

**ELECTRONICALLY FILED**

Superior Court of California,

County of Alameda

**01/12/2026 at 12:02:11 PM**

By: Danielle Harbour,

Deputy Clerk

1 Christina M. Caro (SBN 250797)  
2 Richard M. Franco (SBN 170970)  
3 Adams Broadwell Joseph & Cardozo  
4 601 Gateway Boulevard, Suite 1000  
5 South San Francisco, CA 94080-7037  
6 Telephone: (650) 589-1660  
7 Email: ccaro@adamsbroadwell.com; rfranco@adamsbroadwell.com  
8  
9 Attorneys for Plaintiff Environmental Research Center, Inc.  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

**ENVIRONMENTAL RESEARCH CENTER,  
INC., a California non-profit corporation**

14 Plaintiff,  
15  
vs.

16 **BRISTOL FARMS, individually and dba  
17 LAZY ACRES NATURAL MARKET; SF  
18 MARKETS, LLC; SPROUTS FARMERS  
19 MARKET, INC.; SPROUTS FARMERS  
20 MARKETS HOLDINGS, LLC; TARGET  
BRANDS, INC.; TARGET CORPORATION;  
WALMART INC.; WALMART APOLLO,  
LLC; and DOES 1-100**

21  
22  
23  
24  
25  
26  
27  
28  
**Defendants.**

**CASE NO. 26CV164320**

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

[Miscellaneous Civil Complaint (42)]  
Proposition 65, Health & Safety Code  
Section 25249.5 et seq.]

Plaintiff Environmental Research Center, Inc. hereby alleges:

**I**

**INTRODUCTION**

1. Plaintiff Environmental Research Center, Inc. (hereinafter "Plaintiff" or "ERC") brings  
this action as a private attorney general enforcer and in the public interest pursuant to Health &

1 Safety Code section 25249.7, subdivision (d). The Safe Drinking Water and Toxic Enforcement  
2 Act of 1986 (Health & Safety Code section 25249.5 *et seq.*) also known as “Proposition 65,”  
3 mandates that businesses with ten or more employees must provide a “clear and reasonable  
4 warning” prior to exposing any individual to a chemical known to the state to cause cancer or  
5 reproductive toxicity. Lead, cadmium, mercury, and perfluorooctanoic acid (PFOA) are  
6 chemicals known to the State of California to cause cancer and/or birth defects, and other  
7 reproductive harm. This Complaint seeks injunctive and declaratory relief and civil penalties to  
8 remedy the ongoing failure of Defendants Bristol Farms, individually and dba Lazy Acres  
9 Natural Market (“Bristol Farms”), SF Markets, LLC, Sprouts Farmers Market, Inc., Sprouts  
10 Farmers Markets Holdings, LLC (collectively “Sprouts Farmers Market”), Target Brands, Inc.  
11 and Target Corporation (collectively “Target”), Walmart Inc. and Walmart Apollo, LLC  
12 (collectively “Walmart”), and Does 1-100 (also hereinafter individually referred to as  
13 “Defendant” or collectively as “Defendants”), to warn consumers that they have been exposed  
14 to lead and/or cadmium and/or mercury and/or PFOA from a number of nutritional health  
15 products developed, manufactured, marketed, distributed, and/or sold by Defendants as set forth  
16 in paragraphs 3 through 7 at levels exceeding the applicable Maximum Allowable Dose Level  
17 (“MADL”) and requiring a warning pursuant to Health & Safety Code section 25249.6.

18 **II**

19 **PARTIES**

20 2. Plaintiff ERC is a California non-profit corporation dedicated to, among other causes,  
21 helping safeguard the public from health hazards by reducing the use and misuse of hazardous  
22 and toxic chemicals, facilitating a safe environment for consumers and employees, and  
23 encouraging corporate responsibility.

24 3. Defendants Bristol Farms, individually and dba Lazy Acres Natural Market, SF Markets,  
25 LLC, Sprouts Farmers Market, Inc., Sprouts Farmers Markets Holdings, LLC, Target Brands,  
26 Inc. and Target Corporation, Walmart Inc. and Walmart Apollo, LLC, are businesses that  
27 develop, manufacture, market, distribute, and/or sell nutritional health products that have  
28 exposed users to lead and/or cadmium and/or mercury and/or PFOA in the State of California

1 within the relevant statute of limitations period.

2       4. As identified in the October 9, 2025 Notice of Violation to Defendant Bristol Farms, the  
3 “BRISTOL FARMS SUBJECT PRODUCTS” and relevant Proposition 65 chemical(s) are: (1)  
4 Aloha Organic Protein Bar Chocolate Fudge Brownie Plant-Based Protein (lead, mercury,  
5 cadmium), (2) Aloha Organic Protein Bar Chocolate Mint Plant-Based Protein (lead, cadmium),  
6 and (3) Aloha Organic Protein Bar Peanut Butter Cup Plant-Based Protein (lead). The October  
7 9, 2025, Notice of Violation to Defendant Bristol Farms is attached hereto as **Exhibit A**.

8       5. As identified in the October 9, 2025 Notice of Violation to Defendant Sprouts Farmers  
9 Market, the “SPROUTS FARMERS MARKET SUBJECT PRODUCTS” and relevant  
10 Proposition 65 chemical(s) are: (1) Aloha Organic Protein Bar Coconut Chocolate Almond  
11 Plant-Based Protein (lead), (2) Aloha Organic Protein Bar Chocolate Fudge Brownie Plant-  
12 Based Protein (lead), (3) Aloha Organic Protein Bar Chocolate Mint Plant-Based Protein (lead),  
13 (4) Aloha Organic Protein Bar Vanilla Almond Crunch Plant-Based Protein (lead), (5) Aloha  
14 Organic Protein Bar Peanut Butter Chocolate Chip Plant-Based Protein (lead), (6) Aloha  
15 Organic Protein Bar Chocolate Caramel Pecan Plant-Based Protein (lead, cadmium), (7) Aloha  
16 Limited Edition Organic Protein Bar Maple Sea Salt Plant-Based Protein (lead, cadmium), (8)  
17 Aloha Organic Protein Bar Chocolate Espresso Plant-Based Protein (lead, cadmium), (9) Aloha  
18 Organic Protein Bar Lemon Cashew Plant-Based Protein (lead), (10) Aloha Limited Edition  
19 Organic Protein Bar Peppermint White Chocolate Plant-Based Protein (lead), (11) Aloha  
20 Organic Protein Bar Peanut Butter Cup Plant-Based Protein (lead), (12) Aloha Limited Edition  
21 Organic Protein Bar Oatmeal Chocolate Chip Plant-Based Protein (lead), (13) Aloha Organic  
22 Protein Bar Almond Butter Cup Plant-Based Protein (lead), and (14) Aloha Organic Protein Bar  
23 Chocolate Chip Cookie Dough Plant-Based Protein (lead, cadmium, mercury). The October 9,  
24 2025, Notice of Violation to Defendant Sprouts Farmers Market is attached hereto as **Exhibit B**.

25       6. As identified in the October 9, 2025 Notice of Violation to Defendant Target, the  
26 “TARGET SUBJECT PRODUCTS” and relevant Proposition 65 chemical(s) are: (1) Aloha  
27 Organic Protein Bar Chocolate Chip Cookie Dough Plant-Based Protein (lead, cadmium,  
28 mercury), (2) Aloha Organic Protein Bar Peanut Butter Cup Plant-Based Protein (lead,

1 cadmium, mercury), (3) Aloha Organic Protein Bar Peanut Butter Chocolate Chip Plant-Based  
2 Protein (lead, cadmium), and (4) Aloha Organic Protein Bar Coconut Chocolate Almond Plant-  
3 Based Protein (lead, cadmium). The October 9, 2025, Notice of Violation to Defendant Target  
4 is attached hereto as **Exhibit C**.

5 7. As identified in the October 9, 2025 Notice of Violation to Defendant Walmart, the  
6 “WALMART SUBJECT PRODUCTS” and relevant Proposition 65 chemical(s) are: (1) Aloha  
7 Organic Protein Bar Mini Peanut Butter Cup Plant-Based Protein (lead), (2) Aloha Organic  
8 Protein Powder Chocolate Flavored Plant-Based Protein (lead, PFOA), and (3) Aloha Organic  
9 Protein Powder Vanilla Flavored Plant-Based Protein (lead, PFOA). The October 9, 2025,  
10 Notice of Violation to Defendant Walmart is attached hereto as **Exhibit D**.

11 8. The BRISTOL FARMS SUBJECT PRODUCTS, SPROUTS FARMERS MARKET  
12 SUBJECT PRODUCTS, TARGET SUBJECT PRODUCTS, and WALMART SUBJECT  
13 PRODUCTS are sometimes referred to collectively herein as the “SUBJECT PRODUCTS.”

14 9. Bristol Farms, Sprouts Farmers Markets, Target, and Walmart are companies subject to  
15 Proposition 65 as each company employs ten or more persons and has employed ten or more  
16 persons at all times relevant to this action.

17 10. Defendants Does 1-100, are named herein under fictitious names, as their true names  
18 and capacities are unknown to ERC. ERC is informed and believes, and thereon alleges, that  
19 each of said Does is responsible, in some actionable manner, for the events and happenings  
20 hereinafter referred to, either through said Does’ conduct, or through the conduct of its agents,  
21 servants or employees, or in some other manner, causing the harms alleged by ERC in this  
22 Complaint. When said true names and capacities of Does are ascertained, ERC will seek leave  
23 to amend this Complaint to set forth the same.

24 **III**

25 **JURISDICTION AND VENUE**

26 11. This Court has jurisdiction pursuant to California Constitution Article VI, Section  
27 10, which grants the Superior Court original jurisdiction in all causes except those given by  
28 statute to other trial courts. The statute under which this action is brought does not specify any

other basis for jurisdiction.

12. This Court has jurisdiction over Defendants because Defendants have sufficient minimum contacts with California, and otherwise intentionally avail themselves of the California market through the marketing, distribution, and/or sale of the SUBJECT PRODUCTS in the State of California so as to render the exercise of jurisdiction over them by the California courts consistent with traditional notions of fair play and substantial justice.

13. The Complaint is based on allegations contained in the Notices of Violation dated October 9, 2025, served on the California Attorney General, other public enforcers, and Defendants. The Notices of Violation constitute adequate notice to Defendants because they provided adequate information to allow Defendants to assess the nature of the alleged violations, consistent with Proposition 65 and its implementing regulations. A certificate of merit and a certificate of service accompanied each copy of the Notices of Violation, and both certificates comply with Proposition 65 and its implementing regulations. The Notices of Violation served on Defendants also included a copy of “The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary.” Service of the Notices of Violation and accompanying documents complied with Proposition 65 and its implementing regulations. Attached hereto as **Exhibits A, B, C, and D** are true and correct copies of the Notices of Violation and associated documents. More than 60 days have passed since ERC mailed the Notices of Violation, and no public enforcement entity has filed a lawsuit in this case.

14. This Court is the proper venue for the action because the causes of action have arisen in the County of Alameda where some of the violations of law have occurred, and will continue to occur, due to the ongoing sale of Defendants' products. Furthermore, venue is proper in this Court under Code of Civil Procedure section 395.5 and Health & Safety Code section 25249.7.

IV

## **STATUTORY BACKGROUND**

15. The Safe Drinking Water and Toxic Enforcement Act of 1986 is an initiative statute passed as “Proposition 65” by an overwhelming majority vote of the people in November of 1986.

1       16. The warning requirement of Proposition 65 is contained in Health & Safety Code  
2 section 25249.6, which provides:

3       No person in the course of doing business shall knowingly and  
4 intentionally expose any individual to a chemical known to the state to  
5 cause cancer or reproductive toxicity without first giving clear and  
6 reasonable warning to such individual, except as provided in Section  
7 25249.10.

8       17. The Office of Environmental Health Hazard Assessment (“OEHHA”), a division of  
9 California Environmental Protection Agency (“Cal EPA”), is the lead agency in charge of the  
10 implementation of Proposition 65. OEHHA administers the Proposition 65 program and  
11 administers regulations that govern Proposition 65 in general, including warnings to comply  
12 with the statute. The warning regulations are found in Title 27 of the California Code of  
13 Regulations, Article 6. The regulations define expose as “to cause to ingest, inhale, contact via  
14 body surfaces or otherwise come into contact with a listed chemical. An individual may come  
15 into contact with a listed chemical through water, air, food, consumer products and any other  
16 environmental exposure as well as occupational exposures.” (Cal. Code Regs., tit. 27, § 25102,  
17 subd. (i).)

18       18. In this case, the exposures are caused by consumer products. A consumer product is  
19 defined as “any article, or component part thereof, including food, that is produced, distributed,  
20 or sold for the personal use, consumption or enjoyment of a consumer.” (Cal. Code Regs., tit.  
21 27, § 25600.1, subd. (d).) Food “includes ‘dietary supplements’ as defined in California Code  
22 of Regulations, title 17, section 10200.” (*Id.* at subd. (g).) A consumer product exposure is “an  
23 exposure that results from a person’s acquisition, purchase, storage, consumption, or any  
24 reasonably foreseeable use of a consumer product, including consumption of a food.” (*Id.* at  
25 subd. (e).)

26       19. On August 30, 2016, the Office of Administrative Law approved the adoption of  
27 OEHHA’s amendments to Article 6, Clear and Reasonable Warnings of the California Code of  
28 Regulations. This action repealed virtually all of the regulatory provisions of Title 27 of the  
California Code of Regulations, Article 6 (sections 25601 *et seq.*) and replaced the repealed

1 sections with new regulations set forth in two new Subarticles to Article 6 that became  
2 operative on August 30, 2018 (the “New Warning Regulations”). The New Warning  
3 Regulations provide, among other things, methods of transmission and content of warnings  
4 deemed to comply with Proposition 65. Bristol Farms is subject to the warning requirements set  
5 forth in the New Warning Regulations that became operative on August 30, 2018.

6 20. Health & Safety Code section 25249.6 provides that “No person in the course of doing  
7 business shall knowingly and intentionally expose any individual to a chemical known to the  
8 state to cause cancer or reproductive toxicity without first giving clear and reasonable warning  
9 to such individual . . . .” The New Warning Regulations apply when clear and reasonable  
10 warnings are required under Section 25249.6. Pursuant to the New Warning Regulations,  
11 consumer product warnings “must be prominently displayed on a label, labeling, or sign, and  
12 must be displayed with such conspicuousness as compared with other words, statements,  
13 designs or devices on the label, labeling, or sign, as to render the warning likely to be seen,  
14 read, and understood by an ordinary individual under customary conditions of purchase or use.”  
15 (*Id.* at § 25601, subd. (c).)

16 21. Proposition 65 establishes a procedure by which the State is to develop a list of  
17 chemicals “known to the State to cause cancer or reproductive toxicity.” (Health & Safety Code,  
18 § 25249.8.) There is no duty to provide a clear and reasonable warning until 12-months after  
19 the chemical is published on the State list. (Health & Safety Code, § 25249.10, subd. (b).)

20 22. Lead was listed as a chemical known to the State of California to cause developmental  
21 toxicity in the fetus and male and female reproductive toxicity on February 27, 1987. Lead was  
22 listed as a chemical known to the State of California to cause cancer on October 1, 1992.  
23 (OEHHA Chemicals Considered or Listed Under Proposition 65 -

24 <https://oehha.ca.gov/proposition-65/chemicals/lead-and-lead-compounds>.) The MADL for lead  
25 as a chemical known to cause reproductive toxicity is 0.5 micrograms per day. (Cal. Code  
26 Regs., tit. 27, §25805, subd. (b).) The No Significant Risk Level for lead as a carcinogen is 15  
27 micrograms per day. (Cal. Code Regs., tit. 27, §25705, subd. (b).)

28 23. Cadmium was officially listed as a chemical known to cause developmental toxicity and

1 male reproductive toxicity on May 1, 1997, while cadmium and cadmium compounds were  
2 listed as chemicals known to the State of California to cause cancer on October 1, 1987. (State  
3 of California EPA OEHHA Safe Drinking Water and Toxic Enforcement Act of 1986  
4 Chemicals Known to the State to Cause Cancer and Reproductive Toxicity.) The MADL for  
5 cadmium as a chemical known to cause reproductive toxicity is 4.1 micrograms per day. (Cal.  
6 Code Regs., tit. 27, §25805, subd. (b).)

