

ENTORNO LAW, LLP

Noam Glick (SBN 251582)
Craig M. Nicholas (SBN 178444)
Jake W. Schulte (SBN 293777)
Janani Natarajan (SBN 346770)
Gianna E. Tirrell (SBN 358788)

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
Email: gianna@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.

COTY INC., a Delaware corporation; ANASTASIA
BEVERLY HILLS, LLC, a California limited
liability company; MARKWINS BEAUTY
BRANDS, INC., a California corporation; MAKE-
UP ART COSMETICS (U.S.), INC., a Delaware
corporation; L'OREAL USA S/D, INC., a Delaware
corporation; GRANDE COSMETICS, LLC, a New
York limited liability company; IT COSMETICS
LLC, a New York limited liability company;
SIGMA ENTERPRISES, LLC, a Minnesota limited
liability company; CHANTECAILLE BEAUTE,
INC., a New Jersey corporation; SURRETT
COSMETICS, LLC, a Delaware limited liability
company; BOBBI BROWN PROFESSIONAL
COSMETICS SERVICES, INC., a Delaware
corporation; THE ESTEE LAUDER COMPANIES
INC., a Delaware corporation; PROFUSION
COSMETICS CORP., a California corporation and
DOES 1 through 100, inclusive,

Defendants.

Case No.: 24CV098484

**SUPPLEMENTAL COMPLAINT FOR
CIVIL PENALTIES AND INJUNCTIVE
RELIEF**

(Health & Safety Code § 25249.6 et seq.)

I.
INTRODUCTION

1
2 1. This Complaint is a representative action brought by Environmental Health Advocates,
3 Inc. (“Plaintiff”) in the public interest of the citizens of the State of California (“the People”). Plaintiff
4 seeks to remedy Defendants' failure to inform the People of exposure to diethanolamine (“DEA”), a
5 chemical known to the State of California to cause cancer. DEA is a common component of cosmetic
6 and grooming products, and often functions as an emulsifier or foaming agent. Defendants expose
7 consumers to DEA by manufacturing, importing, selling, and/or distributing a variety of cosmetic
8 products including, but not limited to, mascara, foundation, body makeup, eye liner/shadow, and primer
9 (collectively, the “Products”). Defendants know and intend that consumers will use Products containing
10 DEA. Defendants manufacture, import, sell, and/or distribute Products containing DEA in the State of
11 California. These Products¹ include: (1) CoverGirl Professional Natural Lash Mascara; (2) Lash Sculpt
12 Lengthening & Volumizing Mascara Mini; (3) Black Radiance Body Building Mascara – Black; (4)
13 Black Radiance Color Perfect Liquid Makeup Foundation; (5) Studio Radiance Face and Body Radiant
14 Sheer Foundation; (6) Definicils High Definition Lengthening Mascara; (7) Maybelline Clear Great
15 Lash Mascara; (8) Grande Cosmetics Grande Primer; (9) Lancome CILS BOOSTER XL Mascara Base;
16 (10) IT Cosmetics Super Hero Stretch Volume Mascara; (11) Sigma Sinuosity Lash Mascara; (12)
17 Chantecaille Faux Cils Mascara; (13) Surratt Beauty Pointilliste Mascara; (14) Smokey Eye Longwear
18 Mascara; (15) So Jelly Face & Body Glitter Gel; (16) Peanuts Halloween Magical Wizard Chrome
19 Liquid Topper Set; (17) Casper the Friendly Ghost Duochrome Liner; (18) Jurassic World Protective
20 Unit Glitter Primer; and (19) Spookarama Terror-ific Face & Body Paint - Red. Products 1-3, 6, 7, and
21 9-14 are categorized as mascaras; Products 4-5 are categorized as foundations; Products 15 and 19 are
22 categorized as body makeup; Products 16 and 17 are categorized as eye liner/shadow; and Products 8
23 and 18 are categorized as primers.

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26 ¹ See 60-Day Notices of Violation Attorney General Nos. 2024-03445, 2024-03417, 2024-03459, 2024-03458,
27 and 2024-03124, 2024-04957, 2024-03684, 2024-03741, 2024-03760, 2024-03685, 2024-03915, 2024-04409, 2024-04419,
28 2024-04603, 2024-04708, 2024-04714, 2024-04716, 2024-04717, and 2024-04711 attached hereto as **Exhibits 1 – 19**
(hereinafter, the “Notices.”)

1 7. Defendant ANASTASIA BEVERLY HILLS, LLC ("Anastasia") is a limited liability
2 company organized and existing under the laws of California. Anastasia is registered to do business in
3 California, and does business in the County of Alameda, within the meaning of Health and Safety Code,
4 section 25249.11. Anastasia manufactures, imports, sells, or distributes Product 2 in California and
5 Alameda County.

6 8. Defendant MARKWINS BEAUTY BRANDS, INC. ("Markwins") is a corporation
7 organized and existing under the laws of California. Markwins is registered to do business in California,
8 and does business in the County of Alameda, within the meaning of Health and Safety Code, section
9 25249.11. Markwins manufactures, imports, sells, or distributes Products 3 and 4 in California and
10 Alameda County.

11 9. Defendant MAKE-UP ART COSMETICS (U.S.), INC. ("MAC") is a corporation
12 organized and existing under the laws of Delaware. MAC is registered to do business in California, and
13 does business in the County of Alameda, within the meaning of Health and Safety Code, section
14 25249.11. MAC manufactures, imports, sells, or distributes Product 5 in California and Alameda
15 County.

16 10. Defendant L'OREAL USA S/D, INC. ("L'Oreal") is a corporation organized and
17 existing under the laws of Delaware. L'Oreal is registered to do business in California, and does business
18 in the County of Alameda, within the meaning of Health and Safety Code, section 25249.11. L'Oreal
19 manufactures, imports, sells, or distributes the Products 6, 7, 9 and 10 in California and Alameda
20 County.

21 11. Defendant GRANDE COSMETICS, LLC ("Grande") is a limited liability company
22 organized and existing under the laws of New York. Grande is registered to do business in California,
23 and does business in the County of Alameda, within the meaning of Health and Safety Code, section
24 25249.11. Grande manufactures, imports, sells, or distributes Product 8 in California and Alameda
25 County.

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1 12. Defendant IT COSMETICS LLC ("IT Cosmetics") is a limited liability company
2 organized and existing under the laws of New York. IT Cosmetics is registered to do business in
3 California, and does business in the County of Alameda, within the meaning of Health and Safety Code,
4 section 25249.11. IT Cosmetics manufactures, imports, sells, or distributes Product 10 in California and
5 Alameda County.

6 13. Defendant SIGMA ENTERPRISES, LLC ("Sigma") is a limited liability company
7 organized and existing under the laws of Minnesota. Sigma is registered to do business in California,
8 and does business in the County of Alameda, within the meaning of Health and Safety Code, section
9 25249.11. Sigma manufactures, imports, sells, or distributes Product 11 in California and Alameda
10 County.

11 14. Defendant CHANTECAILLE BEAUTE, INC. ("Chantecaille") is a corporation
12 organized and existing under the laws of New Jersey. Chantecaille is registered to do business in
13 California, and does business in the County of Alameda, within the meaning of Health and Safety Code,
14 section 25249.11. Chantecaille manufactures, imports, sells, or distributes Product 12 in California and
15 Alameda County.

16 15. Defendant SURRATT COSMETICS, LLC ("Surratt") is a limited liability company
17 organized and existing under the laws of Delaware. Surratt is registered to do business in California,
18 and does business in the County of Alameda, within the meaning of Health and Safety Code, section
19 25249.11. Surratt manufactures, imports, sells, or distributes Product 13 in California and Alameda
20 County.

21 16. Defendant BOBBI BROWN PROFESSIONAL COSMETICS SERVICES, INC.
22 ("Bobbi Brown") is a corporation organized and existing under the laws of Delaware. Bobbi Brown is
23 registered to do business in California, and does business in the County of Alameda, within the meaning
24 of Health and Safety Code, section 25249.11. Bobbi Brown manufactures, imports, sells, or distributes
25 Product 14 in California and Alameda County.

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1 (Dermal Studies). Natl Toxicol Program Tech Rep Ser. 1999 Jul; 478:1-212. PMID: 12571685.,
2 available at: <https://pubmed.ncbi.nlm.nih.gov/12571685/> [last visited April 10, 2025].)

3 28. The Office of Environmental Health Hazard Assessment (“OEHHA”) has established
4 specific safe harbor levels for many of the chemicals listed under Proposition 65. For cancer-causing
5 chemicals in particular, a safe harbor level is called a “No Significant Risk Level,” or “NSRL.” An
6 NSRL is the daily intake level calculated to result in one excess case of cancer in an exposed human
7 population of 100,000, assuming lifetime exposure at the level in question. (See OEHHA’s Proposition
8 65 Process for Developing Safe Harbor Numbers (February 2001), available at
9 <https://oehha.ca.gov/media/downloads/cmr/2001safeharborprocess.pdf> [last visited April 10, 2025].)

10 The State of California has not yet established an NSRL for DEA. However, research suggests that an
11 NSRL of 5.6 micrograms/day of DEA is appropriate, where dermal absorption is the route of exposure.
12 (See Wang B, Amacher DE, Whittaker MH. Derivation of a No-Significant-Risk-Level (NSRL) for
13 diethanolamine (DEA). Regul Toxicol Pharmacol. 2014 Feb;68(1):76-84. doi:
14 10.1016/j.yrtph.2013.11.009. Epub 2013 Nov 23. PMID: 24275050 [last visited April 10, 2025].) This
15 NSRL is derived from the NTP study described above, using a benchmark dose modeling method based
16 on the incidence of hepatocellular carcinomas in female mice, in accordance with the guidelines of the
17 California Environmental Protection Agency.

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

21 **V.**
22 **CAUSES OF ACTION**

23 **FIRST CAUSE OF ACTION**

24 **(Violation of Proposition 65 – Against all Defendants)**

25 30. Plaintiff incorporates by reference each and every allegation contained above.

26 31. Proposition 65 mandates that citizens be informed about exposures to chemicals that
27 cause cancer, birth defects, and other reproductive harm.
28

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

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

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

10 35. Defendants' Products exceed the NSRL of 5.6 micrograms/day, which was derived from
11 the NTP study.

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

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

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

23 39. The appropriate public enforcement agencies provided with the Notices failed to
24 commence and diligently prosecute a cause of action against Defendants.

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

28

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

4 **PRAYER FOR RELIEF**

5 Wherefore, Plaintiff prays for judgment against Defendants as follows:

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

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

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

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

13
14 Respectfully submitted:

15 Dated: April 10, 2025

ENTORNO LAW, LLP

16
17 By: 
Noam Glick

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19 Craig M. Nicholas
20 Jake W. Schulte
21 Janani Natarajan
22 Gianna E. Tirrell

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28 Attorneys for Plaintiff
Environmental Health Advocates, Inc.

