road Monterey , CA 93940 Prop65DA@co.monterey.ca.us	The Honorable Allison Haley Napa County, District Attorney 1127 First Street, Suite C Napa , CA 94559 CEPD@countyofnapa.org
The Honorable Clifford H. Newell Nevada County, District Attorney 201 Commercial Street Nevada City , CA 95959 DA.Prop65@co.nevada.ca.us	The Honorable Morgan Briggs Gire Placer County, District Attorney 10810 Justice Center Drive Roseville, CA 95678 Phone: 916-543-8000 prop65@placer.ca.gov	The Honorabble David Hollister Plumas County, District Attorney 520 Main St. Quincy, CA 95971 Phone: (530) 283-6303 davidhollister@countyofplumas.com
The Honorable Paul E. Zellerbach Riverside County, District Attorney 3072 Orange Street Riverside, CA 92501 Prop65@rivcoda.org	The Honorable Anne Marie Schubert Sacramento County, District Attorney 901 G Street Sacramento, CA 95814 Prop65@sacda.org	The Honorable Summer Stephan San Diego County, District Attorney 330 West Broadway San Diego, CA 92101 SanDiegoDAProp65@sdcda.org
The Honorable Alexander Grayner San Francisco County, Asst. District Attorney 350 Rhode Island Street San Francisco, CA 94103 alexandra.grayner@sfgov.org	The Honorable Tori Verber Salazar San Joaquin County, District Attorney 222 E. Weber Avenue, Room 202 Stockton, CA 95202 DAConsumer.Environmental@sjcda.org	The Honorable Eric J. Dobroth San Luis Obispo County, Deputy District Attorney County Government Center Annex, 4th Floor San Luis Obispo, CA 93408 Phone: 805-781-5800 edobroth@co.slo.ca.us
The Honorable Christopher Dalbey Santa Barbara County, Deputy District Attorney 1112 Santa Barbara St. Santa Barbara, CA 93101 Phone: 805-568-2300 DAProp65@co.santa-barbara.ca.us	The Honorable Bud Porter Santa Clara County, Supervising Deputy District Attorney 70 W Hedding St San Jose, CA 95110 EPU@da.sccgov.org	The Honorable Jeffrey S. Rosell Santa Cruz County, District Attorney 701 Ocean Street Santa Cruz, CA 95060 Phone: 831-454-2400 Prop65DA@santacruzcounty.us
The Honorable Jill Ravitch Sonoma County, District Attorney 600 Administration Drive Santa Rosa, CA 95403 Jeannie.Barnes@sonoma-county.org	The Honorable Phillip J. Cline Tulare County, District Attorney 221 S Mooney Blvd Visalia, CA 95370 Prop65@co.tulare.ca.us	The Honorable Gregory D. Totten Ventura County, District Attorney 800 S Victoria Ave Ventura, CA 93009 daspecialops@ventura.org
The Honorable Jeff W. Resig Yolo County, District Attorney 301 Second Street Woodland, CA 95695 cfepd@yolocounty.org	The Honorable Mark Ankcorn City of San Diego, Deputy City Attorney 1200 Third Avenue San Diego, CA 92101 CityAttyProp65@sandiego.gov	The Honorable Henry Lifton City of San Francisco, Deputy City Attorney 1390 Market Street, 7th Floor San Francisco, CA 94102 Prop65@sfcityatty.org
The Honorable Nora V. Frimann City of Santa Clara, City Attorney 200 E. Santa Clara Street, 16th Floor San Jose, CA 96113 Proposition65notices@sanjoseca.gov		