7 24. Mercury and mercury compounds were listed as chemicals known to the State of  
8 California to cause developmental toxicity in the fetus and male and female reproductive  
9 toxicity on July 1, 1990 (OEHHA Chemicals Considered or Listed Under Proposition 65 -  
10 <https://oehha.ca.gov/proposition-65/chemicals/mercury-and-mercury-compounds>).

11 25. Perfluorooctanoic acid (PFOA) was listed as a chemical known to the State of  
12 California to cause development toxicity on November 10, 2017. On February 25, 2022, the  
13 State of California officially listed perfluorooctanoic acid (PFOA) as a chemical known to cause  
14 cancer (OEHHA Chemicals Considered or Listed Under Proposition 65 -  
15 <https://oehha.ca.gov/proposition-65/chemicals/perfluorooctanoic-acid-pfoa-and-its-salts>).

16 26. Proposition 65 provides that any person “violating or threatening to violate” Proposition  
17 65 may be enjoined in any court of competent jurisdiction. (Health & Safety Code, §25249.7,  
18 subd. (a).) To “threaten to violate” means “to create a condition in which there is a substantial  
19 probability that a violation will occur.” (Health & Safety Code, § 25249.11, subd. (e).)  
20 Furthermore, violators are subject to a civil penalty of up to \$2,500 per day for each violation.  
21 (Health & Safety Code, § 25249.7, subd. (b)(1).)

22 27. Proposition 65 may be enforced by any person in the public interest who provides notice  
23 sixty days before filing suit to both the violator and designated law enforcement officials. The  
24 failure of law enforcement officials to file a timely Complaint enables a citizen suit to be filed  
25 pursuant to Health & Safety Code section 25249.7, subdivisions (c) and (d).

26 **V**

27 **STATEMENT OF FACTS**

28 28. Defendant Bristol Farms developed, manufactured, marketed, distributed, and/or sold

1 the BRISTOL FARMS SUBJECT PRODUCTS containing lead and/or cadmium and/or  
2 mercury into the State of California, including into Alameda County. Defendant Bristol Farms  
3 knowingly and intentionally exposed numerous persons to lead and/or cadmium and/or mercury  
4 by marketing, distributing and or selling the BRISTOL FARMS SUBJECT PRODUCTS  
5 without providing any type of Proposition 65 warning. Both prior and subsequent to ERC's  
6 Notices of Violation and this Complaint, Defendant Bristol Farms failed to provide a warning  
7 on the labels of the BRISTOL FARMS SUBJECT PRODUCTS or provide any other legally  
8 acceptable warning. Defendant Bristol Farms has, at all times relevant hereto, been aware that  
9 the BRISTOL FARMS SUBJECT PRODUCTS contained lead and/or cadmium and/or mercury  
10 and that persons using these products have been exposed to these chemicals but has failed to  
11 disclose the presence of these chemicals to the public.

12 29. Defendant Sprouts Farmers Market developed, manufactured, marketed, distributed,  
13 and/or sold the SPROUTS FARMERS MARKET SUBJECT PRODUCTS containing lead  
14 and/or cadmium and/or mercury into the State of California, including into Alameda County.  
15 Defendant Sprouts Farmers Market knowingly and intentionally exposed numerous persons to  
16 lead and/or cadmium and/or mercury by marketing, distributing and or selling the SPROUTS  
17 FARMERS MARKET SUBJECT PRODUCTS without providing any type of Proposition 65  
18 warning. Both prior and subsequent to ERC's Notices of Violation and this Complaint,  
19 Defendant Sprouts Farmers Market failed to provide a warning on the labels of the SPROUTS  
20 FARMERS MARKET SUBJECT PRODUCTS or provide any other legally acceptable  
21 warning. Defendant Sprouts Farmers Market has, at all times relevant hereto, been aware that  
22 the SPROUTS FARMERS MARKET SUBJECT PRODUCTS contained lead and/or cadmium  
23 and/or mercury and that persons using these products have been exposed to these chemicals but  
24 has failed to disclose the presence of these chemicals to the public.

25 30. Defendant Target developed, manufactured, marketed, distributed, and/or sold the  
26 TARGET SUBJECT PRODUCTS containing lead and/or cadmium and/or mercury into the  
27 State of California, including into Alameda County. Defendant Target knowingly and  
28 intentionally exposed numerous persons to lead and/or cadmium and/or mercury by marketing,

1 distributing and or selling the TARGET SUBJECT PRODUCTS without providing any type of  
2 Proposition 65 warning. Both prior and subsequent to ERC's Notices of Violation and this  
3 Complaint, Defendant Target failed to provide a warning on the labels of the TARGET  
4 SUBJECT PRODUCTS or provide any other legally acceptable warning. Defendant Target  
5 has, at all times relevant hereto, been aware that the TARGET SUBJECT PRODUCTS  
6 contained lead and/or cadmium and/or mercury and that persons using these products have been  
7 exposed to these chemicals but has failed to disclose the presence of these chemicals to the  
8 public.

9       31. Defendant Walmart developed, manufactured, marketed, distributed, and/or sold the  
10 WALMART SUBJECT PRODUCTS containing lead and/or PFOA into the State of California,  
11 including into Alameda County. Defendant Walmart has knowingly and intentionally exposed  
12 numerous persons to lead and/or PFOA by marketing, distributing and or selling the  
13 WALMART SUBJECT PRODUCTS without providing any type of Proposition 65 warning.  
14 Both prior and subsequent to ERC's Notices of Violation and this Complaint, Defendant  
15 Walmart failed to provide a warning on the labels of the WALMART SUBJECT PRODUCTS  
16 or provide any other legally acceptable warning. Defendant Walmart has, at all times relevant  
17 hereto, been aware that the WALMART SUBJECT PRODUCTS contained lead and/or PFOA  
18 and that persons using these products have been exposed to these chemicals but has failed to  
19 disclose the presence of these chemicals to the public.

20       32. Consumption of the SUBJECT PRODUCTS according to the directions and/or  
21 recommendations provided for said products cause consumers to be exposed to lead at levels  
22 exceeding the 0.5 micrograms per day MADL and/or to be exposed to cadmium at levels  
23 exceeding the 4.1 micrograms per day MADL and/or to be exposed to mercury and/or PFOA  
24 and requiring a warning. Consumers have been ingesting these products for many years,  
25 without any knowledge of their exposure to these very dangerous chemicals.

26       33. Both prior and subsequent to ERC's Notices of Violation, Defendants failed to provide  
27 consumers of the SUBJECT PRODUCTS with a clear and reasonable warning that they have  
28 been exposed to chemicals known to the State of California to cause cancer and/or birth defects

and/or other reproductive harm. This failure to warn is ongoing.

## **FIRST CAUSE OF ACTION**

**(Violation of Health and Safety Code § 25249.6, Failure to Provide Clear and Reasonable Warning Against Defendants Bristol Farms and DOES 1 through 25 )**

34. ERC refers to paragraphs 1-33, inclusive, and incorporates them herein by this reference.

35. By committing the acts alleged above, Defendant Bristol Farms has, in the course of doing business, knowingly and intentionally exposed users of the BRISTOL FARMS SUBJECT PRODUCTS to lead and/or cadmium and/or mercury, chemicals known to the State of California to cause cancer and/or birth defects and/or other reproductive harm, without first giving clear and reasonable warning to such individuals within the meaning of Health & Safety Code section 25249.6. In doing so, Defendants have violated Health & Safety Code section 25249.6 and continues to violate the statute with each successive sale of the BRISTOL FARMS SUBJECT PRODUCTS.

36. Said violations render Bristol Farms liable for civil penalties, up to \$2,500 per day for each violation, and subject Bristol Farms to injunction.

## **SECOND CAUSE OF ACTION**

**(Violation of Health and Safety Code § 25249.6, Failure to Provide Clear and Reasonable Warning Against Defendants Sprouts Farmers Market and DOES 26 through 50 )**

37. ERC refers to paragraphs 1-33, inclusive, and incorporates them herein by this reference.

38. By committing the acts alleged above, Defendant Sprouts Farmers Market has, in the course of doing business, knowingly and intentionally exposed users of the SPROUTS FARMERS MARKET SUBJECT PRODUCTS to lead and/or cadmium and/or mercury, chemicals known to the State of California to cause cancer and/or birth defects and/or other reproductive harm, without first giving clear and reasonable warning to such individuals within the meaning of Health & Safety Code section 25249.6. In doing so, Defendants have violated Health & Safety Code section 25249.6 and continues to violate the statute with each successive

sale of the SPROUTS FARMERS MARKET PRODUCTS.

39. Said violations render Sprouts Farmers Market liable for civil penalties, up to \$2,500 per day for each violation, and subject Sprouts Farmers Market to injunction.

### **THIRD CAUSE OF ACTION**

**(Violation of Health and Safety Code § 25249.6, Failure to Provide Clear and Reasonable Warning Against Defendants Target and DOES 51 through 75)**

40. ERC refers to paragraphs 1-33, inclusive, and incorporates them herein by this reference.

41. By committing the acts alleged above, Defendant Target has, in the course of doing business, knowingly and intentionally exposed users of the TARGET SUBJECT PRODUCTS to lead and/or cadmium and/or mercury, chemicals known to the State of California to cause cancer and/or birth defects and/or other reproductive harm, without first giving clear and reasonable warning to such individuals within the meaning of Health & Safety Code section 25249.6. In doing so, Defendants have violated Health & Safety Code section 25249.6 and continues to violate the statute with each successive sale of the TARGET PRODUCTS.

42. Said violations render Target liable for civil penalties, up to \$2,500 per day for each violation, and subject Target to injunction.

## **FOURTH CAUSE OF ACTION**

**(Violation of Health and Safety Code § 25249.6, Failure to Provide Clear and Reasonable Warning Against Defendants Walmart and DOES 76 through 100)**

43. ERC refers to paragraphs 1-33, inclusive, and incorporates them herein by this reference.

44. By committing the acts alleged above, Defendant Walmart has, in the course of doing business, knowingly and intentionally exposed users of the WALMART SUBJECT PRODUCTS to lead and/or PFAS, chemicals known to the State of California to cause cancer and/or birth defects and/or other reproductive harm, without first giving clear and reasonable warning to such individuals within the meaning of Health & Safety Code section 25249.6. In doing so, Defendants have violated Health & Safety Code section 25249.6 and continues to

violate the statute with each successive sale of the WALMART SUBJECT PRODUCTS.

45. Said violations render Walmart liable for civil penalties, up to \$2,500 per day for each violation, and subject Walmart to injunction

## **FIFTH CAUSE OF ACTION**

**(Declaratory Relief)**

46. ERC refers to paragraphs 1-45, inclusive, and incorporates them herein by this reference.

47. There exists an actual controversy relating to the legal rights and duties of the Parties, within the meaning of Code of Civil Procedure section 1060, between ERC and Defendants, concerning whether Defendants have exposed individuals to chemicals known to the State of California to cause cancer and/or birth defects and/or other reproductive harm without providing clear and reasonable warning.

VI

## **PRAYER**

WHEREFORE ERC prays for relief as follows:

1. On the First through Fourth Causes of Action, for civil penalties for each and every violation according to proof;

2. On the First through Fourth Causes of Action, and pursuant to Health & Safety Code section 25249.7, subd. (a), for such temporary restraining orders, preliminary and permanent injunctive orders, or other orders as are necessary to prevent Defendants from exposing persons to lead and/or cadmium and/or mercury and/or PFOA without providing clear and reasonable warning;

3. On the Fifth Cause of Action, for a declaratory judgment pursuant to Code of Civil Procedure section 1060 declaring that Defendants have exposed individuals to lead and/or cadmium and/or mercury and/or PFOA without providing clear and reasonable warning; and

4. On all Causes of Action, for reasonable attorneys' fees pursuant to Code of Civil Procedure section 1021.5 or the substantial benefit theory;

5. For costs of suit herein; and

6. For such other relief as the Court may deem just and proper.

111

DATED: January 12, 2026

## ADAMS BROADWELL JOSEPH & CARDOZO

*R. H. Smith*

---

Richard M. Franco  
Attorney for Plaintiff Environmental Research Center, Inc.

1  
2  
3  
4  
5  
6 **EXHIBIT A**  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

# ADAMS BROADWELL JOSEPH & CARDOZO

A PROFESSIONAL CORPORATION

## ATTORNEYS AT LAW

601 GATEWAY BOULEVARD, SUITE 1000  
SOUTH SAN FRANCISCO, CA 94080-7037

TEL: (650) 589-1660  
FAX: (650) 589-5062

[rfranco@adamsbroadwell.com](mailto:rfranco@adamsbroadwell.com)

## SACRAMENTO OFFICE

520 CAPITOL MALL, SUITE 350  
SACRAMENTO, CA 95814-4721

TEL: (916) 444-6201  
FAX: (916) 444-6209

ARIANA ABEDIFARD  
KEVIN T. CARMICHAEL  
CHRISTINA M. CARO  
THOMAS A. ENSLOW  
KELILAH D. FEDERMAN  
RICHARD M. FRANCO  
ANDREW J. GRAF  
TANYA A. GULESSERIAN  
DARION N. JOHNSTON  
RACHAEL E. KOSS  
AIDAN P. MARSHALL  
TARA C. RENGIFO

*Of Counsel*  
MARC D. JOSEPH  
DANIEL L. CARDOZO

October 9, 2025

## VIA CERTIFIED MAIL

Adam Caldecott, Chief Executive Officer  
or Current President or CEO  
Bristol Farms, individually and dba  
Lazy Acres Natural Market  
915 E 230th Street  
Carson, CA 90745

Corporation Service Company  
Which Will Do Business in CA as  
CSC- Lawyers Incorporating Service  
(Registered Agent for Bristol Farms,  
individually and dba Lazy Acres Natural  
Market)  
2710 Gateway Oaks Drive, Ste 150 N  
Sacramento, CA 95833

## VIA ELECTRONIC MAIL

Royl Roberts, Interim District Attorney  
Alameda County  
7677 Oakport Street, Suite 650  
Oakland, CA 94621  
[CEPDProp65@acgov.org](mailto:CEPDProp65@acgov.org)

Barbara Yook, District Attorney  
Calaveras County  
891 Mountain Ranch Road  
San Andreas, CA 95249  
[Prop65Env@co.calaveras.ca.us](mailto:Prop65Env@co.calaveras.ca.us)

## VIA ELECTRONIC MAIL

Stacey Grassini, Deputy District Attorney  
Contra Costa County  
900 Ward Street  
Martinez, CA 94553  
[sgrassini@contracostada.org](mailto:sgrassini@contracostada.org)

James Clinchard, Assistant District  
Attorney  
El Dorado County  
778 Pacific Street  
Placerville, CA 95667  
[EDCDAPROP65@edcda.us](mailto:EDCDAPROP65@edcda.us)

Lisa A. Smittcamp, District Attorney  
Fresno County  
2100 Tulare Street  
Fresno, CA 93721  
[consumerprotection@fresnocountyca.gov](mailto:consumerprotection@fresnocountyca.gov)

Thomas L. Hardy, District Attorney  
Inyo County  
168 North Edwards Street  
Independence, CA 93526  
[inyoda@inyocounty.us](mailto:inyoda@inyocounty.us)

Devin Chandler, Program Coordinator  
Lassen County  
2950 Riverside Dr  
Susanville, CA 96130  
[dchandler@co.lassen.ca.us](mailto:dchandler@co.lassen.ca.us)

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

October 9, 2025

Page 2

**VIA ELECTRONIC MAIL**

Lori E. Frugoli, District Attorney  
Marin County  
3501 Civic Center Drive, Suite 145  
San Rafael, CA 94903  
consumer@marincounty.org

Walter W. Wall, District Attorney  
Mariposa County  
P.O. Box 730  
Mariposa, CA 95338  
mcda@mariposacounty.org

Kimberly Lewis, District Attorney  
Merced County  
550 West Main St  
Merced, CA 95340  
Prop65@countyofmerced.com