1 **PRAYER FOR RELIEF**

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- 3 1. Civil penalties in the amount of \$2,500 per day for each violation. Plaintiff alleges that
4 damages total a minimum of \$1,000,000;
- 5 2. A preliminary and permanent injunction against Defendants from manufacturing,
6 importing, selling, and/or distributing Products in California without providing a clear and reasonable
7 warning as required by Proposition 65 and related Regulations;
- 8 3. Reasonable attorney’s fees and costs of suit; and
- 9 4. Such other and further relief as may be just and proper.
- 10

11 Respectfully submitted:

12 Dated: April 10, 2025

ENTORNO LAW, LLP

13
14 By: 
Noam Glick

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16 Craig M. Nicholas
17 Jake W. Schulte
18 Janani Natarajan
19 Gianna E. Tirrell

20 Attorneys for Plaintiff
21 Environmental Health Advocates, Inc.
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EXHIBIT 1



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 16, 2024

Via Certified Mail:

Coty Inc. c/o CSC – Lawyers Incorporating Service 2710 Gateway Oaks Drive Sacramento, CA 95833	Current Chief Executive Officer Coty Inc. c/o Sue Nabi 350 Fifth Avenue New York, NY 10118
Ulta Salon, Cosmetics & Fragrance, Inc. c/o CSC – Lawyers Incorporating Service 2710 Gateway Oaks Drive Sacramento, CA 95833	Current Chief Executive Officer Ulta Salon, Cosmetics & Fragrances, Inc. c/o David Kimbell 1000 Remington Blvd., Suite 120 Bolingbrook, IL 60440

Re: Proposition 65 Notice of Violation

This notice amends the original notice of violation AG No. 2024-02202. 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 mascara including but not limited to:

	<u>Product Name</u>	<u>Manufacturer</u>	<u>Distributor/Retailer</u>
1.	CoverGirl Professional Natural Lash Mascara	Coty Inc.	Ulta Salon, Cosmetics & Fragrance, 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 alleged the parties identified in the notice have violated Health and Safety Code section 25249.6 by failing to 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 16, 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 16, 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

Coty Inc. c/o CSC – Lawyers Incorporating Service 2710 Gateway Oaks Drive Sacramento, CA 95833	Current Chief Executive Officer Coty Inc. c/o Sue Nabi 350 Fifth Avenue New York, NY 10118
Ulta Salon, Cosmetics & Fragrance, Inc. c/o CSC – Lawyers Incorporating Service 2710 Gateway Oaks Drive Sacramento, CA 95833	Current Chief Executive Officer Ulta Salon, Cosmetics & Fragrances, Inc. c/o David Kimbell 1000 Remington Blvd., Suite 120 Bolingbrook, IL 60440

On August 16, 2024, I served the California Attorney General (via website Portal) by uploading a true and correct copy thereof as a PDF file via the California Attorney General’s website.

On August 16, 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 service and the authorization appears on the Attorney General’s web site.

See Attached Service List

On August 16, 2024, I served the following persons and/or entities at the last known address by placing a 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 true and correct.

Executed on August 16, 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 contaminant² it must be reduced to the lowest level feasible. Regulations explaining this exemption can be found in Section 25501.

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

² See Section 25501(a)(4).

HOW IS PROPOSITION 65 ENFORCED?

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

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

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

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

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

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

FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...

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

Revised: May 2017

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

E-Mail Service List

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

MAIL SERVICE LIST

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

EXHIBIT 2



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 16, 2024

Via Certified Mail:

Anastasia Beverly Hills, LLC c/o C T Corporation System 330 North Brand Blvd Glendale, CA 92103	Current Chief Executive Officer Anastasia Beverly Hills, LLC c/o Anastasia Soare 438 North Bedford Drive Beverly Hills, CA 90210
Ulta Salon, Cosmetics & Fragrance, Inc. c/o CSC – Lawyers Incorporating Service 2710 Gateway Oaks Drive Sacramento, CA 05833	Current Chief Executive Officer Ulta Salon, Cosmetics & Fragrance, Inc. c/o David Kimbell 1000 Remington Blvd, Suite 120 Bolingbrook, IL 60440

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 mascara including but not limited to:

	<u>Product Name</u>	<u>Manufacturer</u>	<u>Distributor/Retailer</u>
1.	Lash Sculpt Lengthening & Volumizing Mascara Mini	Anastasia Beverly Hills, LLC	Ulta Salon, Cosmetics & Fragrance, 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 July 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.

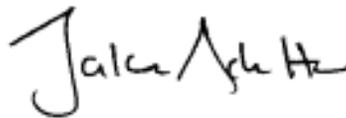
Proposition 65 requires that a clear and reasonable warning is provided with these products regarding the exposures to DEA caused by ordinary use of the product. The Parties are in violation of Proposition 65 by failing to provide such warning to consumers and as a result of the sales of this product,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

A handwritten signature in black ink that reads "Jake Schulte". The signature is written in a cursive, slightly slanted style.

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 alleged the parties identified in the notice have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.

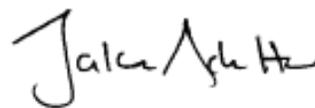
2. I am an attorney for the noticing party.

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 plaintiffs' 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 16, 2024

A handwritten signature in black ink that reads "Jake Schulte". The signature is written in a cursive, slightly slanted style.

Jake Schulte, Attorney at Law

CERTIFICATE OF SERVICE

I, Camille Sytko, 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 16, 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

Anastasia Beverly Hills, LLC c/o C T Corporation System 330 North Brand Blvd Glendale, CA 92103	Current Chief Executive Officer Anastasia Beverly Hills, LLC c/o Anastasia Soare 438 North Bedford Drive Beverly Hills, CA 90210
Ulta Salon, Cosmetics & Fragrance, Inc. c/o CSC – Lawyers Incorporating Service 2710 Gateway Oaks Drive Sacramento, CA 05833	Current Chief Executive Officer Ulta Salon, Cosmetics & Fragrance, Inc. c/o David Kimbell 1000 Remington Blvd, Suite 120 Bolingbrook, IL 60440

On August 16, 2024, I served the California Attorney General (via website Portal) by uploading a true and correct copy thereof as a PDF file via the California Attorney General’s website.

On August 16, 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 service and the authorization appears on the Attorney General’s web site.

See Attached Service List

On August 16, 2024, I served the following persons and/or entities at the last known address by placing a 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 true and correct.

Executed on August 16, 2024, at San Diego, California.

Camille Sytko

Camille Sytko

APPENDIX A

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

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

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

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

WHAT DOES PROPOSITION 65 REQUIRE?

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

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

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

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

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

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

DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?

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

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

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

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

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

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

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

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

² See Section 25501(a)(4).

HOW IS PROPOSITION 65 ENFORCED?

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

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

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

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

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

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

FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...

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

Revised: May 2017

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

E-Mail Service List

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<p>The Honorable James Clinchard El Dorado County, Assistant District Attorney 778 Pacific Street Placerville, CA 95667 EDCDAPROP65@edcda.us</p>	<p>The Honorable Lisa A. Smittcamp, Fresno County, District Attorney 2100 Tulare Street Fresno, CA 93721 Phone: (559) 600-3141 consumerprotection@fresnocountyca.gov</p>	<p>The Honorable Thomas L. Hardy Inyo County, District Attorney 168 North Edwards Street Independence, CA 93526 Phone: 760.878.0282 inyoda@inyocounty.us</p>
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<p>The Honorable Alexander Grayner San Francisco County, Asst. District Attorney 350 Rhode Island Street San Francisco, CA 94103 alexandra.grayner@sfgov.org</p>	<p>The Honorable Tori Verber Salazar San Joaquin County, District Attorney 222 E. Weber Avenue, Room 202 Stockton, CA 95202 DAConsumer.Environmental@sjcda.org</p>	<p>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</p>
<p>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</p>	<p>The Honorable Bud Porter Santa Clara County, Supervising Deputy District Attorney 70 W Hedding St San Jose, CA 95110 EPU@da.sccgov.org</p>	<p>The Honorable Jeffrey S. Rosell Santa Cruz County, District Attorney 701 Ocean Street Santa Cruz, CA 95060 Phone: 831-454-2400 Prop65DA@santacruzcounty.us</p>
<p>The Honorable Jill Ravitch Sonoma County, District Attorney 600 Administration Drive Santa Rosa, CA 95403 Jeannie.Barnes@sonoma- county.org</p>	<p>The Honorable Phillip J. Cline Tulare County, District Attorney 221 S Mooney Blvd Visalia, CA 95370 Prop65@co.tulare.ca.us</p>	<p>The Honorable Gregory D. Totten Ventura County, District Attorney 800 S Victoria Ave Ventura, CA 93009 daspecialops@ventura.org</p>
<p>The Honorable Jeff W. Resig Yolo County, District Attorney 301 Second Street Woodland, CA 95695 cfepd@yolocounty.org</p>	<p>The Honorable Mark Ankcorn City of San Diego, Deputy City Attorney 1200 Third Avenue San Diego, CA 92101 CityAttyProp65@sandiego.gov</p>	<p>The Honorable Henry Lifton City of San Francisco, Deputy City Attorney 1390 Market Street, 7th Floor San Francisco, CA 94102 Prop65@sfcityatty.org</p>
<p>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</p>		

MAIL SERVICE LIST

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

EXHIBIT 3



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 16, 2024

Via Certified Mail:

Markwins Beauty Brands, Inc. c/o John Chen 22067 Ferrero Parkway City of Industry, CA 91789	Current Chief Executive Officer Markwins Beauty Brands, Inc. c/o Lina Chen 22067 Ferrero Parkway City of Industry, CA 91789
Target Corporation c/o C T Corporation System 330 N Brand Blvd. 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 mascara including but not limited to:

	<u>Product Name</u>	<u>Manufacturer</u>	<u>Distributor/Retailer</u>
1.	Black Radiance Body Building Mascara - Black - 0.27 fl oz	Markwins Beauty Brands, 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 July 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.

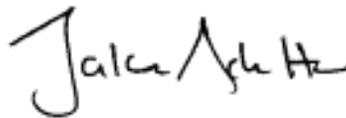
Proposition 65 requires that a clear and reasonable warning is provided with these products regarding the exposures to DEA caused by ordinary use of the product. The Parties are in violation of Proposition 65 by failing to provide such warning to consumers and as a result of the sales of this product,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

A handwritten signature in black ink that reads "Jake Schulte". The signature is written in a cursive, slightly slanted style.

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 alleged the parties identified in the notice have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.

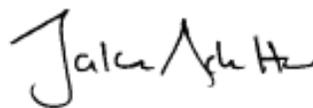
2. I am an attorney for the noticing party.

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 plaintiffs' 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 16, 2024

A handwritten signature in black ink that reads "Jake Schulte". The signature is written in a cursive, slightly slanted style.

Jake Schulte, 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 August 16, 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

Markwins Beauty Brands, Inc. c/o John Chen 22067 Ferrero Parkway City of Industry, CA 91789	Current Chief Executive Officer Markwins Beauty Brands, Inc. c/o Lina Chen 22067 Ferrero Parkway City of Industry, CA 91789
Target Corporation c/o C T Corporation System 330 N Brand Blvd. Glendale, CA 91203	Current Chief Executive Officer Target Corporation c/o Brian C. Cornell 1000 Nicollet Mall Minneapolis, MN 55403

On August 16, 2024, I served the California Attorney General (via website Portal) by uploading a true and correct copy thereof as a PDF file via the California Attorney General's website.

On August 16, 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 service and the authorization appears on the Attorney General's web site.

See Attached Service List

On August 16, 2024, I served the following persons and/or entities at the last known address by placing a 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 true and correct.

Executed on August 16, 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.

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

WHAT DOES PROPOSITION 65 REQUIRE?

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

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

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

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

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

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

DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?

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

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

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

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

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

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

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

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

² See Section 25501(a)(4).

HOW IS PROPOSITION 65 ENFORCED?

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

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

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

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

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

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

FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...