MAIL SERVICE LIST

The Honorable Robert Priscaro Alpine County, District Attorney P.O. Box 248 Markleeville, CA 96120	The Honorable Todd Riebe Amador County, District Attorney 708 Court Street, #202 Jackson, CA 95642	The Honorable Michael L. Ramsey Butte County, District Attorney 25 County Center Drive - Administrative Building Oroville, CA 95965
The Honorable Brenden Farrell Colusa County, District Attorney 310 6th Street Colusa, CA 95932	The Honorable Katherine Micks Del Norte County, District Attorney 450 H Street, Room 171 Crescent City, CA 95531	The Honorable Dwayne Stewart Glenn County, District Attorney P.O. Box 430 Willows, CA 95988
The Honorable Stacey Eads Humboldt County, District Attorney 825 5th Street Eureka, CA 95501	The Honorable George Marquez Imperial County, District Attorney 940 West Main Street, Suite 102 El Centro, CA 92243	The Honorable Cynthia Zimmer Kern County, District Attorney 1215 Truxtun Avenue Bakersfield, CA 93301
The Honorable Sarah Hacker Kings County, District Attorney 1400 West Lacey Blvd. Hanford, CA 93230	The Honorable Susan Krones Lake County, District Attorney 255 N. Forbes Street Lakeport, CA 95453	The Honorable George Gascon Los Angeles County, District Attorney 211 W. Temple Street, Suite 1200 Los Angeles, CA 90012
The Honorable Sally O. Moreno, District Attorney 300 South G Street, Suite 300 Madera, CA 93637	The Honorable C. David Eyster Mendocino County, District Attorney P.O. Box 1000 Ukiah, CA 95482	The Honorable Cynthia Campbell Modoc County, District Attorney 204 S. Court Street, Room 202 Alturas, CA 96101
The Honorable David Anderson Mono County, District Attorney P.O. Box 2053 Mammoth Lakes, CA 93546	The Honorable Todd Spitzer Orange County, District Attorney 300 N. Flower Street Santa Ana, CA 92703	The Honorable Joel Buckingham San Benito County, District Attorney 419 4th Street Hollister, CA 95023
The Honorable Jason Anderson San Bernardino County, District Attorney 303 W. Third Street San Bernardino, CA 92415	The Honorable Stephen M. Wagstaffe San Mateo County, District Attorney 400 County Center, Third Floor Redwood City, CA 94063	The Honorable Stephanie A. Bridgett Shasta County, District Attorney 1355 West Street Redding, CA 96001
The Honorable Sandra Groven Sierra County, District Attorney 100 Courthouse Square Downieville, CA 95936	The Honorable James Kirk Andrus Siskiyou County, District Attorney P.O. Box 986 Yreka, CA 96097	The Honorable Krishna A. Abrams Solano County, District Attorney 675 Texas Street, Suite 4500 Fairfield, CA 94533
The Honorable Jeff Laugero Stanislaus County, District Attorney 832 12th Street, Suite 300 Modesto, CA 95353	The Honorable Jennifer Dupre Sutter County, District Attorney 463 2nd Street, Suite 102 Yuba City, CA 95991	The Honorable Matthew Rogers Tehama County, District Attorney P.O. Box 519 Red Bluff, CA 96080
The Honorable David Brady Trinity County, District Attorney P.O. Box 310 Weaverville, CA 96093	The Honorable Cassandra Jenecke Tuolumne County, District Attorney 2 S. Green St. Sonora, CA 95370	The Honorable Clint Curry Yuba County, District Attorney 215 Fifth Street, Suite 152 Marysville, CA 95901
The Honorable Mike Feuer City of Los Angeles, City Attorney 200 N. Main Street Los Angeles, CA 90012		

EXHIBIT 4

ENTORNO LAW

ATTORNEYS AT LAW

Tel: 619-629-0527
noam@entornolaw.com
craig@entornolaw.com
jake@entornolaw.com
janani@entornolaw.com

225 Broadway, Suite 1900
San Diego, CA 92101

September 19, 2024

Via Certified Mail:

Current Chief Executive Officer/ President LG H&H USA, Inc. c/o Kang Woong Choi One Liberty Plaza 165 Broadway, 25th Fl. New York, NY 10006	Current Chief Executive Officer/ President Amazon.com Sales, Inc. c/o Michael Miller 410 North Terry Ave. Seattle, WA 98108
Amazon.com Sales, Inc. c/o CSC- Lawyers Incorporating Service 2710 Gateway Oaks Drive Sacramento, CA 98533	

Re: Proposition 65 Notice of Violation

This notice amends the previous notice of violation AG No. 2024-03333. This notice corrects the manufacturer name to LG H&H USA, Inc., and the retailer to name Amazon.com Sales, Inc. instead of Amazon.com, Inc. This notice also serves CEOs/Presidents for all entities listed.

To Whom It May Concern:

We represent Environmental Health Advocates, Inc., an organization in the State of California acting in the interest of the general public. This letter serves as notice that the parties listed above are in violation of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act, commencing with section 25249.5 of the Health and Safety Code ("Proposition 65"). In particular, the violations alleged by this notice consist of types of harm that may potentially result from exposures to the toxic chemical Diethanolamine ("DEA"). This chemical was listed as a carcinogen on June 22, 2012.