Jeannine M. Pacioni, District Attorney  
Monterey County  
1200 Aguajito Road  
Monterey, CA 93940  
Prop65DA@co.monterey.ca.us

Allison Haley, District Attorney  
Napa County  
1127 First Street, Ste C  
Napa, CA 94559  
CEPD@countyofnapa.org

Clifford H. Newell, District Attorney  
Nevada County  
201 Commercial St  
Nevada City, CA 95959  
DA.Prop65@co.nevada.ca.us

Todd Spitzer, District Attorney  
Orange County  
300 N Flower St  
Santa Ana, CA 92703  
Prop65notice@ocdapa.org

**VIA ELECTRONIC MAIL**

Morgan Briggs Gire, District Attorney  
Placer County  
10810 Justice Center Drive  
Roseville, CA 95678  
Prop65@placer.ca.gov

David Hollister, District Attorney  
Plumas County  
520 Main St  
Quincy, CA 95971  
davidhollister@countyofplumas.com

Paul E. Zellerbach, District Attorney  
Riverside County  
3072 Orange Street  
Riverside, CA 92501  
Prop65@rivcoda.org

Anne Marie Schubert, District Attorney  
Sacramento County  
901 G Street  
Sacramento, CA 95814  
Prop65@sacda.org

Summer Stephan, District Attorney  
San Diego County  
330 West Broadway  
San Diego, CA 92101  
SanDiegoDAProp65@sdcda.org

Mark Ankcorn, Deputy City Attorney  
San Diego City Attorney  
1200 Third Avenue  
San Diego, CA 92101  
CityAttyProp65@sandiego.gov

Alexandra Grayner, Assistant District  
Attorney  
San Francisco District Attorney's Office  
350 Rhode Island Street  
San Francisco, CA 94103  
Alexandra.grayner@sfgov.org

October 9, 2025

Page 3

**VIA ELECTRONIC MAIL**

Henry Lifton, Deputy City Attorney  
San Francisco City Attorney  
1390 Market Street, 7th Floor  
San Francisco, CA 94102  
Prop65@sfcityatty.org

Tori Verber Salazar, District Attorney  
San Joaquin County  
222 E. Weber Avenue, Room 202  
Stockton, CA 95202  
DAConsumer.Environmental@sjcda.org

Eric J. Dobroth, Deputy District Attorney  
San Luis Obispo County  
County Government Center Annex, 4th Floor  
San Luis Obispo, CA 93408  
edobroth@co.slo.ca.us

Christopher Dalbey, Deputy District Attorney  
Santa Barbara County  
1112 Santa Barbara Street  
Santa Barbara, CA 93101  
DAProp65@co.santa-barbara.ca.us

Bud Porter, Supervising Deputy District  
Attorney  
Santa Clara County  
70 W Hedding St  
San Jose, CA 95110  
EPU@da.sccgov.org

**VIA FIRST CLASS MAIL**

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

**VIA ELECTRONIC MAIL**

Nora V. Frimann, City Attorney  
Santa Clara City Attorney  
200 E. Santa Clara Street, 16th Floor  
San Jose, CA 96113  
Proposition65notices@sanjoseca.gov

Jeffrey S. Rosell, District Attorney  
Santa Cruz County  
701 Ocean Street  
Santa Cruz, CA 95060  
Prop65DA@santacruzcounty.us

Carla Rodriguez, District Attorney  
Sonoma County  
600 Administration Dr, Rm 212  
Santa Rosa CA 95403  
ECLD@sonoma-county.org

Phillip J. Cline, District Attorney  
Tulare County  
221 S Mooney Blvd  
Visalia, CA 95370  
Prop65@co.tulare.ca.us

Gregory D. Totten, District Attorney  
Ventura County  
800 S Victoria Ave  
Ventura, CA 93009  
daspecialops@ventura.org

Jeff W. Reisig, District Attorney  
Yolo County  
301 Second Street  
Woodland, CA 95695  
cfepd@yolocounty.org

**VIA ONLINE SUBMISSION**

Office of the California Attorney General

October 9, 2025

Page 4

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

Dear Addressees:

I represent the Environmental Research Center, Inc. (“ERC”) in connection with this Notice of Violations of California’s Safe Drinking Water and Toxic Enforcement Act of 1986, which is codified at California Health & Safety Code Section 25249.5 *et seq.* and also referred to as Proposition 65.

ERC is a California non-profit corporation dedicated to, among other causes, helping safeguard the public from health hazards by bringing about a reduction in the use and misuse of hazardous and toxic chemicals, facilitating a safe environment for consumers and employees, and encouraging corporate responsibility.

The name of the Company covered by this notice that violated Proposition 65 (hereinafter the “Violator”) is:

**Bristol Farms, individually and dba Lazy Acres Natural Market**

The products that are the subject of this notice and the chemicals in those products identified as exceeding allowable levels are:

- 1. Aloha Organic Protein Bar Chocolate Fudge Brownie Plant-Based Protein – Lead, Mercury, and Cadmium**
- 2. Aloha Organic Protein Bar Chocolate Mint Plant-Based Protein – Lead, Cadmium**
- 3. Aloha Organic Protein Bar Peanut Butter Cup Plant-Based Protein – Lead**

On February 27, 1987, the State of California officially listed lead as a chemical known to cause developmental toxicity, and male and female reproductive toxicity. On October 1, 1992, the State of California officially listed lead and lead compounds as chemicals known to cause cancer.

Cadmium was officially listed as a chemical known to cause developmental toxicity and male reproductive toxicity on May 1, 1997, while cadmium and cadmium compounds were listed as chemicals known to the State of California to cause cancer on October 1, 1987.

On July 1, 1990, the State of California officially listed mercury and mercury compounds as chemicals known to cause developmental toxicity and male and female reproductive toxicity.

This letter is a notice to the Violator and the appropriate governmental authorities of the Proposition 65 violations concerning the listed products. This notice covers all violations of Proposition 65 involving the Violator currently known to ERC from the information now available. ERC may continue to investigate other products that may reveal further violations. A summary of Proposition 65, prepared by the Office of Environmental Health Hazard Assessment, is enclosed with the copy of this letter to the Violator.

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

October 9, 2025

Page 5

The Violator has manufactured, marketed, distributed, and/or sold the listed products, which have exposed and continue to expose numerous individuals within California to the identified chemicals, lead, cadmium, and mercury. The consumer exposures that are the subject of this notice result from the recommended use of these products by consumers. The route of exposure to lead, cadmium, and mercury has been through ingestion. Proposition 65 requires that a clear and reasonable warning be provided prior to exposure to lead, cadmium, and mercury. The method of warning should be a warning that appears on the product's label. The Violator violated Proposition 65 because it failed to provide an appropriate warning to persons ingesting these products that they are being exposed to lead, cadmium, and mercury. Each of these ongoing violations has occurred on every day since October 9, 2022, as well as every day since the products were introduced in the California marketplace, and will continue every day until clear and reasonable warnings are provided to product purchasers and users.

Consistent with the public interest goals of Proposition 65 and a desire to have these ongoing violations of California law quickly rectified, ERC is interested in seeking a constructive resolution of this matter that includes an enforceable written agreement by the Violator to: (1) reformulate the identified products so as to eliminate further exposures to the identified chemicals, or provide appropriate warnings on the labels of these products; (2) pay an appropriate civil penalty; and (3) provide clear and reasonable warnings compliant with Proposition 65 to all persons located in California who purchased the above products in the last three years. Such a resolution will prevent further unwarned consumer exposures to the identified chemicals, as well as expensive and time-consuming litigation.

ERC's Executive Director is Chris Heptinstall, and is located at 3111 Camino Del Rio North, Suite 400, San Diego, CA 92108; Tel. 619-500-3090. ERC has retained me in connection with this matter. We suggest that communications regarding this Notice of Violations should be directed to my attention at the above listed law office address and telephone number.

Sincerely,



Rick Franco

Attachments

Certificate of Merit

Certificate of Service

OEHHA Summary (to Bristol Farms, individually and dba Lazy Acres Natural Market and its Registered Agents for Service of Process only)

Additional Supporting Information for Certificate of Merit (to AG only)

October 9, 2025

Page 6

**CERTIFICATE OF MERIT**

**Health and Safety Code Section 25249.7 (d)**

**Re: Environmental Research Center, Inc.'s Notice of Proposition 65 Violations by Bristol Farms, individually and dba Lazy Acres Natural Market**

I, Rick Franco, declare:

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

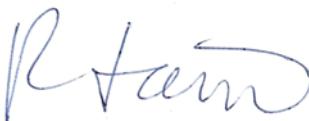
2. I am the attorney for the noticing party, Environmental Research Center.

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 chemicals that are 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 violators 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 9, 2025



Rick Franco

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

October 9, 2025

Page 7

**CERTIFICATE OF SERVICE PURSUANT TO 27 CCR § 25903**

I, the undersigned, declare under penalty of perjury under the laws of the State of California that the following is true and correct:

I am a citizen of the United States and over the age of 18 years of age. My business address is 306 Joy Street, Fort Oglethorpe, Georgia 30742. I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Fort Oglethorpe, Georgia.

On October 9, 2025, between 8:00 a.m. and 5:00 p.m. Eastern Time, I served the following documents: **NOTICE OF VIOLATIONS OF CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT; "THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY"** on the following parties by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties listed below and depositing it in a U.S. Postal Service Office with the postage fully prepaid for delivery by Certified Mail:

Adam Caldecott, Chief Executive Officer  
or Current President or CEO  
Bristol Farms, individually and dba  
Lazy Acres Natural Market  
915 E 230th Street  
Carson, CA 90745

Corporation Service Company  
Which Will Do Business in CA as  
CSC- Lawyers Incorporating Service  
(Registered Agent for Bristol Farms,  
individually and dba Lazy Acres Natural  
Market)  
2710 Gateway Oaks Drive, Ste 150 N  
Sacramento, CA 95833

On October 9, 2025, between 8:00 a.m. and 5:00 p.m. Eastern Time, I verified the following documents **NOTICE OF VIOLATIONS, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT; ADDITIONAL SUPPORTING INFORMATION FOR CERTIFICATE OF MERIT AS REQUIRED BY CALIFORNIA HEALTH & SAFETY CODE §25249.7(d)(1)** were served on the following party when a true and correct copy thereof was uploaded on the California Attorney General's website, which can be accessed at <https://oag.ca.gov/prop65/add-60-day-notice> :

Office of the California Attorney General  
Prop 65 Enforcement Reporting  
1515 Clay Street, Suite 2000  
Oakland, CA 94612-0550

On October 9, 2025 between 8:00 a.m. and 5:00 p.m. Eastern Time, I verified the following documents **NOTICE OF VIOLATIONS, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT** were served on the following parties when a true and correct copy thereof was sent via electronic mail to each of the parties listed below:

Royl Roberts, Interim District Attorney  
Alameda County  
7677 Oakport Street, Suite 650  
Oakland, CA 94621  
CEPDProp65@acgov.org

Stacey Grassini, Deputy District Attorney  
Contra Costa County  
900 Ward Street  
Martinez, CA 94553  
sgrassini@contracostada.org

Barbara Yook, District Attorney  
Calaveras County  
891 Mountain Ranch Road  
San Andreas, CA 95249  
Prop65Env@co.calaveras.ca.us

James Clinchard, Assistant District Attorney  
El Dorado County  
778 Pacific Street  
Placerville, CA 95667  
EDCDAPROP65@edcda.us

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

October 9, 2025

Page 8

Lisa A. Smittcamp, District Attorney  
Fresno County  
2100 Tulare Street  
Fresno, CA 93721  
consumerprotection@fresnocountyca.gov

Thomas L. Hardy, District Attorney  
Inyo County  
168 North Edwards Street  
Independence, CA 93526  
inyoda@inyocounty.us

Devin Chandler, Program Coordinator  
Lassen County  
2950 Riverside Dr  
Susanville, CA 96130  
dchandler@co.lassen.ca.us

Lori E. Frugoli, District Attorney  
Marin County  
3501 Civic Center Drive, Suite 145  
San Rafael, CA 94903  
consumer@marincounty.org

Walter W. Wall, District Attorney  
Mariposa County  
P.O. Box 730  
Mariposa, CA 95338  
mcda@mariposacounty.org

Kimberly Lewis, District Attorney  
Merced County  
550 West Main St  
Merced, CA 95340  
Prop65@countyofmerced.com

Jeannine M. Pacioni, District Attorney  
Monterey County  
1200 Aguajito Road  
Monterey, CA 93940  
Prop65DA@co.monterey.ca.us

Allison Haley, District Attorney  
Napa County  
1127 First Street, Ste C  
Napa, CA 94559  
CEPD@countyofnapa.org

Clifford H. Newell, District Attorney  
Nevada County  
201 Commercial St  
Nevada City, CA 95959  
DA.Prop65@co.nevada.ca.us

Todd Spitzer, District Attorney  
Orange County  
300 N Flower St  
Santa Ana, CA 92703  
Prop65notice@ocdapa.org

Morgan Briggs Gire, District Attorney  
Placer County  
10810 Justice Center Drive  
Roseville, CA 95678  
Prop65@placer.ca.gov

David Hollister, District Attorney  
Plumas County  
520 Main St  
Quincy, CA 95971  
davidhollister@countyofplumas.com

Paul E. Zellerbach, District Attorney  
Riverside County  
3072 Orange Street  
Riverside, CA 92501  
Prop65@rivcoda.org

Anne Marie Schubert, District Attorney  
Sacramento County  
901 G Street  
Sacramento, CA 95814  
Prop65@sacda.org

Summer Stephan, District Attorney  
San Diego County  
330 West Broadway  
San Diego, CA 92101  
SanDiegoDAProp65@sdcda.org

Mark Ankcorn, Deputy City Attorney  
San Diego City Attorney  
1200 Third Avenue  
San Diego, CA 92101  
CityAttyProp65@sandiego.gov

Alexandra Grayner, Assistant District Attorney  
San Francisco District Attorney's Office  
350 Rhode Island Street  
San Francisco, CA 94103  
Alexandra.grayner@sfgov.org

Henry Lifton, Deputy City Attorney  
San Francisco City Attorney  
1390 Market Street, 7th Floor  
San Francisco, CA 94102  
Prop65@sfcityatty.org

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

October 9, 2025

Page 9

Tori Verber Salazar, District Attorney  
San Joaquin County  
222 E. Weber Avenue, Room 202  
Stockton, CA 95202  
DAConsumer.Environmental@sjcda.org

Eric J. Dobroth, Deputy District Attorney  
San Luis Obispo County  
County Government Center Annex, 4<sup>th</sup> Floor  
San Luis Obispo, CA 93408  
edobroth@co.slo.ca.us

Christopher Dalbey, Deputy District Attorney  
Santa Barbara County  
1112 Santa Barbara Street  
Santa Barbara, CA 93101  
DAProp65@co.santa-barbara.ca.us

Bud Porter, Supervising Deputy District Attorney  
Santa Clara County  
70 W Hedding St  
San Jose, CA 95110  
EPU@da.sccgov.org

Nora V. Frimann, City Attorney  
Santa Clara City Attorney  
200 E. SantaClara Street, 16<sup>th</sup> Floor  
San Jose, CA 96113  
Proposition65notices@sanjoseca.gov

Jeffrey S. Rosell, District Attorney  
Santa Cruz County  
701 Ocean Street  
Santa Cruz, CA 95060  
Prop65DA@santacruzcounty.us

Carla Rodriguez, District Attorney  
Sonoma County  
600 Administration Dr, Rm 212  
Santa Rosa CA 95403  
ECLD@sonoma-county.org

Phillip J. Cline, District Attorney  
Tulare County  
221 S Mooney Blvd  
Visalia, CA 95370  
Prop65@co.tulare.ca.us

Gregory D. Totten, District Attorney  
Ventura County  
800 S Victoria Ave  
Ventura, CA 93009  
daspecialops@ventura.org

Jeff W. Reisig, District Attorney  
Yolo County  
301 Second Street  
Woodland, CA 95695  
cfepd@yolocounty.org

On October 9, 2025, between 8:00 a.m. and 5:00 p.m. Eastern Time, I served the following documents: **NOTICE OF VIOLATIONS, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT** on each of the parties on the Service List attached hereto by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties **on the Service List attached hereto**, and depositing it with the U.S. Postal Service with the postage fully prepaid for delivery by First Class Mail.