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

Revised: May 2017

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

E-Mail Service List

<p>The Honorable Pamela Price Alameda County, District Attorney 7677 Oakport Street, Suite 650 Oakland, CA 94621 CEPDProp65@acgov.org</p>	<p>The Honorable Barbara Yook Calaveras County, 891 Mountain Ranch Rd. San Andreas, CA 95249 Phone: 209-754-6330 Prop65Env@co.calaveras.ca.us</p>	<p>The Honorable Stacey Grassini Contra Costa County, Deputy District Attorney 900 Ward Street Martinez, CA 94553 sgrassini@contracostada.org</p>
<p>The Honorable James Clinchard El Dorado County, Assistant District Attorney 778 Pacific Street Placerville, CA 95667 EDCDAPROP65@edcda.us</p>	<p>The Honorable Lisa A. Smittcamp, Fresno County, District Attorney 2100 Tulare Street Fresno, CA 93721 Phone: (559) 600-3141 consumerprotection@fresnocountyca.gov</p>	<p>The Honorable Thomas L. Hardy Inyo County, District Attorney 168 North Edwards Street Independence, CA 93526 Phone: 760.878.0282 inyoda@inyocounty.us</p>
<p>The Honorable Michelle Latimer Lassen County, Program Coordinator 220 S. Lassen Street Susanville, CA 96130 Phone: 530-251-8284 mlatimer@co.lassen.ca.us</p>	<p>The Honorable Lori Frugoli Marin County, District Attorney 3501 Civic Center Drive, Room 145 San Rafael, CA 94903 consumer@marincounty.gov</p>	<p>The Honorable Walter W. Wall , Mariposa County, District Attorney P.O. Box 730 Mariposa, CA 95338 Phone: (209) 966-3626 mcda@mariposacounty.org</p>
<p>The Honorable Kimberly Lewis, Merced County, District Attorney 550 West Main Street Merced, CA 95340 Phone: (209) 385-7381 Prop65@countyofmerced.com</p>	<p>The Honorable Jeannine M. Pacioni, Monterey County, District Attorney 1200 Aguajito Road Monterey , CA 93940 Prop65DA@co.monterey.ca.us</p>	<p>The Honorable Allison Haley Napa County, District Attorney 1127 First Street, Suite C Napa , CA 94559 CEPD@countyofnapa.org</p>
<p>The Honorable Clifford H. Newell Nevada County, District Attorney 201 Commercial Street Nevada City , CA 95959 DA.Prop65@co.nevada.ca.us</p>	<p>The Honorable Morgan Briggs Gire Placer County, District Attorney 10810 Justice Center Drive Roseville, CA 95678 Phone: 916-543-8000 prop65@placer.ca.gov</p>	<p>The Honorable David Hollister Plumas County, District Attorney 520 Main St. Quincy, CA 95971 Phone: (530) 283-6303 davidhollister@countyofplumas.com</p>
<p>The Honorable Paul E. Zellerbach Riverside County, District Attorney 3072 Orange Street Riverside, CA 92501 Prop65@rivcoda.org</p>	<p>The Honorable Anne Marie Schubert Sacramento County, District Attorney 901 G Street Sacramento, CA 95814 Prop65@sacda.org</p>	<p>The Honorable Summer Stephan San Diego County, District Attorney 330 West Broadway San Diego, CA 92101 SanDiegoDAProp65@sdcda.org</p>
<p>The Honorable Alexander Grayner San Francisco County, Asst. District Attorney 350 Rhode Island Street San Francisco, CA 94103 alexandra.grayner@sfgov.org</p>	<p>The Honorable Tori Verber Salazar San Joaquin County, District Attorney 222 E. Weber Avenue, Room 202 Stockton, CA 95202 DAConsumer.Environmental@sjcda.org</p>	<p>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</p>
<p>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</p>	<p>The Honorable Bud Porter Santa Clara County, Supervising Deputy District Attorney 70 W Hedding St San Jose, CA 95110 EPU@da.sccgov.org</p>	<p>The Honorable Jeffrey S. Rosell Santa Cruz County, District Attorney 701 Ocean Street Santa Cruz, CA 95060 Phone: 831-454-2400 Prop65DA@santacruzcounty.us</p>
<p>The Honorable Jill Ravitch Sonoma County, District Attorney 600 Administration Drive Santa Rosa, CA 95403 Jeannie.Barnes@sonoma- county.org</p>	<p>The Honorable Phillip J. Cline Tulare County, District Attorney 221 S Mooney Blvd Visalia, CA 95370 Prop65@co.tulare.ca.us</p>	<p>The Honorable Gregory D. Totten Ventura County, District Attorney 800 S Victoria Ave Ventura, CA 93009 daspecialops@ventura.org</p>
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<p>The Honorable Sally O. Moreno, District Attorney 300 South G Street, Suite 300 Madera, CA 93637</p>	<p>The Honorable C. David Eyster Mendocino County, District Attorney P.O. Box 1000 Ukiah, CA 95482</p>	<p>The Honorable Cynthia Campbell Modoc County, District Attorney 204 S. Court Street, Room 202 Alturas, CA 96101</p>
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EXHIBIT 4



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 16, 2024

Via Certified Mail:

Markwins Beauty Brands, Inc. c/o John Chen 22067 Ferrero Parkway City of Industry, CA 91789	Current Chief Executive Officer Markwins Beauty Brands, Inc. c/o Lina Chen 22067 Ferrero Parkway City of Industry, CA 91789
Target Corporation c/o C T Corporation System 330 N Brand Blvd. 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 liquid foundation including but not limited to:

	<u>Product Name</u>	<u>Manufacturer</u>	<u>Distributor/Retailer</u>
1.	Black Radiance Color Perfect Liquid Makeup Foundation	Markwins Beauty Brands, 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 July 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.

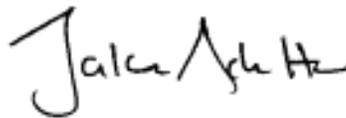
Proposition 65 requires that a clear and reasonable warning is provided with these products regarding the exposures to DEA caused by ordinary use of the product. The Parties are in violation of Proposition 65 by failing to provide such warning to consumers and as a result of the sales of this product,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

A handwritten signature in black ink that reads "Jake Schulte". The signature is written in a cursive, slightly slanted style.

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 alleged the parties identified in the notice have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.

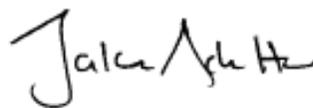
2. I am an attorney for the noticing party.

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 plaintiffs' 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 16, 2024

A handwritten signature in black ink that reads "Jake Schulte". The signature is written in a cursive, slightly slanted style.

Jake Schulte, 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 August 16, 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

Markwins Beauty Brands, Inc. c/o John Chen 22067 Ferrero Parkway City of Industry, CA 91789	Current Chief Executive Officer Markwins Beauty Brands, Inc. c/o Lina Chen 22067 Ferrero Parkway City of Industry, CA 91789
Target Corporation c/o C T Corporation System 330 N Brand Blvd. Glendale, CA 91203	Current Chief Executive Officer Target Corporation c/o Brian C. Cornell 1000 Nicollet Mall Minneapolis, MN 55403

On August 16, 2024, I served the California Attorney General (via website Portal) by uploading a true and correct copy thereof as a PDF file via the California Attorney General's website.

On August 16, 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 service and the authorization appears on the Attorney General's web site.

See Attached Service List

On August 16, 2024, I served the following persons and/or entities at the last known address by placing a 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 true and correct.

Executed on August 16, 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.

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

WHAT DOES PROPOSITION 65 REQUIRE?

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

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

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

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

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

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

DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?

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

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

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

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

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

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

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

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

² See Section 25501(a)(4).

HOW IS PROPOSITION 65 ENFORCED?

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

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

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

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

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

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

FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...

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

Revised: May 2017

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

E-Mail Service List

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

MAIL SERVICE LIST

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

EXHIBIT 5



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:

Make-Up Art Cosmetics (U.S.), Inc. c/o CSC – Lawyers Incorporating Service 2710 Gateway Oaks Drive Sacramento, CA 95833	Current Chief Executive Officer Make-Up Art Cosmetics (U.S.), Inc. c/o Jane Hertzmark Hudis 7 Corporate Center Drive Melville, NY 11747
Ulta Salon, Cosmetics & Fragrance, Inc. c/o CSC – Lawyers Incorporating Service 2710 Gateway Oaks Drive Sacramento, CA 95833	Current Chief Executive Officer Ulta Salon, Cosmetics & Fragrance, Inc. c/o David Kimbell 1000 Remington Blvd, Suite 120 Bolingbrook, IL 60440

Re: Proposition 65 Notice of Violation

This notice amends the original notice of violation AG No. 2024-01513. 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 foundation including but not limited to:

	<u>Product Name</u>	<u>Manufacturer</u>	<u>Distributor/Retailer</u>
1.	Studio Radiance Face And Body Radiant Sheer Foundation	Make-Up Art Cosmetics (U.S.), Inc.	Ulta Salon, Cosmetics, & Fragrance, 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 alleged the parties identified in the notice have violated Health and Safety Code section 25249.6 by failing to 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

Make-Up Art Cosmetics (U.S.), Inc. c/o CSC – Lawyers Incorporating Service 2710 Gateway Oaks Drive Sacramento, CA 95833	Current Chief Executive Officer Make-Up Art Cosmetics (U.S.), Inc. c/o Jane Hertzmark Hudis 7 Corporate Center Drive Melville, NY 11747
Ulta Salon, Cosmetics & Fragrance, Inc. c/o CSC – Lawyers Incorporating Service 2710 Gateway Oaks Drive Sacramento, CA 95833	Current Chief Executive Officer Ulta Salon, Cosmetics & Fragrance, Inc. c/o David Kimbell 1000 Remington Blvd, Suite 120 Bolingbrook, IL 60440

On July 24, 2024, I served the California Attorney General (via website Portal) by uploading a true and 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 service and 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 placing a 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 true and 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 contaminant² it must be reduced to the lowest level feasible. Regulations explaining this exemption can be found in Section 25501.

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

² See Section 25501(a)(4).

HOW IS PROPOSITION 65 ENFORCED?

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

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

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

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

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

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

FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...

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

Revised: May 2017

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

E-Mail Service List

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

MAIL SERVICE LIST

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

EXHIBIT 6



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

November 22, 2024

Via Certified Mail:

Sephora USA, Inc. c/o Becky DeGeorge 2710 Gateway Oaks Drive Sacramento, CA 95833	Current Chief Executive Officer Sephora USA, Inc. c/o Jean-Andre Rouget 525 Market Street, 32nd Floor San Francisco, CA 94105
L'Oreal USA S/D, Inc. c/o CSC – Lawyers Incorporating Service 2710 Gateway Oaks Drive Sacramento, CA 95833	Current Chief Executive Officer L'Oreal USA S/D, Inc. c/o David Greenberg 10 Hudson Yards New York, NY 10001

Re: Proposition 65 Notice of Violation

This notice amends the original notice of violation AG No. 2024-03460. This notice removes Lancôme LLC as an entity and adds L'oreal USA S/D, Inc. as a manufacturer.

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 mascara including but not limited to:

	<u>Product Name</u>	<u>Manufacturer</u>	<u>Distributor/Retailer</u>
1.	Definicils High Definition Lengthening Mascara	L'oreal USA S/D, Inc.	Sephora USA, 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 July 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.

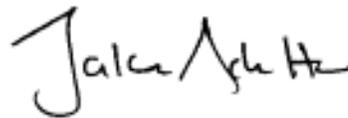
Proposition 65 requires that a clear and reasonable warning is provided with these products regarding the exposures to DEA caused by ordinary use of the product. The Parties are in violation of Proposition 65 by failing to provide such warning to consumers and as a result of the sales of this product,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

A handwritten signature in black ink that reads "Jake Schulte". The signature is written in a cursive, slightly slanted style.

