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

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

Plaintiff,

vs.

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

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

1 other basis for jurisdiction.

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

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

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

24 **IV**

25 **STATUTORY BACKGROUND**

26 15. The Safe Drinking Water and Toxic Enforcement Act of 1986 is an initiative statute
27 passed as “Proposition 65” by an overwhelming majority vote of the people in November of
28 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
25249.10.

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

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

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

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. (State of California EPA OEHHA Safe Drinking Water and Toxic Enforcement Act of 1986 Chemicals Known to the State to Cause Cancer and Reproductive Toxicity.) The MADL for cadmium as a chemical known to cause reproductive toxicity is 4.1 micrograms per day. (Cal. Code Regs., tit. 27, §25805, subd. (b).)

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

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

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

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

V

STATEMENT OF FACTS

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

1 sale of the SPROUTS FARMERS MARKET PRODUCTS.

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

4 **THIRD CAUSE OF ACTION**

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

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

9 41. By committing the acts alleged above, Defendant Target has, in the course of doing
10 business, knowingly and intentionally exposed users of the TARGET SUBJECT PRODUCTS
11 to lead and/or cadmium and/or mercury, chemicals known to the State of California to cause
12 cancer and/or birth defects and/or other reproductive harm, without first giving clear and
13 reasonable warning to such individuals within the meaning of Health & Safety Code section
14 25249.6. In doing so, Defendants have violated Health & Safety Code section 25249.6 and
15 continues to violate the statute with each successive sale of the TARGET PRODUCTS.

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

18 **FOURTH CAUSE OF ACTION**

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

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

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

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

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

4 **FIFTH CAUSE OF ACTION**

5 **(Declaratory Relief)**

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

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

13 **VI**

14 **PRAYER**

15 WHEREFORE ERC prays for relief as follows:

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

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

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

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

28 5. For costs of suit herein; and

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

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DATED: January 12, 2026

ADAMS BROADWELL JOSEPH & CARDOZO

R. Turner

Richard M. Franco

Attorney for Plaintiff Environmental Research Center, Inc.

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EXHIBIT A

ADAMS BROADWELL JOSEPH & CARDOZO

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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,
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VIA FIRST CLASS MAIL

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

VIA ELECTRONIC MAIL

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VIA ONLINE SUBMISSION

Office of the California Attorney General

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.

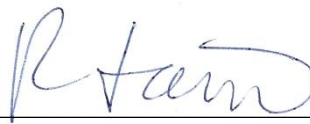
This letter is a notice to the Violator and the appropriate governmental authorities of the Proposition 65 violations concerning the listed products. This notice covers all violations of Proposition 65 involving the Violator currently known to ERC from the information now available. ERC may continue 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.

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,

A handwritten signature in blue ink, appearing to read "Rick Franco", is written over a horizontal line.

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)

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

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

October 9, 2025

Page 8

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

October 9, 2025

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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

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District Attorney, Kern
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Bakersfield, CA 93301

District Attorney, Kings
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District Attorney, Lake
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Lakeport, CA 95453

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Los Angeles, CA 90012

APPENDIX A

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

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

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

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

WHAT DOES PROPOSITION 65 REQUIRE?

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

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

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

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

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

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

DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?

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

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

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

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

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

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

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

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

² See Section 25501(a)(4).

HOW IS PROPOSITION 65 ENFORCED?

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

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

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

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

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

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

FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...

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

Revised: May 2017

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

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EXHIBIT B

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Of Counsel

MARC D. JOSEPH
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October 9, 2025

VIA CERTIFIED MAIL

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VIA ONLINE SUBMISSION

Office of the California Attorney General

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**

- 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

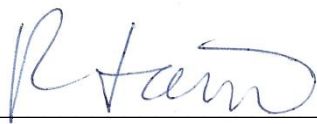
October 9, 2025

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)

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.

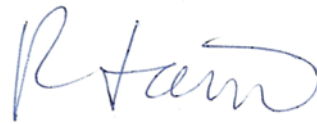
2. I am the attorney for the noticing party, Environmental Research Center.

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

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
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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
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Oakland, CA 94621
CEPDProp65@acgov.org

Barbara Yook, District Attorney
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Notice of Violations of California Health & Safety Code §25249.5 *et seq.*

October 9, 2025

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

October 9, 2025

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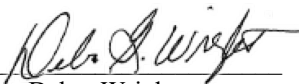
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cfepd@yolocounty.org

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

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Marysville, CA 95901

Los Angeles City Attorney's
Office
City Hall East
200 N. Main Street, Suite
800
Los Angeles, CA 90012

APPENDIX A

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

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

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

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

WHAT DOES PROPOSITION 65 REQUIRE?

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

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

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

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

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

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

DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?

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

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

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

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

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

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

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

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

² See Section 25501(a)(4).

HOW IS PROPOSITION 65 ENFORCED?

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

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

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

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

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

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

FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...

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

Revised: May 2017

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

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EXHIBIT C

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October 9, 2025

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VIA FIRST CLASS MAIL

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

VIA ELECTRONIC MAIL

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VIA ONLINE SUBMISSION

Office of the California Attorney General

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

October 9, 2025

Page 5

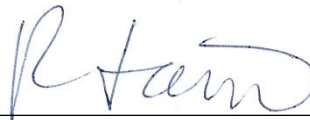
Proposition 65 involving the Violators currently known to ERC from the information now available. ERC may continue to investigate other products that may reveal further violations. A summary of Proposition 65, prepared by the Office of Environmental Health Hazard Assessment, is enclosed with the copy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

A handwritten signature in blue ink, appearing to read "Rick Franco", is written over a horizontal line.

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)

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

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
and Target Brands, Inc.)
1010 Dale St N
St. Paul, MN 55117

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

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:

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

October 9, 2025

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

October 9, 2025

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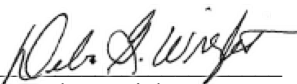
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On October 9, 2025, between 8:00 a.m. and 5:00 p.m. Eastern Time, I served the following documents:
NOTICE OF VIOLATIONS, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.;
CERTIFICATE OF MERIT on each of the parties on the Service List attached hereto 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

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City Hall East
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Los Angeles, CA 90012

APPENDIX A

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

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

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

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

WHAT DOES PROPOSITION 65 REQUIRE?

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

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

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

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

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

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

DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?

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

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

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

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

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

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

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

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

² See Section 25501(a)(4).

HOW IS PROPOSITION 65 ENFORCED?

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

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

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

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

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

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

FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...

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

Revised: May 2017

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

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EXHIBIT D

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October 9, 2025

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VIA ONLINE SUBMISSION

Office of the California Attorney General

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:

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

October 9, 2025

Page 5

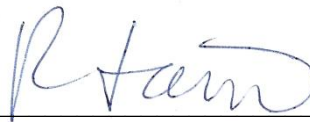
summary of Proposition 65, prepared by the Office of Environmental Health Hazard Assessment, is enclosed with the copy of this letter to the Violators.

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)

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

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:

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

October 9, 2025

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

October 9, 2025

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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

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County
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District Attorney, Butte
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District Attorney, Colusa
County
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District Attorney, Del Norte
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Crescent City, CA 95531

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Willows, CA 95988

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District Attorney, Kern
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APPENDIX A

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

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

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

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

WHAT DOES PROPOSITION 65 REQUIRE?

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

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

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

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

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

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

DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?

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

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

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

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

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

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

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

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

² See Section 25501(a)(4).

HOW IS PROPOSITION 65 ENFORCED?

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

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

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

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

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

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

FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...

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

Revised: May 2017

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