Executed on October 9, 2025, in Fort Oglethorpe, Georgia.

  
Debra Wright

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

October 9, 2025

Page 10

**Service List**

District Attorney, Alpine County P.O. Box 248 17300 Hwy 89 Markleeville, CA 96120	District Attorney, Modoc County 204 S Court Street, Room 202 Alturas, CA 96101-4020	District Attorney, Yuba County 215 Fifth Street, Suite 152 Marysville, CA 95901
District Attorney, Amador County 708 Court Street, Suite 202 Jackson, CA 95642	District Attorney, Mono County Post Office Box 617 Bridgeport, CA 93517	Los Angeles City Attorney's Office City Hall East 200 N. Main Street, Suite 800 Los Angeles, CA 90012
District Attorney, Butte County 25 County Center Drive, Suite 245 Oroville, CA 95965	District Attorney, San Benito County 419 Fourth Street, 2nd Floor Hollister, CA 95023	District Attorney, San Bernardino County 303 West Third Street San Bernardino, CA 92415
District Attorney, Colusa County 310 6 <sup>th</sup> St Colusa, CA 95932	District Attorney, San Mateo County 400 County Ctr., 3rd Floor Redwood City, CA 94063	District Attorney, Shasta County 1355 West Street Redding, CA 96001
District Attorney, Del Norte County 450 H Street, Room 171 Crescent City, CA 95531	District Attorney, Sierra County Post Office Box 457 100 Courthouse Square, 2 <sup>nd</sup> Floor Downieville, CA 95936	District Attorney, Siskiyou County Post Office Box 986 Yreka, CA 96097
District Attorney, Glenn County Post Office Box 430 Willows, CA 95988	District Attorney, Solano County 675 Texas Street, Ste 4500 Fairfield, CA 94533	District Attorney, Stanislaus County 832 12th Street, Ste 300 Modesto, CA 95354
District Attorney, Humboldt County 825 5th Street 4 <sup>th</sup> Floor Eureka, CA 95501	District Attorney, Sutter County 463 2 <sup>nd</sup> Street Yuba City, CA 95991	District Attorney, Tehama County Post Office Box 519 Red Bluff, CA 96080
District Attorney, Imperial County 940 West Main Street, Ste 102 El Centro, CA 92243	District Attorney, Trinity County Post Office Box 310 Weaverville, CA 96093	District Attorney, Tuolumne County 423 N. Washington Street Sonora, CA 95370
District Attorney, Kern County 1215 Truxtun Avenue Bakersfield, CA 93301		
District Attorney, Kings County 1400 West Lacey Boulevard Hanford, CA 93230		
District Attorney, Lake County 255 N. Forbes Street Lakeport, CA 95453		
District Attorney, Los Angeles County Hall of Justice 211 West Temple St., Ste 1200 Los Angeles, CA 90012		
District Attorney, Madera County 300 South G Street, Ste 300 Madera, CA 93637		
District Attorney, Mendocino County Post Office Box 1000 Ukiah, CA 95482		

## 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.<sup>1</sup> 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

---

<sup>1</sup> 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](http://www.oehha.ca.gov/prop65/prop65_list/Newlist.html).

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

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

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

#### ***DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?***

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

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

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

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

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

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

**Exposures to Naturally Occurring Chemicals in Food.** Certain exposures to chemicals that naturally occur in foods (i.e., that do not result from any known human activity, including activity by someone other than the person causing the exposure) are exempt from the warning requirements of the law. If the chemical is a contaminant<sup>2</sup> 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.

---

<sup>2</sup> 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](mailto: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.

1  
2  
3  
4  
5  
6 **EXHIBIT B**  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

# ADAMS BROADWELL JOSEPH & CARDOZO

A PROFESSIONAL CORPORATION

ARIANA ABEDIFARD  
KEVIN T. CARMICHAEL  
CHRISTINA M. CARO  
THOMAS A. ENSLOW  
KELILAH D. FEDERMAN  
RICHARD M. FRANCO  
ANDREW J. GRAF  
TANYA A. GULESSERIAN  
DARION N. JOHNSTON  
RACHAEL E. KOSS  
AIDAN P. MARSHALL  
TARA C. RENGIFO

*Of Counsel*  
MARC D. JOSEPH  
DANIEL L. CARDOZO

## ATTORNEYS AT LAW

601 GATEWAY BOULEVARD, SUITE 1000  
SOUTH SAN FRANCISCO, CA 94080-7037

TEL: (650) 589-1660  
FAX: (650) 589-5062

[rfranco@adamsbroadwell.com](mailto:rfranco@adamsbroadwell.com)

## SACRAMENTO OFFICE

520 CAPITOL MALL, SUITE 350  
SACRAMENTO, CA 95814-4721  
TEL: (916) 444-6201  
FAX: (916) 444-6209

October 9, 2025

### VIA CERTIFIED MAIL

Current President or CEO  
SF Markets, LLC, Sprouts Farmers Market, Inc.,  
and Sprouts Farmers Markets Holdings, LLC  
5455 E High Street, Suite 111  
Phoenix, AZ 85054

Corporation Service Company  
(Registered Agent for SF Markets, LLC)  
7955 S Priest Dr, Ste 102  
Tempe, AZ 85284

CSC-Lawyers Incorporating Service  
(Registered Agent for SF Markets, LLC)  
2710 Gateway Oaks Dr, Ste 150N  
Sacramento, CA 95833

Corporation Service Company  
(Registered Agent for Sprouts Farmers Markets  
Holdings, LLC and Sprouts Farmers Market, Inc.)  
251 Little Falls Dr  
Wilmington, DE 19808

Corporation Service Company  
(Entity Principal Office Address for SF Markets,  
LLC)  
2711 Centerville Rd, Ste 400  
Wilmington, DE 19808)

### VIA ELECTRONIC MAIL

Royl Roberts, Interim District Attorney  
Alameda County  
7677 Oakport Street, Suite 650  
Oakland, CA 94621  
[CEPDProp65@acgov.org](mailto:CEPDProp65@acgov.org)

Barbara Yook, District Attorney  
Calaveras County  
891 Mountain Ranch Road  
San Andreas, CA 95249  
[Prop65Env@co.calaveras.ca.us](mailto:Prop65Env@co.calaveras.ca.us)

Stacey Grassini, Deputy District  
Attorney  
Contra Costa County  
900 Ward Street  
Martinez, CA 94553  
[sgrassini@contracostada.org](mailto:sgrassini@contracostada.org)

James Clinchard, Assistant District  
Attorney  
El Dorado County  
778 Pacific Street  
Placerville, CA 95667  
[EDCDAPROP65@edcda.us](mailto:EDCDAPROP65@edcda.us)

Lisa A. Smittcamp, District Attorney  
Fresno County  
2100 Tulare Street  
Fresno, CA 93721  
[consumerprotection@fresnocountyca.gov](mailto:consumerprotection@fresnocountyca.gov)

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

October 9, 2025

Page 2

**VIA ELECTRONIC MAIL**

Thomas L. Hardy, District Attorney  
Inyo County  
168 North Edwards Street  
Independence, CA 93526  
inyoda@inyocounty.us

Devin Chandler, Program Coordinator  
Lassen County  
2950 Riverside Dr  
Susanville, CA 96130  
dchandler@co.lassen.ca.us

Lori E. Frugoli, District Attorney  
Marin County  
3501 Civic Center Drive, Suite 145  
San Rafael, CA 94903  
consumer@marincounty.org

Walter W. Wall, District Attorney  
Mariposa County  
P.O. Box 730  
Mariposa, CA 95338  
mcd@mariposacounty.org

Kimberly Lewis, District Attorney  
Merced County  
550 West Main St  
Merced, CA 95340  
Prop65@countyofmerced.com

Jeannine M. Pacioni, District Attorney  
Monterey County  
1200 Aguajito Road  
Monterey, CA 93940  
Prop65DA@co.monterey.ca.us

Allison Haley, District Attorney  
Napa County  
1127 First Street, Ste C  
Napa, CA 94559  
CEPD@countyofnapa.org

**VIA ELECTRONIC MAIL**

Clifford H. Newell, District Attorney  
Nevada County  
201 Commercial St  
Nevada City, CA 95959  
DA.Prop65@co.nevada.ca.us

Todd Spitzer, District Attorney  
Orange County  
300 N Flower St  
Santa Ana, CA 92703  
Prop65notice@ocdapa.org

Morgan Briggs Gire, District Attorney  
Placer County  
10810 Justice Center Drive  
Roseville, CA 95678  
Prop65@placer.ca.gov

David Hollister, District Attorney  
Plumas County  
520 Main St  
Quincy, CA 95971  
davidhollister@countyofplumas.com

Paul E. Zellerbach, District Attorney  
Riverside County  
3072 Orange Street  
Riverside, CA 92501  
Prop65@rivcoda.org

Anne Marie Schubert, District Attorney  
Sacramento County  
901 G Street  
Sacramento, CA 95814  
Prop65@sacda.org

Summer Stephan, District Attorney  
San Diego County  
330 West Broadway  
San Diego, CA 92101  
SanDiegoDAProp65@sdcda.org

October 9, 2025

Page 3

**VIA ELECTRONIC MAIL**

Mark Ankcorn, Deputy City Attorney  
San Diego City Attorney  
1200 Third Avenue  
San Diego, CA 92101  
CityAttyProp65@sandiego.gov

Alexandra Grayner, Assistant District Attorney  
San Francisco District Attorney's Office  
350 Rhode Island Street  
San Francisco, CA 94103  
Alexandra.grayner@sfgov.org

Henry Lifton, Deputy City Attorney  
San Francisco City Attorney  
1390 Market Street, 7th Floor  
San Francisco, CA 94102  
Prop65@sfcityatty.org

Tori Verber Salazar, District Attorney  
San Joaquin County  
222 E. Weber Avenue, Room 202  
Stockton, CA 95202  
DAConsumer.Environmental@sjcda.org

Eric J. Dobroth, Deputy District Attorney  
San Luis Obispo County  
County Government Center Annex, 4th Floor  
San Luis Obispo, CA 93408  
edobroth@co.slo.ca.us

Christopher Dalbey, Deputy District Attorney  
Santa Barbara County  
1112 Santa Barbara Street  
Santa Barbara, CA 93101  
DAProp65@co.santa-barbara.ca.us

Bud Porter, Supervising Deputy District  
Attorney  
Santa Clara County  
70 W Hedding St  
San Jose, CA 95110  
EPU@da.sccgov.org

**VIA ELECTRONIC MAIL**

Nora V. Frimann, City Attorney  
Santa Clara City Attorney  
200 E. Santa Clara Street, 16th Floor  
San Jose, CA 96113  
Proposition65notices@sanjoseca.gov

Jeffrey S. Rosell, District Attorney  
Santa Cruz County  
701 Ocean Street  
Santa Cruz, CA 95060  
Prop65DA@santacruzcounty.us

Carla Rodriguez, District Attorney  
Sonoma County  
600 Administration Dr, Rm 212  
Santa Rosa CA 95403  
ECLD@sonoma-county.org

Phillip J. Cline, District Attorney  
Tulare County  
221 S Mooney Blvd  
Visalia, CA 95370  
Prop65@co.tulare.ca.us

Gregory D. Totten, District Attorney  
Ventura County  
800 S Victoria Ave  
Ventura, CA 93009  
daspecialops@ventura.org

Jeff W. Reisig, District Attorney  
Yolo County  
301 Second Street  
Woodland, CA 95695  
cfepd@yolocounty.org

**VIA ONLINE SUBMISSION**

Office of the California Attorney General

October 9, 2025

Page 4

**VIA FIRST CLASS MAIL**

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

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

Dear Addressees:

I represent the Environmental Research Center, Inc. (“ERC”) in connection with this Notice of Violations of California’s Safe Drinking Water and Toxic Enforcement Act of 1986, which is codified at California Health & Safety Code Section 25249.5 *et seq.* and also referred to as Proposition 65.

ERC is a California non-profit corporation dedicated to, among other causes, helping safeguard the public from health hazards by bringing about a reduction in the use and misuse of hazardous and toxic chemicals, facilitating a safe environment for consumers and employees, and encouraging corporate responsibility.

The names of the Companies covered by this notice that violated Proposition 65 (hereinafter the “Violators”) are:

**SF Markets, LLC**  
**Sprouts Farmers Market, Inc.**  
**Sprouts Farmers Markets Holdings, LLC**

The products that are the subject of this notice and the chemicals in those products identified as exceeding allowable levels are:

1. **Aloha Organic Protein Bar Coconut Chocolate Almond Plant-Based Protein - Lead**
2. **Aloha Organic Protein Bar Chocolate Fudge Brownie Plant-Based Protein - Lead**
3. **Aloha Organic Protein Bar Chocolate Mint Plant-Based Protein - Lead**
4. **Aloha Organic Protein Bar Vanilla Almond Crunch Plant-Based Protein - Lead**
5. **Aloha Organic Protein Bar Peanut Butter Chocolate Chip Plant-Based Protein - Lead**
6. **Aloha Organic Protein Bar Chocolate Caramel Pecan Plant-Based Protein – Lead, Cadmium**
7. **Aloha Limited Edition Organic Protein Bar Maple Sea Salt Plant-Based Protein – Lead, Cadmium**
8. **Aloha Organic Protein Bar Chocolate Espresso Plant-Based Protein – Lead, Cadmium**
9. **Aloha Organic Protein Bar Lemon Cashew Plant-Based Protein - Lead**

October 9, 2025

Page 5

- 10. Aloha Limited Edition Organic Protein Bar Peppermint White Chocolate Plant-Based Protein - Lead**
- 11. Aloha Organic Protein Bar Peanut Butter Cup Plant-Based Protein - Lead**
- 12. Aloha Limited Edition Organic Protein Bar Oatmeal Chocolate Chip Plant-Based Protein - Lead**
- 13. Aloha Organic Protein Bar Almond Butter Cup Plant-Based Protein – Lead**
- 14. Aloha Organic Protein Bar Chocolate Chip Cookie Dough Plant-Based Protein – Lead, Cadmium, Mercury**

On February 27, 1987, the State of California officially listed lead as a chemical known to cause developmental toxicity, and male and female reproductive toxicity. On October 1, 1992, the State of California officially listed lead and lead compounds as chemicals known to cause cancer.

Cadmium was officially listed as a chemical known to cause developmental toxicity and male reproductive toxicity on May 1, 1997, while cadmium and cadmium compounds were listed as chemicals known to the State of California to cause cancer on October 1, 1987.

On July 1, 1990, the State of California officially listed mercury and mercury compounds as chemicals known to cause developmental toxicity and male and female reproductive toxicity.

This letter is a notice to the Violators and the appropriate governmental authorities of the Proposition 65 violations concerning the listed products. This notice covers all violations of Proposition 65 involving the Violators currently known to ERC from the information now available. ERC may continue to investigate other products that may reveal further violations. A summary of Proposition 65, prepared by the Office of Environmental Health Hazard Assessment, is enclosed with the copy of this letter to the Violators.

The Violators have manufactured, marketed, distributed, and/or sold the listed products, which have exposed and continue to expose numerous individuals within California to the identified chemicals, lead, cadmium, and mercury. The consumer exposures that are the subject of this notice result from the recommended use of these products by consumers. The route of exposure to lead, cadmium, and mercury has been through ingestion. Proposition 65 requires that a clear and reasonable warning be provided prior to exposure to lead, cadmium, and mercury. The method of warning should be a warning that appears on the product's label. The Violators violated Proposition 65 because they failed to provide an appropriate warning to persons ingesting these products that they are being exposed to lead, cadmium, and mercury. Each of these ongoing violations has occurred on every day since October 9, 2022, as well as every day since the products were introduced in the California marketplace, and will continue every day until clear and reasonable warnings are provided to product purchasers and users.

