

60-DAY NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

Date:	July 27, 2016
To:	Larry Merlo, President - CVS Health Corporation Helena Foulkes, President - CVS Pharmacy, Inc. Paul Foster, President – Kingsbridge International, Inc. California Attorney General's Office District Attorney's Office for 58 Counties City Attorneys for San Francisco, San Diego, San Jose, Sacramento and Los Angeles
From:	Michael DiPirro

This Notice of Violation is provided to you pursuant to and in compliance with California Health and Safety Code Section 25249.7(d). For general information regarding the California Safe Drinking Water and Toxic Enforcement Act, you may contact the Office of Environmental Health Hazard Assessment's ("OEHHA") Proposition 65 Implementation Office at (916) 445-6900. Attached for your reference is a summary, "Appendix A: The Safe Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary," provided by the California Office of Environmental Health Hazard Assessment's ("OEHHA") (copies not provided to public enforcement agencies).

This Notice of Violation is provided by Michael DiPirro. I am a citizen of the State of California acting in the interest of the general public. I am dedicated to protecting the environment, promoting awareness of exposures to toxic chemicals in products sold in California, improving human health and supporting environmentally sound practices.

Identified below are specific examples of products recently purchased and witnessed as being available for purchase or use in California that are within the categories or types of offending products covered by this Notice. I believe and allege that the sale of the offending products also has occurred without the requisite Proposition 65 "clear and reasonable warnings" at one or more location and/or via other means including, but not limited to, transactions made over-the-counter, business-to-business, through the Internet and/or via a catalog by the Violator and other retailers and distributors of the manufacturer, including, but not limited to the retailer(s) and/or distributor(s) listed below.

Description of Violations:

Violator(s):	CVS Health Corporation CVS Pharmacy, Inc. Kingsbridge International, Inc.
Toxic Chemical:	Diisononyl phthalates ("DINP") Exposures to DINP occur from use of the products identified in this Notice.
Product Category:	Shelf Liners

Non-exclusive Example of Type of Product¹:	Household Shelf Liner, Stock No. 44657-WL (#0 13308 44657 9)
Retailer(s):	CVS Health Corporation; CVS Pharmacy, Inc.
Manufacturer(s)/ Distributor(s):	Kingsbridge International, Inc.
Types of Harm:	Cancer
Description of Exposure:	These exposures occur in homes, workplaces and everywhere else throughout California where these products are handled or used. As a result of the sales of these products, exposures to the listed chemical have been occurring without clear and reasonable warnings as required by Proposition 65.
Routes of Exposure:	Ingestion, Dermal Reasonably foreseeable use of the products identified in this Notice results in human exposures to DINP. DINP is contained in the Products. The routes of exposure for the violations are: (1) dermal absorption directly through the skin when consumers touch, use, or handle the products; (2) ingestion via hand to mouth contact after consumers touch, use, or handle the products; and (3) direct ingestion when consumers place their hands in their mouths while using the products or otherwise place the products in their mouths.
Time Period of Exposure:	The violations have been occurring since at least July 27, 2014, and are continuing to this day.

Resolution of Noticed Claims: Based on the allegations set forth in this Notice, I intend to file a citizen enforcement lawsuit against the alleged Violator unless such Violator enters into a binding written agreement to: (1) recall products already sold; (2) take effective measures to prevent unwarned DINP exposures from products sold in the future and to ensure that the requisite health hazard warnings are provided to those who have received such products; and (3) pay an appropriate civil penalty based on the factors enumerated in California Health and Safety Code Section 25249(b). If the alleged Violator is interested in resolving this dispute without resorting to expensive and time-consuming litigation, please feel free to contact me through my counsel identified below. It should be noted that neither my counsel nor I can: (1) finalize any settlement until after the 60-day notice period has expired; nor (2) speak for the Attorney General or any District or City Attorney who received this Notice of Violation. Therefore, while reaching an agreement with me will resolve my claims, such agreement may not satisfy the public prosecutors.

Please direct any inquiries regarding this Notice to Michael DiPirro through his counsel David Bush or Jennifer Henry at Bush & Henry, Attorneys at Law, PC, 3270 Mendocino Ave. Suite 2E, Santa Rosa, CA 95403; Telephone: (707) 541-6255; E-mail: DRBush@BushAndHenry.com, JHenry@BushAndHenry.com.