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 alleged the parties identified in the notice have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.

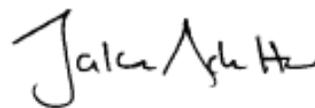
2. I am an attorney for the noticing party.

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 plaintiffs' 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: November 22, 2024

A handwritten signature in black ink that reads "Jake Schulte". The signature is written in a cursive, slightly slanted style.

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 November 22, 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

Sephora USA, Inc. c/o Becky DeGeorge 2710 Gateway Oaks Drive Sacramento, CA 95833	Current Chief Executive Officer Sephora USA, Inc. c/o Jean-Andre Rouget 525 Market Street, 32nd Floor San Francisco, CA 94105
L’Oreal USA S/D, Inc. c/o CSC – Lawyers Incorporating Service 2710 Gateway Oaks Drive Sacramento, CA 95833	Current Chief Executive Officer L’Oreal USA S/D, Inc. c/o David Greenberg 10 Hudson Yards New York, NY 10001

On November 22, 2024, I served the California Attorney General (via website Portal) by uploading a true and correct copy thereof as a PDF file via the California Attorney General’s website.

On November 22, 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 service and the authorization appears on the Attorney General’s web site.

See Attached Service List

On November 22, 2024, I served the following persons and/or entities at the last known address by placing a 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 true and correct.

Executed on November 22, 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

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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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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.

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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:

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

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

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

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

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

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

² See Section 25501(a)(4).

HOW IS PROPOSITION 65 ENFORCED?

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

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

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

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

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

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

FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...

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

Revised: May 2017

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

E-Mail Service List

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

MAIL SERVICE LIST

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

EXHIBIT 7



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 5, 2024

Via Certified Mail:

L'Oréal USA S/D, Inc. c/o CSC – Lawyers Incorporating Service 2710 Gateway Oaks Drive Sacramento, CA 95833	Current Chief Executive Officer L'Oréal USA S/D, Inc. c/o David Greenberg 10 Hudson Yards New York, NY 10001
CVS Pharmacy, Inc. c/o C T Corporation System 330 N Brand Blvd, Glendale, CA 91203	Current Chief Executive Officer CVS Pharmacy, Inc. c/o Carol A. DeNale One CVS Drive Woonsocket, RI 02895

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 clear mascara including but not limited to:

	<u>Product Name</u>	<u>Manufacturer</u>	<u>Distributor/Retailer</u>
1.	Maybelline Clear Great Lash Mascara	L'Oréal USA S/D, Inc.	CVS Pharmacy, 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 janani@entornolaw.com and include clerks@entornolaw.com in the email.

Sincerely,

ENTORNO LAW LLP.

Janani Natarajan

Noam Glick
Craig M. Nicholas
Jake Schulte

Enclosures

A handwritten signature in black ink that reads "Janani Natarajan". The signature is written in a cursive, flowing style.

CERTIFICATE OF MERIT

I, Janani Natarajan, hereby declare:

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

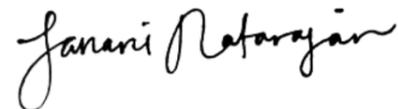
2. I am an attorney for the noticing party.

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 5, 2024



Janani Natarajan, 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 5, 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'Oréal USA S/D, Inc. c/o CSC – Lawyers Incorporating Service 2710 Gateway Oaks Drive Sacramento, CA 95833	Current Chief Executive Officer L'Oréal USA S/D, Inc. c/o David Greenberg 10 Hudson Yards New York, NY 10001
CVS Pharmacy, Inc. c/o C T Corporation System 330 N Brand Blvd, Glendale, CA 91203	Current Chief Executive Officer CVS Pharmacy, Inc. c/o Carol A. DeNale One CVS Drive Woonsocket, RI 02895

On September 5, 2024, I served the California Attorney General (via website Portal) by uploading a true and correct copy thereof as a PDF file via the California Attorney General's website.

On September 5, 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 service and the authorization appears on the Attorney General's web site.

See Attached Service List

On September 5, 2024, I served the following persons and/or entities at the last known address by placing a 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 true and correct.

Executed on September 5, 2024, at San Diego, California.



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 contaminant² it must be reduced to the lowest level feasible. Regulations explaining this exemption can be found in Section 25501.

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

² See Section 25501(a)(4).

HOW IS PROPOSITION 65 ENFORCED?

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

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

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

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

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

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

FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...

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

Revised: May 2017

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

E-Mail Service List

<p>The Honorable Pamela Price Alameda County, District Attorney 7677 Oakport Street, Suite 650 Oakland, CA 94621 CEPDProp65@acgov.org</p>	<p>The Honorable Barbara Yook Calaveras County, 891 Mountain Ranch Rd. San Andreas, CA 95249 Phone: 209-754-6330 Prop65Env@co.calaveras.ca.us</p>	<p>The Honorable Stacey Grassini Contra Costa County, Deputy District Attorney 900 Ward Street Martinez, CA 94553 sgrassini@contracostada.org</p>
<p>The Honorable James Clinchard El Dorado County, Assistant District Attorney 778 Pacific Street Placerville, CA 95667 EDCDAPROP65@edcda.us</p>	<p>The Honorable Lisa A. Smittcamp, Fresno County, District Attorney 2100 Tulare Street Fresno, CA 93721 Phone: (559) 600-3141 consumerprotection@fresnocountyca.gov</p>	<p>The Honorable Thomas L. Hardy Inyo County, District Attorney 168 North Edwards Street Independence, CA 93526 Phone: 760.878.0282 inyoda@inyocounty.us</p>
<p>The Honorable Michelle Latimer Lassen County, Program Coordinator 220 S. Lassen Street Susanville, CA 96130 Phone: 530-251-8284 mlatimer@co.lassen.ca.us</p>	<p>The Honorable Lori Frugoli Marin County, District Attorney 3501 Civic Center Drive, Room 145 San Rafael, CA 94903 consumer@marincounty.gov</p>	<p>The Honorable Walter W. Wall , Mariposa County, District Attorney P.O. Box 730 Mariposa, CA 95338 Phone: (209) 966-3626 mcda@mariposacounty.org</p>
<p>The Honorable Kimberly Lewis, Merced County, District Attorney 550 West Main Street Merced, CA 95340 Phone: (209) 385-7381 Prop65@countyofmerced.com</p>	<p>The Honorable Jeannine M. Pacioni, Monterey County, District Attorney 1200 Aguajito Road Monterey , CA 93940 Prop65DA@co.monterey.ca.us</p>	<p>The Honorable Allison Haley Napa County, District Attorney 1127 First Street, Suite C Napa , CA 94559 CEPD@countyofnapa.org</p>
<p>The Honorable Clifford H. Newell Nevada County, District Attorney 201 Commercial Street Nevada City , CA 95959 DA.Prop65@co.nevada.ca.us</p>	<p>The Honorable Morgan Briggs Gire Placer County, District Attorney 10810 Justice Center Drive Roseville, CA 95678 Phone: 916-543-8000 prop65@placer.ca.gov</p>	<p>The Honorable David Hollister Plumas County, District Attorney 520 Main St. Quincy, CA 95971 Phone: (530) 283-6303 davidhollister@countyofplumas.com</p>
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<p>The Honorable Alexander Grayner San Francisco County, Asst. District Attorney 350 Rhode Island Street San Francisco, CA 94103 alexandra.grayner@sfgov.org</p>	<p>The Honorable Tori Verber Salazar San Joaquin County, District Attorney 222 E. Weber Avenue, Room 202 Stockton, CA 95202 DAConsumer.Environmental@sjcda.org</p>	<p>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</p>
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MAIL SERVICE LIST

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

EXHIBIT 8



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 5, 2024

Via Certified Mail:

Grande Cosmetics, LLC c/o CSC- Lawyers Incorporating Service 2710 Gateway Oaks Drive Sacramento, CA 95833	
Target Corporation c/o C T Corporation System 330 North Brand Blvd. Glendale, CA 91203	Current Chief Executive Officer Target Corporation c/o Brian C. Cornell 1000 Nicolett 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 lash primer including but not limited to:

	<u>Product Name</u>	<u>Manufacturer</u>	<u>Distributor/Retailer</u>
1.	Grande Cosmetics Grande Primer	Grande Cosmetics, LLC	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 July 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.

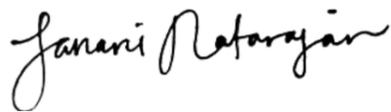
Pursuant to Proposition 65, notice and intent to sue shall be provided to violators 60-days before filing a complaint. This letter provides notice of the alleged violation to the parties listed above and the appropriate governmental authorities. A summary of Proposition 65 is attached.

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 janani@entornolaw.com and include clerks@entornolaw.com in the email.

Sincerely,

ENTORNO LAW LLP.

A handwritten signature in black ink that reads "Janani Natarajan". The signature is written in a cursive, flowing style.

Janani Natarajan

Noam Glick
Craig M. Nicholas
Jake Schulte

Enclosures

CERTIFICATE OF MERIT

I, Janani Natarajan, hereby declare:

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

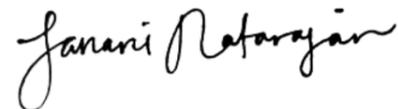
2. I am an attorney for the noticing party.

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 5, 2024

A handwritten signature in black ink that reads "Janani Natarajan". The signature is written in a cursive, flowing style.

Janani Natarajan, 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 5, 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

Grande Cosmetics, LLC c/o CSC- Lawyers Incorporating Service 2710 Gateway Oaks Drive Sacramento, CA 95833	
Target Corporation c/o C T Corporation System 330 North Brand Blvd. Glendale, CA 91203	Current Chief Executive Officer Target Corporation c/o Brian C. Cornell 1000 Nicolett Mall Minneapolis, MN 55403

On September 5, 2024, I served the California Attorney General (via website Portal) by uploading a true and correct copy thereof as a PDF file via the California Attorney General's website.

On September 5, 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 service and the authorization appears on the Attorney General's web site.

See Attached Service List

On September 5, 2024, I served the following persons and/or entities at the last known address by placing a 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 true and correct.

Executed on September 5, 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.

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

WHAT DOES PROPOSITION 65 REQUIRE?

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

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

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

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

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

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

DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?

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

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

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

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

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

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

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

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

² See Section 25501(a)(4).

HOW IS PROPOSITION 65 ENFORCED?

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

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

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

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

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

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

FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...

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

Revised: May 2017

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

E-Mail Service List

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MAIL SERVICE LIST

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

EXHIBIT 9



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 6, 2024

Via Certified Mail:

L'Oreal USA S/D, Inc. c/o CSC – Lawyers Incorporating Service 2710 Gateway Oaks Drive Sacramento, CA 95833	Current Chief Executive Officer L'Oreal USA S/D, Inc. c/o David Greenberg 10 Hudson Yards New York, NY 10001
Ulta Salon, Cosmetics & Fragrance, Inc. c/o CSC – Lawyers Incorporating Service 2710 Gateway Oaks Drive Sacramento, CA 95833	Current Chief Executive Officer Ulta Salon, Cosmetics & Fragrance, Inc. c/o David Kimbell 1000 Remington Blvd, Suite 120 Bolingbrook, IL 60440

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 types of products that are causing exposures in violation of Proposition 65 are mascara bases, including but not limited to:

	<u>Product Name</u>	<u>Manufacturer</u>	<u>Distributor/Retailer</u>
1.	Lancome CILS BOOSTER XL Mascara Base	L'Oreal USA S/D, Inc.	Ulta Salon, Cosmetics & Fragrance, 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 July 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 alleged the parties identified in the notice have violated Health and Safety Code section 25249.6 by failing to 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 6, 2024



Noam Glick, Attorney at Law

CERTIFICATE OF SERVICE

I, Jessica Lefford, 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 6, 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	Current Chief Executive Officer L'Oreal USA S/D, Inc. c/o David Greenberg 10 Hudson Yards New York, NY 10001
Ulta Salon, Cosmetics & Fragrance, Inc. c/o CSC – Lawyers Incorporating Service 2710 Gateway Oaks Drive Sacramento, CA 95833	Current Chief Executive Officer Ulta Salon, Cosmetics & Fragrance, Inc. c/o David Kimbell 1000 Remington Blvd, Suite 120 Bolingbrook, IL 60440

On September 6, 2024, I served the California Attorney General (via website Portal) by uploading a true and correct copy thereof as a PDF file via the California Attorney General's website.