Consistent with the public interest goals of Proposition 65 and a desire to have these ongoing violations of California law quickly rectified, ERC is interested in seeking a constructive resolution of this matter that includes an enforceable written agreement by the Violators to: (1) reformulate the identified products so as to eliminate further exposures to the identified chemicals, or provide appropriate warnings on the labels of these products; (2) pay an

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

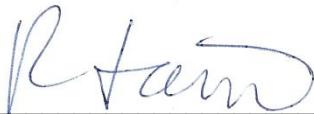
October 9, 2025

Page 6

appropriate civil penalty; and (3) provide clear and reasonable warnings compliant with Proposition 65 to all persons located in California who purchased the above products in the last three years. Such a resolution will prevent further unwarned consumer exposures to the identified chemicals, as well as expensive and time-consuming litigation.

ERC's Executive Director is Chris Heptinstall, and is located at 3111 Camino Del Rio North, Suite 400, San Diego, CA 92108; Tel. 619-500-3090. ERC has retained me in connection with this matter. We suggest that communications regarding this Notice of Violations should be directed to my attention at the above listed law office address and telephone number.

Sincerely,



Rick Franco

Attachments

Certificate of Merit

Certificate of Service

OEHHA Summary (to SF Markets, LLC, Sprouts Farmers Market, Inc., and Sprouts Farmers Markets Holdings, LLC and their Registered Agents for Service of Process only)  
Additional Supporting Information for Certificate of Merit (to AG only)

October 9, 2025

Page 7

**CERTIFICATE OF MERIT**

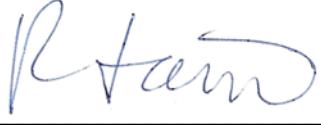
**Health and Safety Code Section 25249.7 (d)**

**Re: Environmental Research Center, Inc.'s Notice of Proposition 65 Violations by SF Markets, LLC, Sprouts Farmers Market, Inc., and Sprouts Farmers Markets Holdings, LLC**

I, Rick Franco, declare:

1. This Certificate of Merit accompanies the attached sixty-day notice(s) in which it is alleged the parties identified in the notices have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.
2. I am the attorney for the noticing party, Environmental Research Center.
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 chemicals that are 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 violators 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 9, 2025

  
Rick Franco

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

October 9, 2025

Page 8

**CERTIFICATE OF SERVICE PURSUANT TO 27 CCR § 25903**

I, the undersigned, declare under penalty of perjury under the laws of the State of California that the following is true and correct:

I am a citizen of the United States and over the age of 18 years of age. My business address is 306 Joy Street, Fort Oglethorpe, Georgia 30742. I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Fort Oglethorpe, Georgia.

On October 9, 2025, between 8:00 a.m. and 5:00 p.m. Eastern Time, I served the following documents: **NOTICE OF VIOLATIONS OF CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT; "THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY"** on the following parties by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties listed below and depositing it in a U.S. Postal Service Office with the postage fully prepaid for delivery by Certified Mail:

Current President or CEO SF Markets, LLC, Sprouts Farmers Market, Inc., and Sprouts Farmers Markets Holdings, LLC 5455 E High Street, Suite 111 Phoenix, AZ 85054	Corporation Service Company (Registered Agent for Sprouts Farmers Markets Holdings, LLC and Sprouts Farmers Market, Inc.) 251 Little Falls Dr Wilmington, DE 19808
Corporation Service Company (Registered Agent for SF Markets, LLC) 7955 S Priest Dr, Ste 102 Tempe, AZ 85284	Corporation Service Company (Entity Principal Office Address for SF Markets, LLC) 2711 Centerville Rd, Ste 400 Wilmington, DE 19808)
CSC-Lawyers Incorporating Service (Registered Agent for SF Markets, LLC) 2710 Gateway Oaks Dr, Ste 150N Sacramento, CA 95833	

On October 9, 2025, between 8:00 a.m. and 5:00 p.m. Eastern Time, I verified the following documents **NOTICE OF VIOLATIONS, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT; ADDITIONAL SUPPORTING INFORMATION FOR CERTIFICATE OF MERIT AS REQUIRED BY CALIFORNIA HEALTH & SAFETY CODE §25249.7(d)(1)** were served on the following party when a true and correct copy thereof was uploaded on the California Attorney General's website, which can be accessed at <https://oag.ca.gov/prop65/add-60-day-notice> :

Office of the California Attorney General  
Prop 65 Enforcement Reporting  
1515 Clay Street, Suite 2000  
Oakland, CA 94612-0550

On October 9, 2025 between 8:00 a.m. and 5:00 p.m. Eastern Time, I verified the following documents **NOTICE OF VIOLATIONS, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT** were served on the following parties when a true and correct copy thereof was sent via electronic mail to each of the parties listed below:

Royl Roberts, Interim District Attorney  
Alameda County  
7677 Oakport Street, Suite 650  
Oakland, CA 94621  
CEPDProp65@acgov.org

Barbara Yook, District Attorney  
Calaveras County  
891 Mountain Ranch Road  
San Andreas, CA 95249  
Prop65Env@co.calaveras.ca.us

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

October 9, 2025

Page 9

Stacey Grassini, Deputy District Attorney  
Contra Costa County  
900 Ward Street  
Martinez, CA 94553  
[sgrassini@contracostada.org](mailto:sgrassini@contracostada.org)

James Clinchard, Assistant District Attorney  
El Dorado County  
778 Pacific Street  
Placerville, CA 95667  
[EDCDAPROP65@edcda.us](mailto:EDCDAPROP65@edcda.us)

Lisa A. Smitcamp, District Attorney  
Fresno County  
2100 Tulare Street  
Fresno, CA 93721  
[consumerprotection@fresnocountyca.gov](mailto:consumerprotection@fresnocountyca.gov)

Thomas L. Hardy, District Attorney  
Inyo County  
168 North Edwards Street  
Independence, CA 93526  
[inyoda@inyocounty.us](mailto:inyoda@inyocounty.us)

Devin Chandler, Program Coordinator  
Lassen County  
2950 Riverside Dr  
Susanville, CA 96130  
[dchandler@co.lassen.ca.us](mailto:dchandler@co.lassen.ca.us)

Lori E. Frugoli, District Attorney  
Marin County  
3501 Civic Center Drive, Suite 145  
San Rafael, CA 94903  
[consumer@marincounty.org](mailto:consumer@marincounty.org)

Walter W. Wall, District Attorney  
Mariposa County  
P.O. Box 730  
Mariposa, CA 95338  
[mcda@mariposacounty.org](mailto:mcda@mariposacounty.org)

Kimberly Lewis, District Attorney  
Merced County  
550 West Main St  
Merced, CA 95340  
[Prop65@countyofmerced.com](mailto:Prop65@countyofmerced.com)

Jeannine M. Pacioni, District Attorney  
Monterey County  
1200 Aguajito Road  
Monterey, CA 93940  
[Prop65DA@co.monterey.ca.us](mailto:Prop65DA@co.monterey.ca.us)

Allison Haley, District Attorney  
Napa County  
1127 First Street, Ste C  
Napa, CA 94559  
[CEPD@countyofnapa.org](mailto:CEPD@countyofnapa.org)

Clifford H. Newell, District Attorney  
Nevada County  
201 Commercial St  
Nevada City, CA 95959  
[DA.Prop65@co.nevada.ca.us](mailto:DA.Prop65@co.nevada.ca.us)

Todd Spitzer, District Attorney  
Orange County  
300 N Flower St  
Santa Ana, CA 92703  
[Prop65notice@ocdapa.org](mailto:Prop65notice@ocdapa.org)

Morgan Briggs Gire, District Attorney  
Placer County  
10810 Justice Center Drive  
Roseville, CA 95678  
[Prop65@placer.ca.gov](mailto:Prop65@placer.ca.gov)

David Hollister, District Attorney  
Plumas County  
520 Main St  
Quincy, CA 95971  
[davidhollister@countyofplumas.com](mailto:davidhollister@countyofplumas.com)

Paul E. Zellerbach, District Attorney  
Riverside County  
3072 Orange Street  
Riverside, CA 92501  
[Prop65@rivcoda.org](mailto:Prop65@rivcoda.org)

Anne Marie Schubert, District Attorney  
Sacramento County  
901 G Street  
Sacramento, CA 95814  
[Prop65@sacda.org](mailto:Prop65@sacda.org)

Summer Stephan, District Attorney  
San Diego County  
330 West Broadway  
San Diego, CA 92101  
[SanDiegoDAProp65@sdcda.org](mailto:SanDiegoDAProp65@sdcda.org)

Mark Ankcorn, Deputy City Attorney  
San Diego City Attorney  
1200 Third Avenue  
San Diego, CA 92101  
[CityAttyProp65@sandiego.gov](mailto:CityAttyProp65@sandiego.gov)

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

October 9, 2025

Page 10

Alexandra Grayner, Assistant District Attorney  
San Francisco District Attorney's Office  
350 Rhode Island Street  
San Francisco, CA 94103  
Alexandra.grayner@sfgov.org

Henry Lifton, Deputy City Attorney  
San Francisco City Attorney  
1390 Market Street, 7th Floor  
San Francisco, CA 94102  
Prop65@sfcityatty.org

Tori Verber Salazar, District Attorney  
San Joaquin County  
222 E. Weber Avenue, Room 202  
Stockton, CA 95202  
DAConsumer.Environmental@sjcda.org

Eric J. Dobroth, Deputy District Attorney  
San Luis Obispo County  
County Government Center Annex, 4<sup>th</sup> Floor  
San Luis Obispo, CA 93408  
edobroth@co.slo.ca.us

Christopher Dalbey, Deputy District Attorney  
Santa Barbara County  
1112 Santa Barbara Street  
Santa Barbara, CA 93101  
DAProp65@co.santa-barbara.ca.us

Bud Porter, Supervising Deputy District Attorney  
Santa Clara County  
70 W Hedding St  
San Jose, CA 95110  
EPU@da.sccgov.org

Nora V. Frimann, City Attorney  
Santa Clara City Attorney  
200 E. SantaClara Street, 16<sup>th</sup> Floor  
San Jose, CA 96113  
Proposition65notices@sanjoseca.gov

Jeffrey S. Rosell, District Attorney  
Santa Cruz County  
701 Ocean Street  
Santa Cruz, CA 95060  
Prop65DA@santacruzcounty.us

Carla Rodriguez, District Attorney  
Sonoma County  
600 Administration Dr, Rm 212  
Santa Rosa CA 95403  
ECLD@sonoma-county.org

Phillip J. Cline, District Attorney  
Tulare County  
221 S Mooney Blvd  
Visalia, CA 95370  
Prop65@co.tulare.ca.us

Gregory D. Totten, District Attorney  
Ventura County  
800 S Victoria Ave  
Ventura, CA 93009  
daspecialops@ventura.org

Jeff W. Reisig, District Attorney  
Yolo County  
301 Second Street  
Woodland, CA 95695  
cfepd@yolocounty.org

On October 9, 2025, between 8:00 a.m. and 5:00 p.m. Eastern Time, I served the following documents: **NOTICE OF VIOLATIONS, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT** on each of the parties on the Service List attached hereto by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties **on the Service List attached hereto**, and depositing it with the U.S. Postal Service with the postage fully prepaid for delivery by First Class Mail.

Executed on October 9, 2025, in Fort Oglethorpe, Georgia.



Debra Wright

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

October 9, 2025

Page 11

**Service List**

District Attorney, Alpine County P.O. Box 248 17300 Hwy 89 Markleeville, CA 96120	District Attorney, Modoc County 204 S Court Street, Room 202 Alturas, CA 96101-4020	District Attorney, Yuba County 215 Fifth Street, Suite 152 Marysville, CA 95901
District Attorney, Amador County 708 Court Street, Suite 202 Jackson, CA 95642	District Attorney, Mono County Post Office Box 617 Bridgeport, CA 93517	Los Angeles City Attorney's Office City Hall East 200 N. Main Street, Suite 800 Los Angeles, CA 90012
District Attorney, Butte County 25 County Center Drive, Suite 245 Oroville, CA 95965	District Attorney, San Benito County 419 Fourth Street, 2nd Floor Hollister, CA 95023	District Attorney, San Bernardino County 303 West Third Street San Bernardino, CA 92415
District Attorney, Colusa County 310 6 <sup>th</sup> St Colusa, CA 95932	District Attorney, San Mateo County 400 County Ctr., 3rd Floor Redwood City, CA 94063	District Attorney, Shasta County 1355 West Street Redding, CA 96001
District Attorney, Del Norte County 450 H Street, Room 171 Crescent City, CA 95531	District Attorney, Sierra County Post Office Box 457 100 Courthouse Square, 2 <sup>nd</sup> Floor Downieville, CA 95936	District Attorney, Siskiyou County Post Office Box 986 Yreka, CA 96097
District Attorney, Glenn County Post Office Box 430 Willows, CA 95988	District Attorney, Solano County 675 Texas Street, Ste 4500 Fairfield, CA 94533	District Attorney, Stanislaus County 832 12th Street, Ste 300 Modesto, CA 95354
District Attorney, Humboldt County 825 5th Street 4 <sup>th</sup> Floor Eureka, CA 95501	District Attorney, Sutter County 463 2 <sup>nd</sup> Street Yuba City, CA 95991	District Attorney, Tehama County Post Office Box 519 Red Bluff, CA 96080
District Attorney, Imperial County 940 West Main Street, Ste 102 El Centro, CA 92243	District Attorney, Trinity County Post Office Box 310 Weaverville, CA 96093	District Attorney, Tuolumne County 423 N. Washington Street Sonora, CA 95370
District Attorney, Kern County 1215 Truxtun Avenue Bakersfield, CA 93301		
District Attorney, Kings County 1400 West Lacey Boulevard Hanford, CA 93230		
District Attorney, Lake County 255 N. Forbes Street Lakeport, CA 95453		
District Attorney, Los Angeles County Hall of Justice 211 West Temple St., Ste 1200 Los Angeles, CA 90012		
District Attorney, Madera County 300 South G Street, Ste 300 Madera, CA 93637		
District Attorney, Mendocino County Post Office Box 1000 Ukiah, CA 95482		

## 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.<sup>1</sup> 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

---

<sup>1</sup> 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](http://www.oehha.ca.gov/prop65/prop65_list/Newlist.html).

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

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

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

#### ***DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?***

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

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

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

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

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

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

**Exposures to Naturally Occurring Chemicals in Food.** Certain exposures to chemicals that naturally occur in foods (i.e., that do not result from any known human activity, including activity by someone other than the person causing the exposure) are exempt from the warning requirements of the law. If the chemical is a contaminant<sup>2</sup> 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.

---

<sup>2</sup> 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](mailto: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.