The specific type of product that is causing exposures in violation of Proposition 65 is facial cleanser, including but not limited to:

	Product Name	**Manufacturer**	**Distributor/Retailer**
1.	The Face Shop Rice Water Bright Foaming Cleanser	LG H&H USA, Inc.	Amazon.com Sales, Inc.

The routes of exposure for the violations include dermal absorption by consumers. These exposures occur through the reasonably foreseeable use of the product. The sales of this product have been occurring since at least April 2024, are continuing to this day and will continue to occur as long as the product subject to this notice is sold to and used by consumers.

Proposition 65 requires that a clear and reasonable warning is provided with these products regarding the exposures to DEA caused by ordinary use of the product. The Parties are in violation of Proposition 65 by failing to provide such warning to consumers and as a result of the sales of this product, exposures to DEA have been occurring without proper warnings.

Pursuant to Proposition 65, notice and intent to sue shall be provided to violators 60-days before filing a complaint. This letter provides notice of the alleged violation to the parties listed above and the appropriate governmental authorities. A summary of Proposition 65 is attached.

EHA identifies Fred Duran as a responsible individual within the entity, 12245 Carmel Vista Road, Unit 193, 92130; 915-312-2577. Mr. Duran requests all communications be sent to EHA's attorneys.

If you have any questions or wish to discuss any of the above, please contact me at noam@entornolaw.com and include clerks@entornolaw.com in the email.

Sincerely,

ENTORNO LAW LLP.

Noam Glick

Craig M. Nicholas
Jake Schulte
Janani Natarajan

CERTIFICATE OF MERIT

I, Noam Glick, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is allegedthe parties identified in the notice have violated Health and Safety Code section 25249.6 by failingto provide clear and reasonable warnings.

2. I am an attorney for the noticing party.

3. 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 alleged exposure to the listed chemical that is the subject of the action.

4. Based on the information obtained through those consultations, and on all 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 violator will be able to establish any of the affirmative defenses set forth in the statute.

5. The copy of this 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 and 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: September 19, 2024

Noam Glick, Attorney at Law

CERTIFICATE OF SERVICE

I, Gayatri Bhanot, declare that I am over the age of 18 years, and am not a party to the within action. I am employed in the County of San Diego, California, where the mailing occurs; and my business address is 225 Broadway, 19th Floor, San Diego, California 92101.

On September 19, 2024, I served the following documents: **(1) 60-DAY NOTICE OF VIOLATION SENT IN COMPLIANCE WITH HEALTH & SAFETY CODE SECTION 25249.7(d); (2) CERTIFICATE OF MERIT; (3) PROPOSITION 65: A SUMMARY; and (4) CERTIFICATE OF MERIT ATTACHMENT (served only on the Attorney General)** on the parties listed below by placing a true and correct copy thereof in a sealed envelope, addressed to each party and depositing it at my business address with the U.S. Postal Service for delivery by Certified Mail with the postage thereon fully prepaid:

Via Certified Mail

Current Chief Executive Officer/ President LG H&H USA, Inc. c/o Kang Woong Choi One Liberty Plaza 165 Broadway, 25th Fl. New York, NY 10006	Current Chief Executive Officer/ President Amazon.com Sales, Inc. c/o Michael Miller 410 North Terry Ave. Seattle, WA 98108
Amazon.com Sales, Inc. c/o CSC- Lawyers Incorporating Service 2710 Gateway Oaks Drive Sacramento, CA 98533	

On September 19, 2024, I served the California Attorney General (via website Portal) by uploading a trueand correct copy thereof as a PDF file via the California Attorney General's website.

On September 19, 2024, I transmitted via electronic mail the above-listed documents to the electronic mail addresses of the City and/or District Attorneys who have specifically authorized e-mail serviceand the authorization appears on the Attorney General's web site.

See Attached Service List

On September 19, 2024, I served the following persons and/or entities at the last known address by placinga true and correct copy thereof in a sealed envelope and depositing it at my business address with the U.S.Postal Service for delivery with the postage thereon fully prepaid, and addressed as follows:

See Attached Service List

I declare under penalty of perjury under the laws of the State of California that the foregoing is trueand correct.

Executed on September 19, 2024, at San Diego, California.

Gayatri Bhanot

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.

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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 contaminant[2] 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.

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[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.