On September 6, 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 service and the authorization appears on the Attorney General's web site.

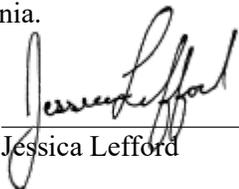
See Attached Service List

On September 6, 2024, I served the following persons and/or entities at the last known address by placing a 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 true and correct.

Executed on September 6, 2024, at San Diego, California.



Jessica Lefford

APPENDIX A

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

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

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

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

WHAT DOES PROPOSITION 65 REQUIRE?

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

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

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

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

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

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

DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?

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

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

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

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

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

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

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

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

² See Section 25501(a)(4).

HOW IS PROPOSITION 65 ENFORCED?

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

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

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

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

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

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

FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...

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

Revised: May 2017

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

E-Mail Service List

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

MAIL SERVICE LIST

<p>The Honorable Robert Priscaro Alpine County, District Attorney P.O. Box 248 Markleeville, CA 96120</p>	<p>The Honorable Todd Riebe Amador County, District Attorney 708 Court Street, #202 Jackson, CA 95642</p>	<p>The Honorable Michael L. Ramsey Butte County, District Attorney 25 County Center Drive - Administrative Building Oroville, CA 95965</p>
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<p>The Honorable Sarah Hacker Kings County, District Attorney 1400 West Lacey Blvd. Hanford, CA 93230</p>	<p>The Honorable Susan Kronos Lake County, District Attorney 255 N. Forbes Street Lakeport, CA 95453</p>	<p>The Honorable George Gascon Los Angeles County, District Attorney 211 W. Temple Street, Suite 1200 Los Angeles, CA 90012</p>
<p>The Honorable Sally O. Moreno, District Attorney 300 South G Street, Suite 300 Madera, CA 93637</p>	<p>The Honorable C. David Eyster Mendocino County, District Attorney P.O. Box 1000 Ukiah, CA 95482</p>	<p>The Honorable Cynthia Campbell Modoc County, District Attorney 204 S. Court Street, Room 202 Alturas, CA 96101</p>
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<p>The Honorable Sandra Groven Sierra County, District Attorney 100 Courthouse Square Downieville, CA 95936</p>	<p>The Honorable James Kirk Andrus Siskiyou County, District Attorney P.O. Box 986 Yreka, CA 96097</p>	<p>The Honorable Krishna A. Abrams Solano County, District Attorney 675 Texas Street, Suite 4500 Fairfield, CA 94533</p>
<p>The Honorable Jeff Laugero Stanislaus County, District Attorney 832 12th Street, Suite 300 Modesto, CA 95353</p>	<p>The Honorable Jennifer Dupre Sutter County, District Attorney 463 2nd Street, Suite 102 Yuba City, CA 95991</p>	<p>The Honorable Matthew Rogers Tehama County, District Attorney P.O. Box 519 Red Bluff, CA 96080</p>
<p>The Honorable David Brady Trinity County, District Attorney P.O. Box 310 Weaverville, CA 96093</p>	<p>The Honorable Cassandra Jenecke Tuolumne County, District Attorney 2 S. Green St. Sonora, CA 95370</p>	<p>The Honorable Clint Curry Yuba County, District Attorney 215 Fifth Street, Suite 152 Marysville, CA 95901</p>
<p>The Honorable Mike Feuer City of Los Angeles, City Attorney 200 N. Main Street Los Angeles, CA 90012</p>		

EXHIBIT 10



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 5, 2024

Via Certified Mail:

IT Cosmetics LLC c/o Corporation Service Company 80 State Street Albany, NY 12207	
Target Corporation c/o C T Corporation System 330 N Brand Blvd Glendale, CA 91203	Current Chief Executive Officer Target Corporation c/o Brian C. Cornell 1000 Nicollet Mall Minneapolis, MN 55403
L'Oréal USA S/D, Inc. c/o CSC – Lawyers Incorporating Service 2710 Gateway Oaks Drive Sacramento, CA 95833	Current Chief Executive Officer L'Oréal USA S/D, Inc. c/o David Greenberg 10 Hudson Yards New York, NY 10001

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

	<u>Product Name</u>	<u>Manufacturer</u>	<u>Distributor/Retailer</u>
1.	IT Cosmetics Super Hero Stretch Volume Mascara	IT Cosmetics LLC	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 July 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 janani@entornolaw.com and include clerks@entornolaw.com in the email.

Sincerely,

ENTORNO LAW LLP.

Janani Natarajan



Noam Glick
Craig M. Nicholas
Jake Schulte

Enclosures

CERTIFICATE OF MERIT

I, Janani Natarajan, hereby declare:

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

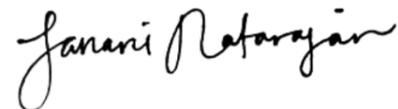
2. I am an attorney for the noticing party.

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 5, 2024

A handwritten signature in black ink that reads "Janani Natarajan". The signature is written in a cursive, flowing style.

Janani Natarajan, 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 5, 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

IT Cosmetics LLC c/o Corporation Service Company 80 State Street Albany, NY 12207	
Target Corporation c/o C T Corporation System 330 N Brand Blvd Glendale, CA 91203	Current Chief Executive Officer Target Corporation c/o Brian C. Cornell 1000 Nicollet Mall Minneapolis, MN 55403
L'Oréal USA S/D, Inc. c/o CSC – Lawyers Incorporating Service 2710 Gateway Oaks Drive Sacramento, CA 95833	Current Chief Executive Officer L'Oréal USA S/D, Inc. c/o David Greenberg 10 Hudson Yards New York, NY 10001

On September 5, 2024, I served the California Attorney General (via website Portal) by uploading a true and correct copy thereof as a PDF file via the California Attorney General's website.

On September 5, 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 service and the authorization appears on the Attorney General's web site.

See Attached Service List

On September 5, 2024, I served the following persons and/or entities at the last known address by placing a 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 true and correct.

Executed on September 5, 2024, at San Diego, California.



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 contaminant² it must be reduced to the lowest level feasible. Regulations explaining this exemption can be found in Section 25501.

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

² See Section 25501(a)(4).

HOW IS PROPOSITION 65 ENFORCED?

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

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

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

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

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

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

FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...

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

Revised: May 2017

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

E-Mail Service List

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

MAIL SERVICE LIST

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

EXHIBIT 11



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:

Sigma Enterprises, LLC c/o Registered Agent 1395 Commerce Drive Mendota Heights, MN 55120	Sigma Enterprises, LLC c/o Matthew Millican 1556 Lancaster Point Way San Diego, CA 92154
Current Chief Executive Officer Sigma Enterprises, LLC c/o Rene Filho 1395 Commerce Dr., Unit A Sait Paul, MN 55120	

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 mascara, including but not limited to:

	<u>Product Name</u>	<u>Manufacturer</u>	<u>Distributor/Retailer</u>
1.	Sigma Sinuosity Lash Mascara	Sigma Enterprises, LLC	Sigma Enterprises, LLC

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

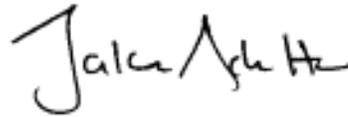
result of the sales of this product, exposures to DEA have been occurring without proper warnings.

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

A handwritten signature in black ink that reads "Jake Schulte". The signature is written in a cursive, slightly slanted style.

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 alleged the parties identified in the notice have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.

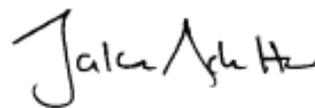
2. I am an attorney for the noticing party.

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 plaintiffs' 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

A handwritten signature in black ink that reads "Jake Schulte". The signature is written in a cursive, slightly slanted style.

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

Sigma Enterprises, LLC c/o Registered Agent 1395 Commerce Drive Mendota Heights, MN 55120	Sigma Enterprises, LLC c/o Matthew Millican 1556 Lancaster Point Way San Diego, CA 92154
Current Chief Executive Officer Sigma Enterprises, LLC c/o Rene Filho 1395 Commerce Dr., Unit A Sait Paul, MN 55120	

On September 19, 2024, I served the California Attorney General (via website Portal) by uploading a true and 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 service and 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 placing a 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 true and correct.

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



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

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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.

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

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

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

² See Section 25501(a)(4).

HOW IS PROPOSITION 65 ENFORCED?

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

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

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

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

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

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

FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...

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

Revised: May 2017

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

E-Mail Service List

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

MAIL SERVICE LIST

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

EXHIBIT 12



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

October 18, 2024

Via Certified Mail:

Nordstrom, Inc. c/o CSC- Lawyers Incorporating Services 2710 Gateway Oaks Drive Sacramento, CA 95833	Current Chief Executive Officer Nordstrom, Inc. c/o Erik Nordstrom 1617 Sixth Avenue Seattle, WA 98101
Chantecaille Beauté Inc. c/o C T Corporation System 28 Liberty Street New York, NY 10005	

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 mascara, including but not limited to:

	<u>Product Name</u>	<u>Manufacturer</u>	<u>Distributor/Retailer</u>
1.	Chantecaille Faux Cils Mascara	Chantecaille Beaute, Inc	Nordstrom, 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 September 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.

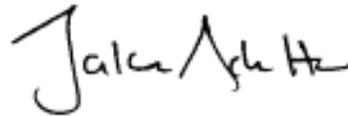
Proposition 65 requires that a clear and reasonable warning is provided with these products regarding the exposures to DEA caused by ordinary use of the product. The Parties are in violation of Proposition 65 by failing to provide such warning to consumers and as a result of the sales of this product,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

A handwritten signature in black ink that reads "Jake Schulte". The signature is written in a cursive, slightly stylized font.

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 alleged the parties identified in the notice have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.

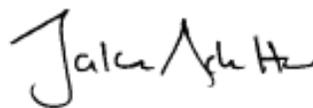
2. I am an attorney for the noticing party.

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 plaintiffs' 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: October 18, 2024

A handwritten signature in black ink that reads "Jake Schulte". The signature is written in a cursive, slightly slanted style.

Jake Schulte, 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 October 18, 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

Nordstrom, Inc. c/o CSC- Lawyers Incorporating Services 2710 Gateway Oaks Drive Sacramento, CA 95833	Current Chief Executive Officer Nordstrom, Inc. c/o Erik Nordstrom 1617 Sixth Avenue Seattle, WA 98101
Chantecaille Beauté Inc. c/o C T Corporation System 28 Liberty Street New York, NY 10005	

On October 18, 2024, I served the California Attorney General (via website Portal) by uploading a true and correct copy thereof as a PDF file via the California Attorney General's website.

On October 18, 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 service and the authorization appears on the Attorney General's web site.