1  
2  
3  
4  
5  
6 **EXHIBIT C**  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

# ADAMS BROADWELL JOSEPH & CARDOZO

A PROFESSIONAL CORPORATION

ARIANA ABEDIFARD  
KEVIN T. CARMICHAEL  
CHRISTINA M. CARO  
THOMAS A. ENSLOW  
KELILAH D. FEDERMAN  
RICHARD M. FRANCO  
ANDREW J. GRAF  
TANYA A. GULESSERIAN  
DARION N. JOHNSTON  
RACHAEL E. KOSS  
AIDAN P. MARSHALL  
TARA C. RENGIFO

## ATTORNEYS AT LAW

601 GATEWAY BOULEVARD, SUITE 1000  
SOUTH SAN FRANCISCO, CA 94080-7037

TEL: (650) 589-1660  
FAX: (650) 589-5062  
[rfranco@adamsbroadwell.com](mailto:rfranco@adamsbroadwell.com)

## SACRAMENTO OFFICE

520 CAPITOL MALL, SUITE 350  
SACRAMENTO, CA 95814-4721  
TEL: (916) 444-6201  
FAX: (916) 444-6209

*Of Counsel*  
MARC D. JOSEPH  
DANIEL L. CARDOZO

October 9, 2025

### VIA CERTIFIED MAIL

Brian C. Cornell, Chief Executive Officer  
or Current President or CEO  
Target Corporation  
1000 Nicollet Mall  
Minneapolis, MN 55403

CT Corporation System  
(Registered Agent for Target Corporation)  
330 N Brand Blvd, Suite 700  
Glendale, CA 91203

CT Corporation System  
(Registered Agent for Target Corporation  
and Target Brands, Inc.)  
1010 Dale St N  
St. Paul, MN 55117

Amy Tu, Chief Executive Officer  
or Current President or CEO  
Target Brands, Inc.  
1000 Nicollet Mall  
Minneapolis, MN 55403

### VIA ELECTRONIC MAIL

Royl Roberts, Interim District Attorney  
Alameda County  
7677 Oakport Street, Suite 650  
Oakland, CA 94621  
[CEPDProp65@acgov.org](mailto:CEPDProp65@acgov.org)

### VIA ELECTRONIC MAIL

Barbara Yook, District Attorney  
Calaveras County  
891 Mountain Ranch Road  
San Andreas, CA 95249  
[Prop65Env@co.calaveras.ca.us](mailto:Prop65Env@co.calaveras.ca.us)

Stacey Grassini, Deputy District Attorney  
Contra Costa County  
900 Ward Street  
Martinez, CA 94553  
[sgrassini@contracostada.org](mailto:sgrassini@contracostada.org)

James Clinchard, Assistant District Attorney  
El Dorado County  
778 Pacific Street  
Placerville, CA 95667  
[EDCDAPROP65@edcda.us](mailto:EDCDAPROP65@edcda.us)

Lisa A. Smittcamp, District Attorney  
Fresno County  
2100 Tulare Street  
Fresno, CA 93721  
[consumerprotection@fresnocountyca.gov](mailto:consumerprotection@fresnocountyca.gov)

Thomas L. Hardy, District Attorney  
Inyo County  
168 North Edwards Street  
Independence, CA 93526  
[inyoda@inyocounty.us](mailto:inyoda@inyocounty.us)

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

October 9, 2025

Page 2

**VIA ELECTRONIC MAIL**

Devin Chandler, Program Coordinator  
Lassen County  
2950 Riverside Dr  
Susanville, CA 96130  
dchandler@co.lassen.ca.us

Lori E. Frugoli, District Attorney  
Marin County  
3501 Civic Center Drive, Suite 145  
San Rafael, CA 94903  
consumer@marincounty.org

Walter W. Wall, District Attorney  
Mariposa County  
P.O. Box 730  
Mariposa, CA 95338  
mcda@mariposacounty.org

Kimberly Lewis, District Attorney  
Merced County  
550 West Main St  
Merced, CA 95340  
Prop65@countyofmerced.com

Jeannine M. Pacioni, District Attorney  
Monterey County  
1200 Aguajito Road  
Monterey, CA 93940  
Prop65DA@co.monterey.ca.us

Allison Haley, District Attorney  
Napa County  
1127 First Street, Ste C  
Napa, CA 94559  
CEPD@countyofnapa.org

Clifford H. Newell, District Attorney  
Nevada County  
201 Commercial St  
Nevada City, CA 95959  
DA.Prop65@co.nevada.ca.us

**VIA ELECTRONIC MAIL**

Todd Spitzer, District Attorney  
Orange County  
300 N Flower St  
Santa Ana, CA 92703  
Prop65notice@ocdapa.org

Morgan Briggs Gire, District Attorney  
Placer County  
10810 Justice Center Drive  
Roseville, CA 95678  
Prop65@placer.ca.gov

David Hollister, District Attorney  
Plumas County  
520 Main St  
Quincy, CA 95971  
davidhollister@countyofplumas.com

Paul E. Zellerbach, District Attorney  
Riverside County  
3072 Orange Street  
Riverside, CA 92501  
Prop65@rivcoda.org

Anne Marie Schubert, District Attorney  
Sacramento County  
901 G Street  
Sacramento, CA 95814  
Prop65@sacda.org

Summer Stephan, District Attorney  
San Diego County  
330 West Broadway  
San Diego, CA 92101  
SanDiegoDAProp65@sdcda.org

Mark Ankcorn, Deputy City Attorney  
San Diego City Attorney  
1200 Third Avenue  
San Diego, CA 92101  
CityAttyProp65@sandiego.gov

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

October 9, 2025

Page 3

**VIA ELECTRONIC MAIL**

Alexandra Grayner, Assistant District Attorney  
San Francisco District Attorney's Office  
350 Rhode Island Street  
San Francisco, CA 94103  
Alexandra.grayner@sfgov.org

Henry Lifton, Deputy City Attorney  
San Francisco City Attorney  
1390 Market Street, 7th Floor  
San Francisco, CA 94102  
Prop65@sfcityatty.org

Tori Verber Salazar, District Attorney  
San Joaquin County  
222 E. Weber Avenue, Room 202  
Stockton, CA 95202  
DACConsumer.Environmental@sjcda.org

Eric J. Dobroth, Deputy District Attorney  
San Luis Obispo County  
County Government Center Annex, 4th Floor  
San Luis Obispo, CA 93408  
edobroth@co.slo.ca.us

Christopher Dalbey, Deputy District Attorney  
Santa Barbara County  
1112 Santa Barbara Street  
Santa Barbara, CA 93101  
DAProp65@co.santa-barbara.ca.us

Bud Porter, Supervising Deputy District Attorney  
Santa Clara County  
70 W Hedding St  
San Jose, CA 95110  
EPU@da.sccgov.org

**VIA FIRST CLASS MAIL**

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

**VIA ELECTRONIC MAIL**

Nora V. Frimann, City Attorney  
Santa Clara City Attorney  
200 E. Santa Clara Street, 16th Floor  
San Jose, CA 95113  
Proposition65notices@sanjoseca.gov

Jeffrey S. Rosell, District Attorney  
Santa Cruz County  
701 Ocean Street  
Santa Cruz, CA 95060  
Prop65DA@santacruzcounty.us

Carla Rodriguez, District Attorney  
Sonoma County  
600 Administration Dr, Rm 212  
Santa Rosa CA 95403  
ECLD@sonoma-county.org

Phillip J. Cline, District Attorney  
Tulare County  
221 S Mooney Blvd  
Visalia, CA 95370  
Prop65@co.tulare.ca.us

Gregory D. Totten, District Attorney  
Ventura County  
800 S Victoria Ave  
Ventura, CA 93009  
daspecialops@ventura.org

Jeff W. Reisig, District Attorney  
Yolo County  
301 Second Street  
Woodland, CA 95695  
cfepd@yolocounty.org

**VIA ONLINE SUBMISSION**

Office of the California Attorney General

October 9, 2025

Page 4

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

Dear Addressees:

I represent the Environmental Research Center, Inc. (“ERC”) in connection with this Notice of Violations of California’s Safe Drinking Water and Toxic Enforcement Act of 1986, which is codified at California Health & Safety Code Section 25249.5 *et seq.* and also referred to as Proposition 65.

ERC is a California non-profit corporation dedicated to, among other causes, helping safeguard the public from health hazards by bringing about a reduction in the use and misuse of hazardous and toxic chemicals, facilitating a safe environment for consumers and employees, and encouraging corporate responsibility.

The names of the Companies covered by this notice that violated Proposition 65 (hereinafter the “Violators”) are:

**Target Brands, Inc.  
Target Corporation**

The products that are the subject of this notice and the chemicals in those products identified as exceeding allowable levels are:

- 1. Aloha Organic Protein Bar Chocolate Chip Cookie Dough Plant-Based Protein – Lead, Cadmium, and Mercury**
- 2. Aloha Organic Protein Bar Peanut Butter Cup Plant-Based Protein - Lead, Cadmium, and Mercury**
- 3. Aloha Organic Protein Bar Peanut Butter Chocolate Chip Plant-Based Protein – Lead, Cadmium**
- 4. Aloha Organic Protein Bar Coconut Chocolate Almond Plant-Based Protein – Lead, Cadmium**

On February 27, 1987, the State of California officially listed lead as a chemical known to cause developmental toxicity, and male and female reproductive toxicity. On October 1, 1992, the State of California officially listed lead and lead compounds as chemicals known to cause cancer.

Cadmium was officially listed as a chemical known to cause developmental toxicity and male reproductive toxicity on May 1, 1997, while cadmium and cadmium compounds were listed as chemicals known to the State of California to cause cancer on October 1, 1987.

On July 1, 1990, the State of California officially listed mercury and mercury compounds as chemicals known to cause developmental toxicity and male and female reproductive toxicity.

This letter is a notice to the Violators and the appropriate governmental authorities of the Proposition 65 violations concerning the listed products. This notice covers all violations of

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

October 9, 2025

Page 5

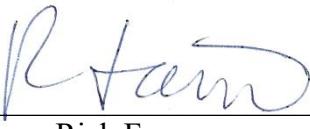
Proposition 65 involving the Violators currently known to ERC from the information now available. ERC may continue to investigate other products that may reveal further violations. A summary of Proposition 65, prepared by the Office of Environmental Health Hazard Assessment, is enclosed with the copy of this letter to the Violators.

The Violators have manufactured, marketed, distributed, and/or sold the listed products, which have exposed and continue to expose numerous individuals within California to the identified chemicals, lead, cadmium, and mercury. The consumer exposures that are the subject of this notice result from the recommended use of these products by consumers. The route of exposure to lead, cadmium, and mercury has been through ingestion. Proposition 65 requires that a clear and reasonable warning be provided prior to exposure to lead, cadmium, and mercury. The method of warning should be a warning that appears on the product's label. The Violators violated Proposition 65 because they failed to provide an appropriate warning to persons ingesting these products that they are being exposed to lead, cadmium, and mercury. Each of these ongoing violations has occurred on every day since October 9, 2022, as well as every day since the products were introduced in the California marketplace, and will continue every day until clear and reasonable warnings are provided to product purchasers and users.

Consistent with the public interest goals of Proposition 65 and a desire to have these ongoing violations of California law quickly rectified, ERC is interested in seeking a constructive resolution of this matter that includes an enforceable written agreement by the Violators to: (1) reformulate the identified products so as to eliminate further exposures to the identified chemicals, or provide appropriate warnings on the labels of these products; (2) pay an appropriate civil penalty; and (3) provide clear and reasonable warnings compliant with Proposition 65 to all persons located in California who purchased the above products in the last three years. Such a resolution will prevent further unwarned consumer exposures to the identified chemicals, as well as expensive and time-consuming litigation.

ERC's Executive Director is Chris Heptinstall, and is located at 3111 Camino Del Rio North, Suite 400, San Diego, CA 92108; Tel. 619-500-3090. ERC has retained me in connection with this matter. We suggest that communications regarding this Notice of Violations should be directed to my attention at the above listed law office address and telephone number.

Sincerely,



---

Rick Franco

Attachments

Certificate of Merit

Certificate of Service

OEHHA Summary (to Target Brands, Inc. and Target Corporation and their Registered Agents for Service of Process only)

Additional Supporting Information for Certificate of Merit (to AG only)

October 9, 2025

Page 6

**CERTIFICATE OF MERIT**

**Health and Safety Code Section 25249.7 (d)**

**Re: Environmental Research Center, Inc.'s Notice of Proposition 65 Violations by Target Brands, Inc. and Target Corporation**

I, Rick Franco, declare:

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

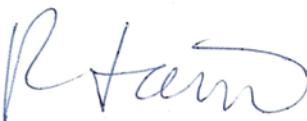
2. I am the attorney for the noticing party, Environmental Research Center.

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 chemicals that are 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 violators 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 9, 2025



Rick Franco

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

October 9, 2025

Page 7

**CERTIFICATE OF SERVICE PURSUANT TO 27 CCR § 25903**

I, the undersigned, declare under penalty of perjury under the laws of the State of California that the following is true and correct:

I am a citizen of the United States and over the age of 18 years of age. My business address is 306 Joy Street, Fort Oglethorpe, Georgia 30742. I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Fort Oglethorpe, Georgia.

On October 9, 2025, between 8:00 a.m. and 5:00 p.m. Eastern Time, I served the following documents: **NOTICE OF VIOLATIONS OF CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT; "THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY"** on the following parties by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties listed below and depositing it in a U.S. Postal Service Office with the postage fully prepaid for delivery by Certified Mail:

Brian C. Cornell, Chief Executive Officer  
or Current President or CEO  
Target Corporation  
1000 Nicollet Mall  
Minneapolis, MN 55403

CT Corporation System  
(Registered Agent for Target Corporation)  
330 N Brand Blvd, Suite 700  
Glendale, CA 91203

CT Corporation System  
(Registered Agent for Target Corporation  
and Target Brands, Inc.)  
1010 Dale St N  
St. Paul, MN 55117

Amy Tu, Chief Executive Officer  
or Current President or CEO  
Target Brands, Inc.  
1000 Nicollet Mall  
Minneapolis, MN 55403

On October 9, 2025, between 8:00 a.m. and 5:00 p.m. Eastern Time, I verified the following documents **NOTICE OF VIOLATIONS, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT; ADDITIONAL SUPPORTING INFORMATION FOR CERTIFICATE OF MERIT AS REQUIRED BY CALIFORNIA HEALTH & SAFETY CODE §25249.7(d)(1)** were served on the following party when a true and correct copy thereof was uploaded on the California Attorney General's website, which can be accessed at <https://oag.ca.gov/prop65/add-60-day-notice> :

Office of the California Attorney General  
Prop 65 Enforcement Reporting  
1515 Clay Street, Suite 2000  
Oakland, CA 94612-0550

On October 9, 2025 between 8:00 a.m. and 5:00 p.m. Eastern Time, I verified the following documents **NOTICE OF VIOLATIONS, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT** were served on the following parties when a true and correct copy thereof was sent via electronic mail to each of the parties listed below:

Royl Roberts, Interim District Attorney  
Alameda County  
7677 Oakport Street, Suite 650  
Oakland, CA 94621  
CEPDProp65@acgov.org

Barbara Yook, District Attorney  
Calaveras County  
891 Mountain Ranch Road  
San Andreas, CA 95249  
Prop65Env@co.calaveras.ca.us

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

October 9, 2025

Page 8

Stacey Grassini, Deputy District Attorney  
Contra Costa County  
900 Ward Street  
Martinez, CA 94553  
[sgrassini@contracostada.org](mailto:sgrassini@contracostada.org)

James Clinchard, Assistant District Attorney  
El Dorado County  
778 Pacific Street  
Placerville, CA 95667  
[EDCDAPROP65@edcda.us](mailto:EDCDAPROP65@edcda.us)

Lisa A. Smitcamp, District Attorney  
Fresno County  
2100 Tulare Street  
Fresno, CA 93721  
[consumerprotection@fresnocountyca.gov](mailto:consumerprotection@fresnocountyca.gov)

Thomas L. Hardy, District Attorney  
Inyo County  
168 North Edwards Street  
Independence, CA 93526  
[inyoda@inyocounty.us](mailto:inyoda@inyocounty.us)

Devin Chandler, Program Coordinator  
Lassen County  
2950 Riverside Dr  
Susanville, CA 96130  
[dchandler@co.lassen.ca.us](mailto:dchandler@co.lassen.ca.us)

Lori E. Frugoli, District Attorney  
Marin County  
3501 Civic Center Drive, Suite 145  
San Rafael, CA 94903  
[consumer@marincounty.org](mailto:consumer@marincounty.org)

Walter W. Wall, District Attorney  
Mariposa County  
P.O. Box 730  
Mariposa, CA 95338  
[mcda@mariposacounty.org](mailto:mcda@mariposacounty.org)

Kimberly Lewis, District Attorney  
Merced County  
550 West Main St  
Merced, CA 95340  
[Prop65@countyofmerced.com](mailto:Prop65@countyofmerced.com)

Jeannine M. Pacioni, District Attorney  
Monterey County  
1200 Aguajito Road  
Monterey, CA 93940  
[Prop65DA@co.monterey.ca.us](mailto:Prop65DA@co.monterey.ca.us)

Allison Haley, District Attorney  
Napa County  
1127 First Street, Ste C  
Napa, CA 94559  
[CEPD@countyofnapa.org](mailto:CEPD@countyofnapa.org)

Clifford H. Newell, District Attorney  
Nevada County  
201 Commercial St  
Nevada City, CA 95959  
[DA.Prop65@co.nevada.ca.us](mailto:DA.Prop65@co.nevada.ca.us)

Todd Spitzer, District Attorney  
Orange County  
300 N Flower St  
Santa Ana, CA 92703  
[Prop65notice@ocdapa.org](mailto:Prop65notice@ocdapa.org)