E-Mail Service List

The Honorable Pamela Price Alameda County, District Attorney 7677 Oakport Street, Suite 650 Oakland, CA 94621 CEPDProp65@acgov.org	The Honorable Barbara Yook Calaveras County, 891 Mountain Ranch Rd. San Andreas, CA 95249 Phone: 209-754-6330 Prop65Env@co.calaveras.ca.us	The Honorable Stacey Grassini Contra Costa County, Deputy District Attorney 900 Ward Street Martinez, CA 94553 sgrassini@contracostada.org
The Honorable James Clinchard El Dorado County, Assistant District Attorney 778 Pacific Street Placerville, CA 95667 EDCDAPROP65@edcda.us	The Honorable Lisa A. Smittcamp, Fresno County, District Attorney 2100 Tulare Street Fresno, CA 93721 Phone: (559) 600-3141 consumerprotection@fresnocountyca.gov	The Honorable Thomas L. Hardy Inyo County, District Attorney 168 North Edwards Street Independence, CA 93526 Phone: 760.878.0282 inyoda@inyocounty.us
The Honorable Michelle Latimer Lassen County, Program Coordinator 220 S. Lassen Street Susanville, CA 96130 Phone: 530-251-8284 mlatimer@co.lassen.ca.us	The Honorable Lori Frugoli Marin County, District Attorney 3501 Civic Center Drive, Room 145 San Rafael, CA 94903 consumer@marincounty.gov	The Honorable Walter W. Wall , Mariposa County, District Attorney P.O. Box 730 Mariposa, CA 95338 Phone: (209) 966-3626 mcda@mariposacounty.org
The Honorable Kimberly Lewis, Merced County, District Attorney 550 West Main Street Merced, CA 95340 Phone: (209) 385-7381 Prop65@countyofmerced.com	The Honorable Jeannine M. Pacioni, Monterey County, District Attorney 1200 Aguajito Road Monterey , CA 93940 Prop65DA@co.monterey.ca.us	The Honorable Allison Haley Napa County, District Attorney 1127 First Street, Suite C Napa , CA 94559 CEPD@countyofnapa.org
The Honorable Clifford H. Newell Nevada County, District Attorney 201 Commercial Street Nevada City , CA 95959 DA.Prop65@co.nevada.ca.us	The Honorable Morgan Briggs Gire Placer County, District Attorney 10810 Justice Center Drive Roseville, CA 95678 Phone: 916-543-8000 prop65@placer.ca.gov	The Honorabble David Hollister Plumas County, District Attorney 520 Main St. Quincy, CA 95971 Phone: (530) 283-6303 davidhollister@countyofplumas.com
The Honorable Paul E. Zellerbach Riverside County, District Attorney 3072 Orange Street Riverside, CA 92501 Prop65@rivcoda.org	The Honorable Anne Marie Schubert Sacramento County, District Attorney 901 G Street Sacramento, CA 95814 Prop65@sacda.org	The Honorable Summer Stephan San Diego County, District Attorney 330 West Broadway San Diego, CA 92101 SanDiegoDAProp65@sdcda.org
The Honorable Alexander Grayner San Francisco County, Asst. District Attorney 350 Rhode Island Street San Francisco, CA 94103 alexandra.grayner@sfgov.org	The Honorable Tori Verber Salazar San Joaquin County, District Attorney 222 E. Weber Avenue, Room 202 Stockton, CA 95202 DAConsumer.Environmental@sjcda.org	The Honorable Eric J. Dobroth San Luis Obispo County, Deputy District Attorney County Government Center Annex, 4th Floor San Luis Obispo, CA 93408 Phone: 805-781-5800 edobroth@co.slo.ca.us
The Honorable Christopher Dalbey Santa Barbara County, Deputy District Attorney 1112 Santa Barbara St. Santa Barbara, CA 93101 Phone: 805-568-2300 DAProp65@co.santa-barbara.ca.us	The Honorable Bud Porter Santa Clara County, Supervising Deputy District Attorney 70 W Hedding St San Jose, CA 95110 EPU@da.sccgov.org	The Honorable Jeffrey S. Rosell Santa Cruz County, District Attorney 701 Ocean Street Santa Cruz, CA 95060 Phone: 831-454-2400 Prop65DA@santacruzcounty.us
The Honorable Jill Ravitch Sonoma County, District Attorney 600 Administration Drive Santa Rosa, CA 95403 Jeannie.Barnes@sonoma-county.org	The Honorable Phillip J. Cline Tulare County, District Attorney 221 S Mooney Blvd Visalia, CA 95370 Prop65@co.tulare.ca.us	The Honorable Gregory D. Totten Ventura County, District Attorney 800 S Victoria Ave Ventura, CA 93009 daspecialops@ventura.org
The Honorable Jeff W. Resig Yolo County, District Attorney 301 Second Street Woodland, CA 95695 cfepd@yolocounty.org	The Honorable Mark Ankcorn City of San Diego, Deputy City Attorney 1200 Third Avenue San Diego, CA 92101 CityAttyProp65@sandiego.gov	The Honorable Henry Lifton City of San Francisco, Deputy City Attorney 1390 Market Street, 7th Floor San Francisco, CA 94102 Prop65@sfcityatty.org
The Honorable Nora V. Frimann City of Santa Clara, City Attorney 200 E. Santa Clara Street, 16th Floor San Jose, CA 96113 Proposition65notices@sanjoseca.gov		