See Attached Service List

On October 18, 2024, I served the following persons and/or entities at the last known address by placing a 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 true and correct.

Executed on October 18, 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

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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.

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

² See Section 25501(a)(4).

HOW IS PROPOSITION 65 ENFORCED?

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

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

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

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

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

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

FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...

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

Revised: May 2017

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

E-Mail Service List

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

MAIL SERVICE LIST

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

EXHIBIT 13



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

October 18, 2024

Via Certified Mail:

BeautyLish, Inc. c/o C T Corporation System 330 N Brand Blvd Glendale, CA 91203	Current Chief Executive Officer BeautyLish, Inc. c/o Nils Johnson 230 California Street, Suite 405 San Francisco, CA 94111
Surratt Cosmetics, LLC c/o Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	

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 mascara, including but not limited to:

	<u>Product Name</u>	<u>Manufacturer</u>	<u>Distributor/Retailer</u>
1.	Surratt Beauty Pointilliste Mascara	Surratt Cosmetics LLC.	BeautyLish, 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 September 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.

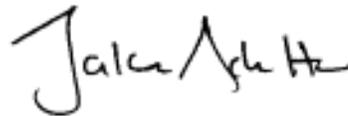
Pursuant to Proposition 65, notice and intent to sue shall be provided to violators 60-days before filing a complaint. This letter provides notice of the alleged violation to the parties listed above and the appropriate governmental authorities. A summary of Proposition

65 is attached.

EHA identifies Fred Duran as a responsible individual within the entity, 12245 Carmel Vista Road, Unit 193, San Diego, CA, 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

A handwritten signature in black ink that reads "Jake Schulte". The signature is written in a cursive style with a large initial "J" and a stylized "S".

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 alleged the parties identified in the notice have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.

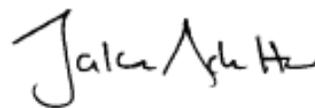
2. I am an attorney for the noticing party.

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 plaintiffs' 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: October 18, 2024

A handwritten signature in black ink that reads "Jake Schulte". The signature is written in a cursive, slightly slanted style.

Jake Schulte, Attorney at Law

CERTIFICATE OF SERVICE

I, Jessica Lefford, 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 October 18, 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

BeautyLish, Inc. c/o C T Corporation System 330 N Brand Blvd Glendale, CA 91203	Current Chief Executive Officer BeautyLish, Inc. c/o Nils Johnson 230 California Street, Suite 405 San Francisco, CA 9411
Surratt Cosmetics, LLC c/o Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	

On October 18, 2024, I served the California Attorney General (via website Portal) by uploading a true and correct copy thereof as a PDF file via the California Attorney General's website.

On October 18, 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 service and the authorization appears on the Attorney General's web site.

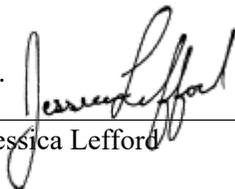
See Attached Service List

On October 18, 2024, I served the following persons and/or entities at the last known address by placing a 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 true and correct.

Executed on October 18, 2024, at San Diego, California.



Jessica Lefford

APPENDIX A

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

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

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

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

WHAT DOES PROPOSITION 65 REQUIRE?

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

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

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

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

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

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

DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?

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

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

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

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

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

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

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

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

² See Section 25501(a)(4).

HOW IS PROPOSITION 65 ENFORCED?

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

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

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

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

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

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

FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...

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

Revised: May 2017

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

E-Mail Service List

<p>The Honorable Pamela Price Alameda County, District Attorney 7677 Oakport Street, Suite 650 Oakland, CA 94621 CEPDProp65@acgov.org</p>	<p>The Honorable Barbara Yook Calaveras County, 891 Mountain Ranch Rd. San Andreas, CA 95249 Phone: 209-754-6330 Prop65Env@co.calaveras.ca.us</p>	<p>The Honorable Stacey Grassini Contra Costa County, Deputy District Attorney 900 Ward Street Martinez, CA 94553 sgrassini@contracostada.org</p>
<p>The Honorable James Clinchard El Dorado County, Assistant District Attorney 778 Pacific Street Placerville, CA 95667 EDCDAPROP65@edcda.us</p>	<p>The Honorable Lisa A. Smittcamp, Fresno County, District Attorney 2100 Tulare Street Fresno, CA 93721 Phone: (559) 600-3141 consumerprotection@fresnocountyca.gov</p>	<p>The Honorable Thomas L. Hardy Inyo County, District Attorney 168 North Edwards Street Independence, CA 93526 Phone: 760.878.0282 inyoda@inyocounty.us</p>
<p>The Honorable Michelle Latimer Lassen County, Program Coordinator 220 S. Lassen Street Susanville, CA 96130 Phone: 530-251-8284 mlatimer@co.lassen.ca.us</p>	<p>The Honorable Lori Frugoli Marin County, District Attorney 3501 Civic Center Drive, Room 145 San Rafael, CA 94903 consumer@marincounty.gov</p>	<p>The Honorable Walter W. Wall , Mariposa County, District Attorney P.O. Box 730 Mariposa, CA 95338 Phone: (209) 966-3626 mcda@mariposacounty.org</p>
<p>The Honorable Kimberly Lewis, Merced County, District Attorney 550 West Main Street Merced, CA 95340 Phone: (209) 385-7381 Prop65@countyofmerced.com</p>	<p>The Honorable Jeannine M. Pacioni, Monterey County, District Attorney 1200 Aguajito Road Monterey , CA 93940 Prop65DA@co.monterey.ca.us</p>	<p>The Honorable Allison Haley Napa County, District Attorney 1127 First Street, Suite C Napa , CA 94559 CEPD@countyofnapa.org</p>
<p>The Honorable Clifford H. Newell Nevada County, District Attorney 201 Commercial Street Nevada City , CA 95959 DA.Prop65@co.nevada.ca.us</p>	<p>The Honorable Morgan Briggs Gire Placer County, District Attorney 10810 Justice Center Drive Roseville, CA 95678 Phone: 916-543-8000 prop65@placer.ca.gov</p>	<p>The Honorable David Hollister Plumas County, District Attorney 520 Main St. Quincy, CA 95971 Phone: (530) 283-6303 davidhollister@countyofplumas.com</p>
<p>The Honorable Paul E. Zellerbach Riverside County, District Attorney 3072 Orange Street Riverside, CA 92501 Prop65@rivcoda.org</p>	<p>The Honorable Anne Marie Schubert Sacramento County, District Attorney 901 G Street Sacramento, CA 95814 Prop65@sacda.org</p>	<p>The Honorable Summer Stephan San Diego County, District Attorney 330 West Broadway San Diego, CA 92101 SanDiegoDAProp65@sdcda.org</p>
<p>The Honorable Alexander Grayner San Francisco County, Asst. District Attorney 350 Rhode Island Street San Francisco, CA 94103 alexandra.grayner@sfgov.org</p>	<p>The Honorable Tori Verber Salazar San Joaquin County, District Attorney 222 E. Weber Avenue, Room 202 Stockton, CA 95202 DAConsumer.Environmental@sjcda.org</p>	<p>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</p>
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<p>The Honorable Jeff W. Resig Yolo County, District Attorney 301 Second Street Woodland, CA 95695 cfepd@yolocounty.org</p>	<p>The Honorable Mark Ankcorn City of San Diego, Deputy City Attorney 1200 Third Avenue San Diego, CA 92101 CityAttyProp65@sandiego.gov</p>	<p>The Honorable Henry Lifton City of San Francisco, Deputy City Attorney 1390 Market Street, 7th Floor San Francisco, CA 94102 Prop65@sfcityatty.org</p>
<p>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</p>		

MAIL SERVICE LIST

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

EXHIBIT 14



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

November 1, 2024

Via Certified Mail:

Bobbi Brown Professional Cosmetics Services, Inc. c/o Corporation Service Company 251 Little Falls Drive Wilmington, De 19808	Current President Bobbi Brown Professional Cosmetics Services Inc. c/o Rosalind Landis 251 Little Falls Drive Wilmington, DE 19808
The Estee Lauder Companies Inc. c/o The Prentice-Hall Corporation System, Inc. 251 Little Falls Drive Wilmington, DE 19808	
Ulta Beauty Cosmetics, LLC c/o CSC – Lawyers Incorporating Service 2710 Gateway Oaks Drive Sacramento, CA 95833	Current Chief Executive Officer Ulta Beauty Cosmetics, LLC c/o Dave Kimbell 1000 Remington Blvd., Suite 120 Bolingbrook, IL 60440

Re: Proposition 65 Notice of Violation

This notice amends the original notice of violation AG no. 2024-03457. This notice adds Estee Lauder Companies, Inc. as a manufacturer.

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 mascara including but not limited to:

	<u>Product Name</u>	<u>Manufacturer</u>	<u>Distributor/Retailer</u>
1.	Smokey Eye Longwear Mascara	Bobbi Brown Professional Cosmetics, Inc. // The Estee Lauder Companies Inc.	Ulta Beauty Cosmetics, LLC

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 July 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.

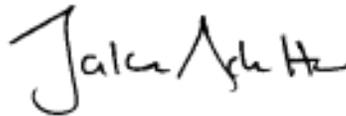
Proposition 65 requires that a clear and reasonable warning is provided with these products regarding the exposures to DEA caused by ordinary use of the product. The Parties are in violation of Proposition 65 by failing to provide such warning to consumers and as a result of the sales of this product,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

A handwritten signature in black ink that reads "Jake Schulte". The signature is written in a cursive, slightly slanted style.

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 alleged the parties identified in the notice have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.

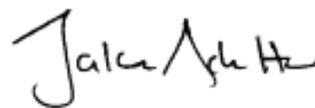
2. I am an attorney for the noticing party.

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 plaintiffs' 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: November 1, 2024

A handwritten signature in black ink that reads "Jake Schulte". The signature is written in a cursive, slightly slanted style.

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 November 1, 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

Bobbi Brown Professional Cosmetics Services, Inc. c/o Corporation Service Company 251 Little Falls Drive Wilmington, De 19808	Current President Bobbi Brown Professional Cosmetics Services Inc. c/o Rosalind Landis 251 Little Falls Drive Wilmington, DE 19808
The Estee Lauder Companies Inc. c/o The Prentice-Hall Corporation System, Inc. 251 Little Falls Drive Wilmington, DE 19808	
Ulta Beauty Cosmetics, LLC c/o CSC – Lawyers Incorporating Service 2710 Gateway Oaks Drive Sacramento, CA 95833	Current Chief Executive Officer Ulta Beauty Cosmetics, LLC c/o Dave Kimbell 1000 Remington Blvd., Suite 120 Bolingbrook, IL 60440

On November 1, 2024, I served the California Attorney General (via website Portal) by uploading a true and correct copy thereof as a PDF file via the California Attorney General’s website.

On November 1, 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 service and the authorization appears on the Attorney General’s web site.

See Attached Service List

On November 1, 2024, I served the following persons and/or entities at the last known address by placing a 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 true and correct.

Executed on November 1, 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 contaminant² it must be reduced to the lowest level feasible. Regulations explaining this exemption can be found in Section 25501.

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

² See Section 25501(a)(4).

HOW IS PROPOSITION 65 ENFORCED?

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

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

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

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

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

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

FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...