Morgan Briggs Gire, District Attorney  
Placer County  
10810 Justice Center Drive  
Roseville, CA 95678  
[Prop65@placer.ca.gov](mailto:Prop65@placer.ca.gov)

David Hollister, District Attorney  
Plumas County  
520 Main St  
Quincy, CA 95971  
[davidhollister@countyofplumas.com](mailto:davidhollister@countyofplumas.com)

Paul E. Zellerbach, District Attorney  
Riverside County  
3072 Orange Street  
Riverside, CA 92501  
[Prop65@rivcoda.org](mailto:Prop65@rivcoda.org)

Anne Marie Schubert, District Attorney  
Sacramento County  
901 G Street  
Sacramento, CA 95814  
[Prop65@sacda.org](mailto:Prop65@sacda.org)

Summer Stephan, District Attorney  
San Diego County  
330 West Broadway  
San Diego, CA 92101  
[SanDiegoDAProp65@sdcda.org](mailto:SanDiegoDAProp65@sdcda.org)

Mark Ankcorn, Deputy City Attorney  
San Diego City Attorney  
1200 Third Avenue  
San Diego, CA 92101  
[CityAttyProp65@sandiego.gov](mailto:CityAttyProp65@sandiego.gov)

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

October 9, 2025

Page 9

Alexandra Grayner, Assistant District Attorney  
San Francisco District Attorney's Office  
350 Rhode Island Street  
San Francisco, CA 94103  
Alexandra.grayner@sfgov.org

Henry Lifton, Deputy City Attorney  
San Francisco City Attorney  
1390 Market Street, 7th Floor  
San Francisco, CA 94102  
Prop65@sfcityatty.org

Tori Verber Salazar, District Attorney  
San Joaquin County  
222 E. Weber Avenue, Room 202  
Stockton, CA 95202  
DACConsumer.Environmental@sjcda.org

Eric J. Dobroth, Deputy District Attorney  
San Luis Obispo County  
County Government Center Annex, 4<sup>th</sup> Floor  
San Luis Obispo, CA 93408  
edobroth@co.slo.ca.us

Christopher Dalbey, Deputy District Attorney  
Santa Barbara County  
1112 Santa Barbara Street  
Santa Barbara, CA 93101  
DAProp65@co.santa-barbara.ca.us

Bud Porter, Supervising Deputy District Attorney  
Santa Clara County  
70 W Hedding St  
San Jose, CA 95110  
EPU@da.sccgov.org

Nora V. Frimann, City Attorney  
Santa Clara City Attorney  
200 E. SantaClara Street, 16<sup>th</sup> Floor  
San Jose, CA 96113  
Proposition65notices@sanjoseca.gov

Jeffrey S. Rosell, District Attorney  
Santa Cruz County  
701 Ocean Street  
Santa Cruz, CA 95060  
Prop65DA@santacruzcounty.us

Carla Rodriguez, District Attorney  
Sonoma County  
600 Administration Dr, Rm 212  
Santa Rosa CA 95403  
ECLD@sonoma-county.org

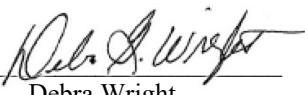
Phillip J. Cline, District Attorney  
Tulare County  
221 S Mooney Blvd  
Visalia, CA 95370  
Prop65@co.tulare.ca.us

Gregory D. Totten, District Attorney  
Ventura County  
800 S Victoria Ave  
Ventura, CA 93009  
daspecialops@ventura.org

Jeff W. Reisig, District Attorney  
Yolo County  
301 Second Street  
Woodland, CA 95695  
cfepd@yolocounty.org

On October 9, 2025, between 8:00 a.m. and 5:00 p.m. Eastern Time, I served the following documents: **NOTICE OF VIOLATIONS, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT** on each of the parties on the Service List attached hereto by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties **on the Service List attached hereto**, and depositing it with the U.S. Postal Service with the postage fully prepaid for delivery by First Class Mail.

Executed on October 9, 2025, in Fort Oglethorpe, Georgia.

  
\_\_\_\_\_  
Debra Wright

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

October 9, 2025

Page 10

**Service List**

District Attorney, Alpine County P.O. Box 248 17300 Hwy 89 Markleeville, CA 96120	District Attorney, Modoc County 204 S Court Street, Room 202 Alturas, CA 96101-4020	District Attorney, Yuba County 215 Fifth Street, Suite 152 Marysville, CA 95901
District Attorney, Amador County 708 Court Street, Suite 202 Jackson, CA 95642	District Attorney, Mono County Post Office Box 617 Bridgeport, CA 93517	Los Angeles City Attorney's Office City Hall East 200 N. Main Street, Suite 800 Los Angeles, CA 90012
District Attorney, Butte County 25 County Center Drive, Suite 245 Oroville, CA 95965	District Attorney, San Benito County 419 Fourth Street, 2nd Floor Hollister, CA 95023	District Attorney, San Bernardino County 303 West Third Street San Bernardino, CA 92415
District Attorney, Colusa County 310 6 <sup>th</sup> St Colusa, CA 95932	District Attorney, San Mateo County 400 County Ctr., 3rd Floor Redwood City, CA 94063	District Attorney, Shasta County 1355 West Street Redding, CA 96001
District Attorney, Del Norte County 450 H Street, Room 171 Crescent City, CA 95531	District Attorney, Sierra County Post Office Box 457 100 Courthouse Square, 2 <sup>nd</sup> Floor Downieville, CA 95936	District Attorney, Siskiyou County Post Office Box 986 Yreka, CA 96097
District Attorney, Glenn County Post Office Box 430 Willows, CA 95988	District Attorney, Solano County 675 Texas Street, Ste 4500 Fairfield, CA 94533	District Attorney, Stanislaus County 832 12th Street, Ste 300 Modesto, CA 95354
District Attorney, Humboldt County 825 5th Street 4 <sup>th</sup> Floor Eureka, CA 95501	District Attorney, Sutter County 463 2 <sup>nd</sup> Street Yuba City, CA 95991	District Attorney, Tehama County Post Office Box 519 Red Bluff, CA 96080
District Attorney, Imperial County 940 West Main Street, Ste 102 El Centro, CA 92243	District Attorney, Trinity County Post Office Box 310 Weaverville, CA 96093	District Attorney, Tuolumne County 423 N. Washington Street Sonora, CA 95370
District Attorney, Kern County 1215 Truxtun Avenue Bakersfield, CA 93301		
District Attorney, Kings County 1400 West Lacey Boulevard Hanford, CA 93230		
District Attorney, Lake County 255 N. Forbes Street Lakeport, CA 95453		
District Attorney, Los Angeles County Hall of Justice 211 West Temple St., Ste 1200 Los Angeles, CA 90012		
District Attorney, Madera County 300 South G Street, Ste 300 Madera, CA 93637		
District Attorney, Mendocino County Post Office Box 1000 Ukiah, CA 95482		

## 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.<sup>1</sup> 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

---

<sup>1</sup> 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](http://www.oehha.ca.gov/prop65/prop65_list/Newlist.html).

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

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

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

#### ***DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?***

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

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

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

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

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

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

**Exposures to Naturally Occurring Chemicals in Food.** Certain exposures to chemicals that naturally occur in foods (i.e., that do not result from any known human activity, including activity by someone other than the person causing the exposure) are exempt from the warning requirements of the law. If the chemical is a contaminant<sup>2</sup> 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.

---

<sup>2</sup> 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](mailto: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.

1  
2  
3  
4  
5  
6 **EXHIBIT D**  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

# ADAMS BROADWELL JOSEPH & CARDOZO

A PROFESSIONAL CORPORATION

ARIANA ABEDIFARD  
KEVIN T. CARMICHAEL  
CHRISTINA M. CARO  
THOMAS A. ENSLOW  
KELILAH D. FEDERMAN  
RICHARD M. FRANCO  
ANDREW J. GRAF  
TANYA A. GULESSERIAN  
DARION N. JOHNSTON  
RACHAEL E. KOSS  
AIDAN P. MARSHALL  
TARA C. RENGIFO

*Of Counsel*  
MARC D. JOSEPH  
DANIEL L. CARDOZO

## ATTORNEYS AT LAW

601 GATEWAY BOULEVARD, SUITE 1000  
SOUTH SAN FRANCISCO, CA 94080-7037

TEL: (650) 589-1660  
FAX: (650) 589-5062  
[rfranco@adamsbroadwell.com](mailto:rfranco@adamsbroadwell.com)

## SACRAMENTO OFFICE

520 CAPITOL MALL, SUITE 350  
SACRAMENTO, CA 95814-4721  
TEL: (916) 444-6201  
FAX: (916) 444-6209

October 9, 2025

### VIA CERTIFIED MAIL

C. Douglas McMillon, Chief Executive Officer  
or Current President or CEO  
Walmart Inc. and Walmart Apollo, LLC  
1 Customer Dr  
Bentonville, AR 72716

CT Corporation System  
(Registered Agent for Walmart Inc.)  
330 N Brand Blvd, Suite 700  
Glendale, CA 91203

Corporation Trust Company  
(Registered Agent for Walmart Inc. and Walmart Apollo, LLC)  
1209 N. Orange St  
Wilmington, DE 19801

CT Corporation System  
(Registered Agent for Walmart Inc. and Walmart Apollo, LLC)  
320 S Izard St  
Little Rock, AR 72201

### VIA ELECTRONIC MAIL

Royl Roberts, Interim District Attorney  
Alameda County  
7677 Oakport Street, Suite 650  
Oakland, CA 94621  
[CEPDProp65@acgov.org](mailto:CEPDProp65@acgov.org)

### VIA ELECTRONIC MAIL

Barbara Yook, District Attorney  
Calaveras County  
891 Mountain Ranch Road  
San Andreas, CA 95249  
[Prop65Env@co.calaveras.ca.us](mailto:Prop65Env@co.calaveras.ca.us)

Stacey Grassini, Deputy District Attorney  
Contra Costa County  
900 Ward Street  
Martinez, CA 94553  
[sgrassini@contracostada.org](mailto:sgrassini@contracostada.org)

James Clinchard, Assistant District Attorney  
El Dorado County  
778 Pacific Street  
Placerville, CA 95667  
[EDCDAPROP65@edcda.us](mailto:EDCDAPROP65@edcda.us)

Lisa A. Smitcamp, District Attorney  
Fresno County  
2100 Tulare Street  
Fresno, CA 93721  
[consumerprotection@fresnocountyca.gov](mailto:consumerprotection@fresnocountyca.gov)

Thomas L. Hardy, District Attorney  
Inyo County  
168 North Edwards Street  
Independence, CA 93526  
[inyoda@inyocounty.us](mailto:inyoda@inyocounty.us)

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

October 9, 2025

Page 2

**VIA ELECTRONIC MAIL**

Devin Chandler, Program Coordinator  
Lassen County  
2950 Riverside Dr  
Susanville, CA 96130  
dchandler@co.lassen.ca.us

Lori E. Frugoli, District Attorney  
Marin County  
3501 Civic Center Drive, Suite 145  
San Rafael, CA 94903  
consumer@marincounty.org

Walter W. Wall, District Attorney  
Mariposa County  
P.O. Box 730  
Mariposa, CA 95338  
mcda@mariposacounty.org

Kimberly Lewis, District Attorney  
Merced County  
550 West Main St  
Merced, CA 95340  
Prop65@countyofmerced.com

Jeannine M. Pacioni, District Attorney  
Monterey County  
1200 Aguajito Road  
Monterey, CA 93940  
Prop65DA@co.monterey.ca.us

Allison Haley, District Attorney  
Napa County  
1127 First Street, Ste C  
Napa, CA 94559  
CEPD@countyofnapa.org

Clifford H. Newell, District Attorney  
Nevada County  
201 Commercial St  
Nevada City, CA 95959  
DA.Prop65@co.nevada.ca.us

**VIA ELECTRONIC MAIL**

Todd Spitzer, District Attorney  
Orange County  
300 N Flower St  
Santa Ana, CA 92703  
Prop65notice@ocdapa.org

Morgan Briggs Gire, District Attorney  
Placer County  
10810 Justice Center Drive  
Roseville, CA 95678  
Prop65@placer.ca.gov

David Hollister, District Attorney  
Plumas County  
520 Main St  
Quincy, CA 95971  
davidhollister@countyofplumas.com

Paul E. Zellerbach, District Attorney  
Riverside County  
3072 Orange Street  
Riverside, CA 92501  
Prop65@rivcoda.org

Anne Marie Schubert, District Attorney  
Sacramento County  
901 G Street  
Sacramento, CA 95814  
Prop65@sacda.org

Summer Stephan, District Attorney  
San Diego County  
330 West Broadway  
San Diego, CA 92101  
SanDiegoDAProp65@sdcda.org

Mark Ankcorn, Deputy City Attorney  
San Diego City Attorney  
1200 Third Avenue  
San Diego, CA 92101  
CityAttyProp65@sandiego.gov

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

October 9, 2025

Page 3

**VIA ELECTRONIC MAIL**

Alexandra Grayner, Assistant District Attorney  
San Francisco District Attorney's Office  
350 Rhode Island Street  
San Francisco, CA 94103  
Alexandra.grayner@sfgov.org

Henry Lifton, Deputy City Attorney  
San Francisco City Attorney  
1390 Market Street, 7th Floor  
San Francisco, CA 94102  
Prop65@sfcityatty.org

Tori Verber Salazar, District Attorney  
San Joaquin County  
222 E. Weber Avenue, Room 202  
Stockton, CA 95202  
DACConsumer.Environmental@sjcda.org

Eric J. Dobroth, Deputy District Attorney  
San Luis Obispo County  
County Government Center Annex, 4th Floor  
San Luis Obispo, CA 93408  
edobroth@co.slo.ca.us

Christopher Dalbey, Deputy District Attorney  
Santa Barbara County  
1112 Santa Barbara Street  
Santa Barbara, CA 93101  
DAProp65@co.santa-barbara.ca.us

Bud Porter, Supervising Deputy District Attorney  
Santa Clara County  
70 W Hedding St  
San Jose, CA 95110  
EPU@da.sccgov.org

**VIA ELECTRONIC MAIL**

Nora V. Frimann, City Attorney  
Santa Clara City Attorney  
200 E. Santa Clara Street, 16th Floor  
San Jose, CA 95113  
Proposition65notices@sanjoseca.gov

Jeffrey S. Rosell, District Attorney  
Santa Cruz County  
701 Ocean Street  
Santa Cruz, CA 95060  
Prop65DA@santacruzcounty.us

Carla Rodriguez, District Attorney  
Sonoma County  
600 Administration Dr, Rm 212  
Santa Rosa CA 95403  
ECLD@sonoma-county.org

Phillip J. Cline, District Attorney  
Tulare County  
221 S Mooney Blvd  
Visalia, CA 95370  
Prop65@co.tulare.ca.us

Gregory D. Totten, District Attorney  
Ventura County  
800 S Victoria Ave  
Ventura, CA 93009  
daspecialops@ventura.org

Jeff W. Reisig, District Attorney  
Yolo County  
301 Second Street  
Woodland, CA 95695  
cfepd@yolocounty.org

**VIA ONLINE SUBMISSION**

Office of the California Attorney General

**VIA FIRST CLASS MAIL**

District Attorneys of Select California Counties and Select City Attorneys

October 9, 2025

Page 4

(See Attached Certificate of Service)

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

Dear Addressees:

I represent the Environmental Research Center, Inc. (“ERC”) in connection with this Notice of Violations of California’s Safe Drinking Water and Toxic Enforcement Act of 1986, which is codified at California Health & Safety Code Section 25249.5 *et seq.* and also referred to as Proposition 65.

ERC is a California non-profit corporation dedicated to, among other causes, helping safeguard the public from health hazards by bringing about a reduction in the use and misuse of hazardous and toxic chemicals, facilitating a safe environment for consumers and employees, and encouraging corporate responsibility.