MAIL SERVICE LIST

The Honorable Robert Priscaro Alpine County, District Attorney P.O. Box 248 Markleeville, CA 96120	The Honorable Todd Riebe Amador County, District Attorney 708 Court Street, #202 Jackson, CA 95642	The Honorable Michael L. Ramsey Butte County, District Attorney 25 County Center Drive - Administrative Building Oroville, CA 95965
The Honorable Brenden Farrell Colusa County, District Attorney 310 6th Street Colusa, CA 95932	The Honorable Katherine Micks Del Norte County, District Attorney 450 H Street, Room 171 Crescent City, CA 95531	The Honorable Dwayne Stewart Glenn County, District Attorney P.O. Box 430 Willows, CA 95988
The Honorable Stacey Eads Humboldt County, District Attorney 825 5th Street Eureka, CA 95501	The Honorable George Marquez Imperial County, District Attorney 940 West Main Street, Suite 102 El Centro, CA 92243	The Honorable Cynthia Zimmer Kern County, District Attorney 1215 Truxtun Avenue Bakersfield, CA 93301
The Honorable Sarah Hacker Kings County, District Attorney 1400 West Lacey Blvd. Hanford, CA 93230	The Honorable Susan Krones Lake County, District Attorney 255 N. Forbes Street Lakeport, CA 95453	The Honorable George Gascon Los Angeles County, District Attorney 211 W. Temple Street, Suite 1200 Los Angeles, CA 90012
The Honorable Sally O. Moreno, District Attorney 300 South G Street, Suite 300 Madera, CA 93637	The Honorable C. David Eyster Mendocino County, District Attorney P.O. Box 1000 Ukiah, CA 95482	The Honorable Cynthia Campbell Modoc County, District Attorney 204 S. Court Street, Room 202 Alturas, CA 96101
The Honorable David Anderson Mono County, District Attorney P.O. Box 2053 Mammoth Lakes, CA 93546	The Honorable Todd Spitzer Orange County, District Attorney 300 N. Flower Street Santa Ana, CA 92703	The Honorable Joel Buckingham San Benito County, District Attorney 419 4th Street Hollister, CA 95023
The Honorable Jason Anderson San Bernardino County, District Attorney 303 W. Third Street San Bernardino, CA 92415	The Honorable Stephen M. Wagstaffe San Mateo County, District Attorney 400 County Center, Third Floor Redwood City, CA 94063	The Honorable Stephanie A. Bridgett Shasta County, District Attorney 1355 West Street Redding, CA 96001
The Honorable Sandra Groven Sierra County, District Attorney 100 Courthouse Square Downieville, CA 95936	The Honorable James Kirk Andrus Siskiyou County, District Attorney P.O. Box 986 Yreka, CA 96097	The Honorable Krishna A. Abrams Solano County, District Attorney 675 Texas Street, Suite 4500 Fairfield, CA 94533
The Honorable Jeff Laugero Stanislaus County, District Attorney 832 12th Street, Suite 300 Modesto, CA 95353	The Honorable Jennifer Dupre Sutter County, District Attorney 463 2nd Street, Suite 102 Yuba City, CA 95991	The Honorable Matthew Rogers Tehama County, District Attorney P.O. Box 519 Red Bluff, CA 96080
The Honorable David Brady Trinity County, District Attorney P.O. Box 310 Weaverville, CA 96093	The Honorable Cassandra Jenecke Tuolumne County, District Attorney 2 S. Green St. Sonora, CA 95370	The Honorable Clint Curry Yuba County, District Attorney 215 Fifth Street, Suite 152 Marysville, CA 95901
The Honorable Mike Feuer City of Los Angeles, City Attorney 200 N. Main Street Los Angeles, CA 90012		