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

Revised: May 2017

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

E-Mail Service List

<p>The Honorable Pamela Price Alameda County, District Attorney 7677 Oakport Street, Suite 650 Oakland, CA 94621 CEPDProp65@acgov.org</p>	<p>The Honorable Barbara Yook Calaveras County, 891 Mountain Ranch Rd. San Andreas, CA 95249 Phone: 209-754-6330 Prop65Env@co.calaveras.ca.us</p>	<p>The Honorable Stacey Grassini Contra Costa County, Deputy District Attorney 900 Ward Street Martinez, CA 94553 sgrassini@contracostada.org</p>
<p>The Honorable James Clinchard El Dorado County, Assistant District Attorney 778 Pacific Street Placerville, CA 95667 EDCDAPROP65@edcda.us</p>	<p>The Honorable Lisa A. Smittcamp, Fresno County, District Attorney 2100 Tulare Street Fresno, CA 93721 Phone: (559) 600-3141 consumerprotection@fresnocountyca.gov</p>	<p>The Honorable Thomas L. Hardy Inyo County, District Attorney 168 North Edwards Street Independence, CA 93526 Phone: 760.878.0282 inyoda@inyocounty.us</p>
<p>The Honorable Michelle Latimer Lassen County, Program Coordinator 220 S. Lassen Street Susanville, CA 96130 Phone: 530-251-8284 mlatimer@co.lassen.ca.us</p>	<p>The Honorable Lori Frugoli Marin County, District Attorney 3501 Civic Center Drive, Room 145 San Rafael, CA 94903 consumer@marincounty.gov</p>	<p>The Honorable Walter W. Wall , Mariposa County, District Attorney P.O. Box 730 Mariposa, CA 95338 Phone: (209) 966-3626 mcda@mariposacounty.org</p>
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<p>The Honorable Brenden Farrell Colusa County, District Attorney 310 6th Street Colusa, CA 95932</p>	<p>The Honorable Katherine Micks Del Norte County, District Attorney 450 H Street, Room 171 Crescent City, CA 95531</p>	<p>The Honorable Dwayne Stewart Glenn County, District Attorney P.O. Box 430 Willows, CA 95988</p>
<p>The Honorable Stacey Eads Humboldt County, District Attorney 825 5th Street Eureka, CA 95501</p>	<p>The Honorable George Marquez Imperial County, District Attorney 940 West Main Street, Suite 102 El Centro, CA 92243</p>	<p>The Honorable Cynthia Zimmer Kern County, District Attorney 1215 Truxtun Avenue Bakersfield, CA 93301</p>
<p>The Honorable Sarah Hacker Kings County, District Attorney 1400 West Lacey Blvd. Hanford, CA 93230</p>	<p>The Honorable Susan Kronos Lake County, District Attorney 255 N. Forbes Street Lakeport, CA 95453</p>	<p>The Honorable George Gascon Los Angeles County, District Attorney 211 W. Temple Street, Suite 1200 Los Angeles, CA 90012</p>
<p>The Honorable Sally O. Moreno, District Attorney 300 South G Street, Suite 300 Madera, CA 93637</p>	<p>The Honorable C. David Eyster Mendocino County, District Attorney P.O. Box 1000 Ukiah, CA 95482</p>	<p>The Honorable Cynthia Campbell Modoc County, District Attorney 204 S. Court Street, Room 202 Alturas, CA 96101</p>
<p>The Honorable David Anderson Mono County, District Attorney P.O. Box 2053 Mammoth Lakes, CA 93546</p>	<p>The Honorable Todd Spitzer Orange County, District Attorney 300 N. Flower Street Santa Ana, CA 92703</p>	<p>The Honorable Joel Buckingham San Benito County, District Attorney 419 4th Street Hollister, CA 95023</p>
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<p>The Honorable Sandra Groven Sierra County, District Attorney 100 Courthouse Square Downieville, CA 95936</p>	<p>The Honorable James Kirk Andrus Siskiyou County, District Attorney P.O. Box 986 Yreka, CA 96097</p>	<p>The Honorable Krishna A. Abrams Solano County, District Attorney 675 Texas Street, Suite 4500 Fairfield, CA 94533</p>
<p>The Honorable Jeff Laugero Stanislaus County, District Attorney 832 12th Street, Suite 300 Modesto, CA 95353</p>	<p>The Honorable Jennifer Dupre Sutter County, District Attorney 463 2nd Street, Suite 102 Yuba City, CA 95991</p>	<p>The Honorable Matthew Rogers Tehama County, District Attorney P.O. Box 519 Red Bluff, CA 96080</p>
<p>The Honorable David Brady Trinity County, District Attorney P.O. Box 310 Weaverville, CA 96093</p>	<p>The Honorable Cassandra Jenecke Tuolumne County, District Attorney 2 S. Green St. Sonora, CA 95370</p>	<p>The Honorable Clint Curry Yuba County, District Attorney 215 Fifth Street, Suite 152 Marysville, CA 95901</p>
<p>The Honorable Mike Feuer City of Los Angeles, City Attorney 200 N. Main Street Los Angeles, CA 90012</p>		

EXHIBIT 15



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

November 8, 2024

Via Certified Mail:

Current Chief Executive Officer
Profusion Cosmetics Corp.
c/o Shujung Wang
5491 Schaeffer Ave.
Chino, CA 91710

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 face and body glitter, including but not limited to:

	<u>Product Name</u>	<u>Manufacturer</u>	<u>Distributor/Retailer</u>
1.	So Jelly Face & Body Glitter Gel	Profusion Cosmetics Corp.	Profusion Cosmetics Corp

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 September 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.

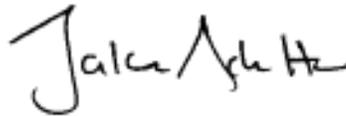
Proposition 65 requires that a clear and reasonable warning is provided with these products regarding the exposures to DEA caused by ordinary use of the product. The Parties are in violation of Proposition 65 by failing to provide such warning to consumers and as a result of the sales of this product,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

A handwritten signature in black ink that reads "Jake Schulte". The signature is written in a cursive, slightly stylized font.

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 alleged the parties identified in the notice have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.

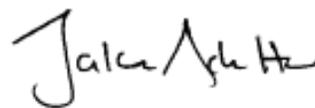
2. I am an attorney for the noticing party.

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 plaintiffs' 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: November 8, 2024

A handwritten signature in black ink that reads "Jake Schulte". The signature is written in a cursive, slightly slanted style.

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 November 8, 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 Profusion Cosmetics Corp. c/o Shujung Wang 5491 Schaeffer Ave. Chino, CA 91710

On November 8, 2024, I served the California Attorney General (via website Portal) by uploading a true and correct copy thereof as a PDF file via the California Attorney General's website.

On November 8, 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 service and the authorization appears on the Attorney General's web site.

See Attached Service List

On November 8, 2024, I served the following persons and/or entities at the last known address by placing a 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 true and correct.

Executed on November 8, 2024, at San Diego, California.



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 contaminant² it must be reduced to the lowest level feasible. Regulations explaining this exemption can be found in Section 25501.

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

² See Section 25501(a)(4).

HOW IS PROPOSITION 65 ENFORCED?

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

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

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

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

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

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

FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...

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

Revised: May 2017

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

E-Mail Service List

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

MAIL SERVICE LIST

<p>The Honorable Robert Priscaro Alpine County, District Attorney P.O. Box 248 Markleeville, CA 96120</p>	<p>The Honorable Todd Riebe Amador County, District Attorney 708 Court Street, #202 Jackson, CA 95642</p>	<p>The Honorable Michael L. Ramsey Butte County, District Attorney 25 County Center Drive - Administrative Building Oroville, CA 95965</p>
<p>The Honorable Brenden Farrell Colusa County, District Attorney 310 6th Street Colusa, CA 95932</p>	<p>The Honorable Katherine Micks Del Norte County, District Attorney 450 H Street, Room 171 Crescent City, CA 95531</p>	<p>The Honorable Dwayne Stewart Glenn County, District Attorney P.O. Box 430 Willows, CA 95988</p>
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<p>The Honorable Sally O. Moreno, District Attorney 300 South G Street, Suite 300 Madera, CA 93637</p>	<p>The Honorable C. David Eyster Mendocino County, District Attorney P.O. Box 1000 Ukiah, CA 95482</p>	<p>The Honorable Cynthia Campbell Modoc County, District Attorney 204 S. Court Street, Room 202 Alturas, CA 96101</p>
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<p>The Honorable Jason Anderson San Bernardino County, District Attorney 303 W. Third Street San Bernardino, CA 92415</p>	<p>The Honorable Stephen M. Wagstaffe San Mateo County, District Attorney 400 County Center, Third Floor Redwood City, CA 94063</p>	<p>The Honorable Stephanie A. Bridgett Shasta County, District Attorney 1355 West Street Redding, CA 96001</p>
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<p>The Honorable Mike Feuer City of Los Angeles, City Attorney 200 N. Main Street Los Angeles, CA 90012</p>		

EXHIBIT 16



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

November 8, 2024

Via Certified Mail:

Peanuts Worldwide LLC c/o CSC- Lawyers Incorporating Services 2710 Gateway Oaks Drive Sacramento, CA 95833	Current Chief Executive Officer Profusion Cosmetics Corp. c/o Shujung Wang 5491 Schaeffer Ave. Chino, CA 91710
---------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------

Re: Proposition 65 Notice of Violation

To Whom It May Concern:

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

	<u>Product Name</u>	<u>Manufacturer</u>	<u>Distributor/Retailer</u>
1.	Peanuts Halloween Magical Wizard Chrome Liquid Topper Set	Peanuts Worldwide LLC	Profusion Cosmetics Corp.

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 September 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.

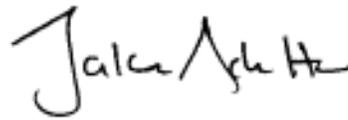
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Pursuant to Proposition 65, notice and intent to sue shall be provided to violators 60-days before filing a complaint. This letter provides notice of the alleged violation to the parties listed above and the appropriate governmental authorities. A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

EHA identifies Fred Duran as a responsible individual within the entity, 12245 Carmel Vista Road, Unit 193, San Diego, CA, 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

A handwritten signature in black ink that reads "Jake Schulte". The signature is written in a cursive, slightly slanted style.

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 alleged the parties identified in the notice have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.

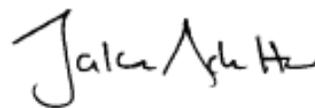
2. I am an attorney for the noticing party.

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 plaintiffs' 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: November 8, 2024

A handwritten signature in black ink that reads "Jake Schulte". The signature is written in a cursive, slightly slanted style.

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 November 8, 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

Peanuts Worldwide LLC c/o CSC- Lawyers Incorporating Services 2710 Gateway Oaks Drive Sacramento, CA 95833	Current Chief Executive Officer Profusion Cosmetics Corp. c/o Shujung Wang 5491 Schaeffer Ave. Chino, CA 91710
---------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------

On November 8, 2024, I served the California Attorney General (via website Portal) by uploading a true and correct copy thereof as a PDF file via the California Attorney General's website.

On November 8, 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 service and the authorization appears on the Attorney General's web site.

See Attached Service List

On November 8, 2024, I served the following persons and/or entities at the last known address by placing a 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 true and correct.

Executed on November 8, 2024, at San Diego, California.


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 contaminant² it must be reduced to the lowest level feasible. Regulations explaining this exemption can be found in Section 25501.

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

² See Section 25501(a)(4).

HOW IS PROPOSITION 65 ENFORCED?

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

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

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

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

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

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

FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...