The names of the Companies covered by this notice that violated Proposition 65 (hereinafter the “Violators”) are:

**Walmart Inc.**  
**Walmart Apollo, LLC**

The products that are the subject of this notice and the chemicals in those products identified as exceeding allowable levels are:

- 1. Aloha Organic Protein Bar Mini Peanut Butter Cup Plant-Based Protein - Lead**
- 2. Aloha Organic Protein Powder Chocolate Flavored Plant-Based Protein – Lead, Perfluorooctanoic Acid (PFOA)**
- 3. Aloha Organic Protein Powder Vanilla Flavored Plant-Based Protein – Lead, Perfluorooctanoic Acid (PFOA)**

On February 27, 1987, the State of California officially listed lead as a chemical known to cause developmental toxicity, and male and female reproductive toxicity. On October 1, 1992, the State of California officially listed lead and lead compounds as chemicals known to cause cancer.

On November 10, 2017, the State of California officially listed Perfluorooctanoic Acid (PFOA) as a chemical known to cause developmental toxicity. On February 25, 2022, the State of California officially listed Perfluorooctanoic Acid (PFOA) as a chemical known to cause cancer.

This letter is a notice to the Violators and the appropriate governmental authorities of the Proposition 65 violations concerning the listed products. This notice covers all violations of Proposition 65 involving the Violators currently known to ERC from the information now available. ERC may continue to investigate other products that may reveal further violations. A

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

October 9, 2025

Page 5

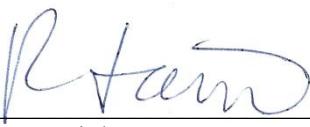
summary of Proposition 65, prepared by the Office of Environmental Health Hazard Assessment, is enclosed with the copy of this letter to the Violators.

The Violators have manufactured, marketed, distributed, and/or sold the listed products, which have exposed and continue to expose numerous individuals within California to the identified chemicals, lead and/or PFOA. The consumer exposures that are the subject of this notice result from the recommended use of these products by consumers. The route of exposure to lead and/or PFOA has been through ingestion. Proposition 65 requires that a clear and reasonable warning be provided prior to exposure to lead and/or PFOA. The method of warning should be a warning that appears on the product's label. The Violators violated Proposition 65 because they failed to provide an appropriate warning to persons ingesting these products that they are being exposed to lead and/or PFOA. Each of these ongoing violations has occurred on every day since October 9, 2022, as well as every day since the products were introduced in the California marketplace, and will continue every day until clear and reasonable warnings are provided to product purchasers and users.

Consistent with the public interest goals of Proposition 65 and a desire to have these ongoing violations of California law quickly rectified, ERC is interested in seeking a constructive resolution of this matter that includes an enforceable written agreement by the Violators to: (1) recall the identified products so as to eliminate further exposures to the identified chemicals, and/or (2) affix clear and reasonable Prop 65 warning labels for products sold in the future while reformulating such products to eliminate the exposures, and (3) conduct bio-monitoring of all California consumers that have ingested the identified chemicals in the listed products, and (4) pay an appropriate civil penalty. Such a resolution will prevent further unwarned consumer exposures to the identified chemicals, as well as an expensive and time-consuming litigation.

ERC's Executive Director is Chris Heptinstall, and is located at 3111 Camino Del Rio North, Suite 400, San Diego, CA 92108; Tel. 619-500-3090. ERC has retained me in connection with this matter. We suggest that communications regarding this Notice of Violations should be directed to my attention at the above-listed law office address and telephone number.

Sincerely,



---

Rick Franco

Attachments

Certificate of Merit

Certificate of Service

OEHHA Summary (to Walmart Inc. and Walmart Apollo, LLC and their Registered Agents for Service of Process only)

Additional Supporting Information for Certificate of Merit (to AG only)

October 9, 2025

Page 6

**CERTIFICATE OF MERIT**

**Health and Safety Code Section 25249.7 (d)**

**Re: Environmental Research Center, Inc.'s Notice of Proposition 65 Violations by Walmart Inc. and Walmart Apollo, LLC**

I, Rick Franco, declare:

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

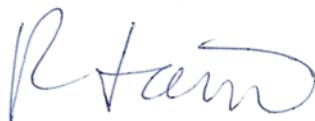
2. I am the attorney for the noticing party, Environmental Research Center.

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 chemicals that are 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 violators 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 9, 2025



Rick Franco

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

October 9, 2025

Page 7

**CERTIFICATE OF SERVICE PURSUANT TO 27 CCR § 25903**

I, the undersigned, declare under penalty of perjury under the laws of the State of California that the following is true and correct:

I am a citizen of the United States and over the age of 18 years of age. My business address is 306 Joy Street, Fort Oglethorpe, Georgia 30742. I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Fort Oglethorpe, Georgia.

On October 9, 2025, between 8:00 a.m. and 5:00 p.m. Eastern Time, I served the following documents: **NOTICE OF VIOLATIONS OF CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT; "THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY"** on the following parties by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties listed below and depositing it in a U.S. Postal Service Office with the postage fully prepaid for delivery by Certified Mail:

C. Douglas McMillon, Chief Executive Officer  
or Current President or CEO  
Walmart Inc. and Walmart Apollo, LLC  
1 Customer Dr  
Bentonville, AR 72716

CT Corporation System  
(Registered Agent for Walmart Inc.)  
330 N Brand Blvd, Suite 700  
Glendale, CA 91203

Corporation Trust Company  
(Registered Agent for Walmart Inc. and  
Walmart Apollo, LLC)  
1209 N. Orange St  
Wilmington, DE 19801

CT Corporation System  
(Registered Agent for Walmart Inc.  
and Walmart Apollo, LLC)  
320 S Izard St  
Little Rock, AR 72201

On October 9, 2025, between 8:00 a.m. and 5:00 p.m. Eastern Time, I verified the following documents **NOTICE OF VIOLATIONS, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT; ADDITIONAL SUPPORTING INFORMATION FOR CERTIFICATE OF MERIT AS REQUIRED BY CALIFORNIA HEALTH & SAFETY CODE §25249.7(d)(1)** were served on the following party when a true and correct copy thereof was uploaded on the California Attorney General's website, which can be accessed at <https://oag.ca.gov/prop65/add-60-day-notice> :

Office of the California Attorney General  
Prop 65 Enforcement Reporting  
1515 Clay Street, Suite 2000  
Oakland, CA 94612-0550

On October 9, 2025, between 8:00 a.m. and 5:00 p.m. Eastern Time, I verified the following documents **NOTICE OF VIOLATIONS, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT** were served on the following parties when a true and correct copy thereof was sent via electronic mail to each of the parties listed below:

Royl Roberts, Interim District Attorney  
Alameda County  
7677 Oakport Street, Suite 650  
Oakland, CA 94621  
CEPDProp65@acgov.org

Barbara Yook, District Attorney  
Calaveras County  
891 Mountain Ranch Road  
San Andreas, CA 95249  
Prop65Env@co.calaveras.ca.us

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

October 9, 2025

Page 8

Stacey Grassini, Deputy District Attorney  
Contra Costa County  
900 Ward Street  
Martinez, CA 94553  
[sgrassini@contracostada.org](mailto:sgrassini@contracostada.org)

James Clinchard, Assistant District Attorney  
El Dorado County  
778 Pacific Street  
Placerville, CA 95667  
[EDCDAPROP65@edcda.us](mailto:EDCDAPROP65@edcda.us)

Lisa A. Smitcamp, District Attorney  
Fresno County  
2100 Tulare Street  
Fresno, CA 93721  
[consumerprotection@fresnocountyca.gov](mailto:consumerprotection@fresnocountyca.gov)

Thomas L. Hardy, District Attorney  
Inyo County  
168 North Edwards Street  
Independence, CA 93526  
[inyoda@inyocounty.us](mailto:inyoda@inyocounty.us)

Devin Chandler, Program Coordinator  
Lassen County  
2950 Riverside Dr  
Susanville, CA 96130  
[dchandler@co.lassen.ca.us](mailto:dchandler@co.lassen.ca.us)

Lori E. Frugoli, District Attorney  
Marin County  
3501 Civic Center Drive, Suite 145  
San Rafael, CA 94903  
[consumer@marincounty.org](mailto:consumer@marincounty.org)

Walter W. Wall, District Attorney  
Mariposa County  
P.O. Box 730  
Mariposa, CA 95338  
[mcda@mariposacounty.org](mailto:mcda@mariposacounty.org)

Kimberly Lewis, District Attorney  
Merced County  
550 West Main St  
Merced, CA 95340  
[Prop65@countyofmerced.com](mailto:Prop65@countyofmerced.com)

Jeannine M. Pacioni, District Attorney  
Monterey County  
1200 Aguajito Road  
Monterey, CA 93940  
[Prop65DA@co.monterey.ca.us](mailto:Prop65DA@co.monterey.ca.us)

Allison Haley, District Attorney  
Napa County  
1127 First Street, Ste C  
Napa, CA 94559  
[CEPD@countyofnapa.org](mailto:CEPD@countyofnapa.org)

Clifford H. Newell, District Attorney  
Nevada County  
201 Commercial St  
Nevada City, CA 95959  
[DA.Prop65@co.nevada.ca.us](mailto:DA.Prop65@co.nevada.ca.us)

Todd Spitzer, District Attorney  
Orange County  
300 N Flower St  
Santa Ana, CA 92703  
[Prop65notice@ocdapa.org](mailto:Prop65notice@ocdapa.org)

Morgan Briggs Gire, District Attorney  
Placer County  
10810 Justice Center Drive  
Roseville, CA 95678  
[Prop65@placer.ca.gov](mailto:Prop65@placer.ca.gov)

David Hollister, District Attorney  
Plumas County  
520 Main St  
Quincy, CA 95971  
[davidhollister@countyofplumas.com](mailto:davidhollister@countyofplumas.com)

Paul E. Zellerbach, District Attorney  
Riverside County  
3072 Orange Street  
Riverside, CA 92501  
[Prop65@rivcoda.org](mailto:Prop65@rivcoda.org)

Anne Marie Schubert, District Attorney  
Sacramento County  
901 G Street  
Sacramento, CA 95814  
[Prop65@sacda.org](mailto:Prop65@sacda.org)

Summer Stephan, District Attorney  
San Diego County  
330 West Broadway  
San Diego, CA 92101  
[SanDiegoDAProp65@sdcda.org](mailto:SanDiegoDAProp65@sdcda.org)

Mark Ankcorn, Deputy City Attorney  
San Diego City Attorney  
1200 Third Avenue  
San Diego, CA 92101  
[CityAttyProp65@sandiego.gov](mailto:CityAttyProp65@sandiego.gov)

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

October 9, 2025

Page 9

Alexandra Grayner, Assistant District Attorney  
San Francisco District Attorney's Office  
350 Rhode Island Street  
San Francisco, CA 94103  
Alexandra.grayner@sfgov.org

Henry Lifton, Deputy City Attorney  
San Francisco City Attorney  
1390 Market Street, 7th Floor  
San Francisco, CA 94102  
Prop65@sfcityatty.org

Tori Verber Salazar, District Attorney  
San Joaquin County  
222 E. Weber Avenue, Room 202  
Stockton, CA 95202  
DACConsumer.Environmental@sjcda.org

Eric J. Dobroth, Deputy District Attorney  
San Luis Obispo County  
County Government Center Annex, 4<sup>th</sup> Floor  
San Luis Obispo, CA 93408  
edobroth@co.slo.ca.us

Christopher Dalbey, Deputy District Attorney  
Santa Barbara County  
1112 Santa Barbara Street  
Santa Barbara, CA 93101  
DAProp65@co.santa-barbara.ca.us

Bud Porter, Supervising Deputy District Attorney  
Santa Clara County  
70 W Hedding St  
San Jose, CA 95110  
EPU@da.sccgov.org

Nora V. Frimann, City Attorney  
Santa Clara City Attorney  
200 E. SantaClara Street, 16<sup>th</sup> Floor  
San Jose, CA 96113  
Proposition65notices@sanjoseca.gov

Jeffrey S. Rosell, District Attorney  
Santa Cruz County  
701 Ocean Street  
Santa Cruz, CA 95060  
Prop65DA@santacruzcounty.us

Carla Rodriguez, District Attorney  
Sonoma County  
600 Administration Dr, Rm 212  
Santa Rosa CA 95403  
ECLD@sonoma-county.org

Phillip J. Cline, District Attorney  
Tulare County  
221 S Mooney Blvd  
Visalia, CA 95370  
Prop65@co.tulare.ca.us

Gregory D. Totten, District Attorney  
Ventura County  
800 S Victoria Ave  
Ventura, CA 93009  
daspecialops@ventura.org

Jeff W. Reisig, District Attorney  
Yolo County  
301 Second Street  
Woodland, CA 95695  
cfepd@yolocounty.org

On October 9, 2025, between 8:00 a.m. and 5:00 p.m. Eastern Time, I served the following documents: **NOTICE OF VIOLATIONS, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT** on each of the parties on the Service List attached hereto by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties **on the Service List attached hereto**, and depositing it with the U.S. Postal Service with the postage fully prepaid for delivery by First Class Mail.

Executed on October 9, 2025, in Fort Oglethorpe, Georgia.

  
\_\_\_\_\_  
Debra Wright

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

October 9, 2025

Page 10

**Service List**

District Attorney, Alpine County P.O. Box 248 17300 Hwy 89 Markleeville, CA 96120	District Attorney, Modoc County 204 S Court Street, Room 202 Alturas, CA 96101-4020	District Attorney, Yuba County 215 Fifth Street, Suite 152 Marysville, CA 95901
District Attorney, Amador County 708 Court Street, Suite 202 Jackson, CA 95642	District Attorney, Mono County Post Office Box 617 Bridgeport, CA 93517	Los Angeles City Attorney's Office City Hall East 200 N. Main Street, Suite 800 Los Angeles, CA 90012
District Attorney, Butte County 25 County Center Drive, Suite 245 Oroville, CA 95965	District Attorney, San Benito County 419 Fourth Street, 2nd Floor Hollister, CA 95023	District Attorney, San Bernardino County 303 West Third Street San Bernardino, CA 92415
District Attorney, Colusa County 310 6 <sup>th</sup> St Colusa, CA 95932	District Attorney, San Mateo County 400 County Ctr., 3rd Floor Redwood City, CA 94063	District Attorney, Shasta County 1355 West Street Redding, CA 96001
District Attorney, Del Norte County 450 H Street, Room 171 Crescent City, CA 95531	District Attorney, Sierra County Post Office Box 457 100 Courthouse Square, 2 <sup>nd</sup> Floor Downieville, CA 95936	District Attorney, Siskiyou County Post Office Box 986 Yreka, CA 96097
District Attorney, Glenn County Post Office Box 430 Willows, CA 95988	District Attorney, Solano County 675 Texas Street, Ste 4500 Fairfield, CA 94533	District Attorney, Stanislaus County 832 12th Street, Ste 300 Modesto, CA 95354
District Attorney, Humboldt County 825 5th Street 4 <sup>th</sup> Floor Eureka, CA 95501	District Attorney, Sutter County 463 2 <sup>nd</sup> Street Yuba City, CA 95991	District Attorney, Tehama County Post Office Box 519 Red Bluff, CA 96080
District Attorney, Imperial County 940 West Main Street, Ste 102 El Centro, CA 92243	District Attorney, Trinity County Post Office Box 310 Weaverville, CA 96093	District Attorney, Tuolumne County 423 N. Washington Street Sonora, CA 95370
District Attorney, Kern County 1215 Truxtun Avenue Bakersfield, CA 93301		
District Attorney, Kings County 1400 West Lacey Boulevard Hanford, CA 93230		
District Attorney, Lake County 255 N. Forbes Street Lakeport, CA 95453		
District Attorney, Los Angeles County Hall of Justice 211 West Temple St., Ste 1200 Los Angeles, CA 90012		
District Attorney, Madera County 300 South G Street, Ste 300 Madera, CA 93637		
District Attorney, Mendocino County Post Office Box 1000 Ukiah, CA 95482		

## 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.<sup>1</sup> 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

---

<sup>1</sup> 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](http://www.oehha.ca.gov/prop65/prop65_list/Newlist.html).

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

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

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

#### ***DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?***

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

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

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

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

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

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

**Exposures to Naturally Occurring Chemicals in Food.** Certain exposures to chemicals that naturally occur in foods (i.e., that do not result from any known human activity, including activity by someone other than the person causing the exposure) are exempt from the warning requirements of the law. If the chemical is a contaminant<sup>2</sup> 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.

---

<sup>2</sup> 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](mailto: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.