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

Revised: May 2017

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

E-Mail Service List

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

MAIL SERVICE LIST

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

EXHIBIT 17



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

November 8, 2024

Via Certified Mail:

Classic Media, LLC c/o CT Corporation System 330 N Brand Blvd. Glendale, CA 91203	Current Chief Executive Officer Profusion Cosmetics Corp. c/o Shujung Wang 5491 Schaeffer Ave. Chino, CA 91710
--------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------

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 eyeliner, including but not limited to:

	<u>Product Name</u>	<u>Manufacturer</u>	<u>Distributor/Retailer</u>
1.	Casper the Friendly Ghost Duochrome Liner	Profusion Cosmetics Corp. // Classic Media, LLC	Profusion Cosmetics Corp.

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 September 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

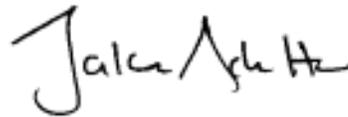
warnings.

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, San Diego, CA, 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

A handwritten signature in black ink that reads "Jake Schulte". The signature is written in a cursive, slightly slanted style.

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 alleged the parties identified in the notice have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.

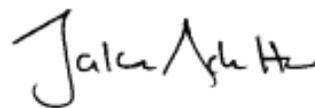
2. I am an attorney for the noticing party.

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 plaintiffs' 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: November 8, 2024

A handwritten signature in black ink that reads "Jake Schulte". The signature is written in a cursive, slightly slanted style.

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 November 8, 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

Classic Media, LLC c/o CT Corporation System 330 N Brand Blvd. Glendale, CA 91203	Current Chief Executive Officer Profusion Cosmetics Corp. c/o Shujung Wang 5491 Schaeffer Ave. Chino, CA 91710
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On November 8, 2024, I served the California Attorney General (via website Portal) by uploading a true and correct copy thereof as a PDF file via the California Attorney General’s website.

On November 8, 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 service and the authorization appears on the Attorney General’s web site.

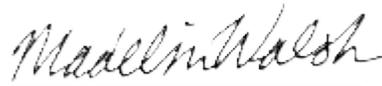
See Attached Service List

On November 8, 2024, I served the following persons and/or entities at the last known address by placing a 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 true and correct.

Executed on November 8, 2024, at San Diego, California.



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

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

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

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

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

DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?

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

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

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

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

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

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

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

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

² See Section 25501(a)(4).

HOW IS PROPOSITION 65 ENFORCED?

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

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

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

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

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

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

FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...

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

Revised: May 2017

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

E-Mail Service List

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

MAIL SERVICE LIST

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

EXHIBIT 18



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

November 8, 2024

Via Certified Mail:

Universal City Studios LLC c/o CT Corporation System 330 N Brand Blvd Glendale, CA 91203	Current Chief Executive Officer Profusion Cosmetics Corp. c/o Shujung Wang 5491 Schaeffer Ave. Chino, CA 91710
Amblin Entertainment, Inc. c/o Tammy Anderson 11400 West Olympic Boulevard, Suite 550 Los Angeles, CA 90064	

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 eye primer, including but not limited to:

	<u>Product Name</u>	<u>Manufacturer</u>	<u>Distributor/Retailer</u>
1.	Jurassic World Protective Unit Glitter Primer	Universal City Studios LLC // Amblin Entertainment, Inc.	Profusion Cosmetics Corp.

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 September 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.

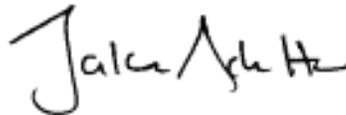
Proposition 65 requires that a clear and reasonable warning is provided with these products regarding the exposures to DEA caused by ordinary use of the product. The Parties are in violation of Proposition 65 by failing to provide such warning to consumers and as a result of the sales of this product,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

A handwritten signature in black ink that reads "Jake Schulte". The signature is written in a cursive, slightly slanted style.

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 alleged the parties identified in the notice have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.

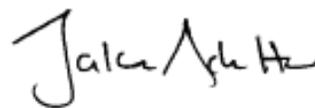
2. I am an attorney for the noticing party.

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 plaintiffs' 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: November 8, 2024

A handwritten signature in black ink that reads "Jake Schulte". The signature is written in a cursive, slightly slanted style.

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 November 8, 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

Universal City Studios LLC c/o CT Corporation System 330 N Brand Blvd Glendale, CA 91203	Current Chief Executive Officer Profusion Cosmetics Corp. c/o Shujung Wang 5491 Schaeffer Ave. Chino, CA 91710
Amblin Entertainment, Inc. c/o Tammy Anderson 11400 West Olympic Boulevard, Suite 550 Los Angeles, CA 90064	

On November 8, 2024, I served the California Attorney General (via website Portal) by uploading a true and correct copy thereof as a PDF file via the California Attorney General's website.

On November 8, 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 service and the authorization appears on the Attorney General's web site.

See Attached Service List

On November 8, 2024, I served the following persons and/or entities at the last known address by placing a 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 true and correct.

Executed on November 8, 2024, at San Diego, California.



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>.

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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.

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

DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?

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

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

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

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

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

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

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

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

² See Section 25501(a)(4).

HOW IS PROPOSITION 65 ENFORCED?

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

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

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

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

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

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

FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...

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

Revised: May 2017

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

E-Mail Service List

<p>The Honorable Pamela Price Alameda County, District Attorney 7677 Oakport Street, Suite 650 Oakland, CA 94621 CEPDProp65@acgov.org</p>	<p>The Honorable Barbara Yook Calaveras County, 891 Mountain Ranch Rd. San Andreas, CA 95249 Phone: 209-754-6330 Prop65Env@co.calaveras.ca.us</p>	<p>The Honorable Stacey Grassini Contra Costa County, Deputy District Attorney 900 Ward Street Martinez, CA 94553 sgrassini@contracostada.org</p>
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<p>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</p>	<p>The Honorable Bud Porter Santa Clara County, Supervising Deputy District Attorney 70 W Hedding St San Jose, CA 95110 EPU@da.sccgov.org</p>	<p>The Honorable Jeffrey S. Rosell Santa Cruz County, District Attorney 701 Ocean Street Santa Cruz, CA 95060 Phone: 831-454-2400 Prop65DA@santacruzcounty.us</p>
<p>The Honorable Jill Ravitch Sonoma County, District Attorney 600 Administration Drive Santa Rosa, CA 95403 Jeannie.Barnes@sonoma- county.org</p>	<p>The Honorable Phillip J. Cline Tulare County, District Attorney 221 S Mooney Blvd Visalia, CA 95370 Prop65@co.tulare.ca.us</p>	<p>The Honorable Gregory D. Totten Ventura County, District Attorney 800 S Victoria Ave Ventura, CA 93009 daspecialops@ventura.org</p>
<p>The Honorable Jeff W. Resig Yolo County, District Attorney 301 Second Street Woodland, CA 95695 cfepd@yolocounty.org</p>	<p>The Honorable Mark Ankcorn City of San Diego, Deputy City Attorney 1200 Third Avenue San Diego, CA 92101 CityAttyProp65@sandiego.gov</p>	<p>The Honorable Henry Lifton City of San Francisco, Deputy City Attorney 1390 Market Street, 7th Floor San Francisco, CA 94102 Prop65@sfcityatty.org</p>
<p>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</p>		

MAIL SERVICE LIST

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

EXHIBIT 19



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

November 8, 2024

Via Certified Mail:

Current Chief Executive Officer
Profusion Cosmetics Corp.
c/o Shujung Wang
5491 Schaeffer Ave.
Chino, CA 91710

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 face and body paint, including but not limited to:

	<u>Product Name</u>	<u>Manufacturer</u>	<u>Distributor/Retailer</u>
1.	Spookarama Terror-ific Face & Body Paint – Red	Profusion Cosmetics Corp.	Profusion Cosmetics Corp

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 September 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.

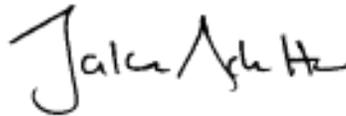
Proposition 65 requires that a clear and reasonable warning is provided with these products regarding the exposures to DEA caused by ordinary use of the product. The Parties are in violation of Proposition 65 by failing to provide such warning to consumers and as a result of the sales of this product,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

A handwritten signature in black ink that reads "Jake Schulte". The signature is written in a cursive, slightly stylized font.

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 alleged the parties identified in the notice have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.

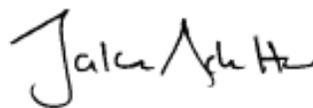
2. I am an attorney for the noticing party.

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 plaintiffs' 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: November 8, 2024

A handwritten signature in black ink that reads "Jake Schulte". The signature is written in a cursive, slightly slanted style.

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 November 8, 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 Profusion Cosmetics Corp. c/o Shujung Wang 5491 Schaeffer Ave. Chino, CA 91710

On November 8, 2024, I served the California Attorney General (via website Portal) by uploading a true and correct copy thereof as a PDF file via the California Attorney General's website.

On November 8, 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 service and the authorization appears on the Attorney General's web site.

See Attached Service List

On November 8, 2024, I served the following persons and/or entities at the last known address by placing a 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 true and correct.

Executed on November 8, 2024, at San Diego, California.



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 contaminant² it must be reduced to the lowest level feasible. Regulations explaining this exemption can be found in Section 25501.

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

² See Section 25501(a)(4).

HOW IS PROPOSITION 65 ENFORCED?

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

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- 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:
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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.

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<p>The Honorable Paul E. Zellerbach Riverside County, District Attorney 3072 Orange Street Riverside, CA 92501 Prop65@rivcoda.org</p>	<p>The Honorable Anne Marie Schubert Sacramento County, District Attorney 901 G Street Sacramento, CA 95814 Prop65@sacda.org</p>	<p>The Honorable Summer Stephan San Diego County, District Attorney 330 West Broadway San Diego, CA 92101 SanDiegoDAProp65@sdcda.org</p>
<p>The Honorable Alexander Grayner San Francisco County, Asst. District Attorney 350 Rhode Island Street San Francisco, CA 94103 alexandra.grayner@sfgov.org</p>	<p>The Honorable Tori Verber Salazar San Joaquin County, District Attorney 222 E. Weber Avenue, Room 202 Stockton, CA 95202 DAConsumer.Environmental@sjcda.org</p>	<p>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</p>
<p>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</p>	<p>The Honorable Bud Porter Santa Clara County, Supervising Deputy District Attorney 70 W Hedding St San Jose, CA 95110 EPU@da.sccgov.org</p>	<p>The Honorable Jeffrey S. Rosell Santa Cruz County, District Attorney 701 Ocean Street Santa Cruz, CA 95060 Phone: 831-454-2400 Prop65DA@santacruzcounty.us</p>
<p>The Honorable Jill Ravitch Sonoma County, District Attorney 600 Administration Drive Santa Rosa, CA 95403 Jeannie.Barnes@sonoma- county.org</p>	<p>The Honorable Phillip J. Cline Tulare County, District Attorney 221 S Mooney Blvd Visalia, CA 95370 Prop65@co.tulare.ca.us</p>	<p>The Honorable Gregory D. Totten Ventura County, District Attorney 800 S Victoria Ave Ventura, CA 93009 daspecialops@ventura.org</p>
<p>The Honorable Jeff W. Resig Yolo County, District Attorney 301 Second Street Woodland, CA 95695 cfepd@yolocounty.org</p>	<p>The Honorable Mark Ankcorn City of San Diego, Deputy City Attorney 1200 Third Avenue San Diego, CA 92101 CityAttyProp65@sandiego.gov</p>	<p>The Honorable Henry Lifton City of San Francisco, Deputy City Attorney 1390 Market Street, 7th Floor San Francisco, CA 94102 Prop65@sfcityatty.org</p>
<p>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</p>		

MAIL SERVICE LIST

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