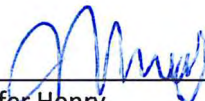
¹ The specifically identified examples of the types of products that are subject to this Notice are for the recipients' benefit to assist in their investigation of, among other things, the magnitude of potential exposure to the listed chemical from other items within the product categories/types listed herein. These examples are not meant to be an exhaustive or comprehensive identification of each specific offending product of the types listed under "Product Category." Further, it is this citizen's position that the alleged Violator is obligated to continue to conduct in good faith an investigation into other specific products within the types or categories described above that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the notice recipients' custody or control) during the relevant period so as to ensure that the requisite toxic warnings were and are provided to California citizens prior to purchase.

CERTIFICATE OF MERIT
Health & Safety Code § 25249.7(d)

I, Jennifer Henry, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged that the party identified in the notice has violated Health & Safety Code § 25249.6 by failing to provide clear and reasonable warnings.
2. I am an attorney who represents the noticing party.
3. Members of my firm and I have consulted with one or more persons with relevant and appropriate experience or expertise who have reviewed facts, studies or other data regarding the alleged exposure to the listed chemical that is the subject of this action.
4. Based on the information obtained through those consultations, and on all other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for the private action" means that the information provides a credible basis that all elements of the plaintiff's case can be established and the information did not prove that the alleged Violator(s) will be able to establish any of the affirmative defenses set forth in the statute.
5. The copy of the 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 & Safety Code § 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.

July 26, 2016



Jennifer Henry
Attorneys for Michael DiPirro

PROOF OF SERVICE

I declare that:

I am employed in Sonoma County, California; my business address is 3270 Mendocino Avenue, #2E, Santa Rosa, CA 95403. I am over the age of 18 years and not a party to the within cause.

On July 27, 2016, I served true copies of the following documents:

60-DAY NOTICE OF VIOLATION OF CALIFORNIA SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT;

APPENDIX A: THE SAFE WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY; OEHHA/CAL EPA (only sent to the Violator(s));

CERTIFICATE OF MERIT; and

CERTIFICATE OF MERIT ATTACHMENTS (SERVED ONLY ON THE ATTORNEY GENERAL)

On this date, I deposited fully prepaid and sealed envelopes containing the above-mentioned documents with the United States Postal Service, addressed to the following individuals as follows:

on the alleged Violator(s) listed below via First Class Certified Mail through the United States Postal Service by placing a true and correct copy in a sealed envelope, addressed to the entities listed below and providing each envelope to a United States Postal Service Representative:

Larry Merlo, President
CVS Health Corporation
1 CVS Drive
Woonsocket, RI 02895

Helena Foulkes, President
CVS Pharmacy, Inc.
1 CVS Drive
Woonsocket, RI 02895

Paul Foster, President
Kingsbridge International, Inc.
2950 Madera Road
Simi Valley, CA 93065

By providing copies to the addressees below electronically as follows:

<i>Electronically via the Attorney General website:</i>			The Attorney General of the State of California;	
<u>Electronically to the following recipients at the following electronic mail addresses:</u>	Stacey Grassini Deputy District Attorney Stanislaus County sgrassini@contracosta.org	Yen Deng Assistant District Attorney Santa Clara County epu@da.secgov.org	Gary Lieberstein District Attorney Napa County CEPD@countyofnapa.org	Jeff W. Reisig District Attorney Yolo County cfepd@yolocounty.org
Dije Ndreu Deputy District Attorney Monterey County Prop65DA@co.monterey.ca.us	Paul E. Zellerbach District Attorney Riverside County Prop65@rivcoda.org	Phillip J. Cline District Attorney Tulare County Prop65@co.tulare.ca.us	Gregory D. Totten District Attorney Ventura County dspecialops@ventura.org	Anne Marie Schubert District Attorney Sacramento County Prop65@sacda.org
Gregory Alker Assistant District Attorney San Francisco City/County Gregory.alker@sfgov.org	Eric J. Dobroth Deputy District Attorney San Luis Obispo County edobroth@co.slo.ca.us	Stephan R. Passalacqua District Attorney Sonoma County jbarnes@sonoma-county.org	Michelle Latimer Program Coordinator Lassen County mlatimer@co.lassen.ca.us	

As well as providing copies to the public enforcers by placing a true and correct copy in a sealed envelope, addressed to each party listed below, and served as follows:

By placing each envelope in a United States Postal Service mailbox, postage prepaid:

The District Attorney for Each of the 58 counties in California; and
The City Attorney for Los Angeles, San Diego, San Jose, San Francisco and Sacramento

A list of addresses for each of these recipients is attached.

Executed on July 27, 2016, at Santa Rosa, California.



M. Madden

SERVICE LIST

The Honorable Nancy O'Malley Alameda County District Attorney 1225 Fallon Street, Suite 900 Oakland, CA 94612	The Honorable Gilbert Otero Imperial County District Attorney 940 West Main Street, Suite 102 El Centro, CA 92243	The Honorable Candice Hooper San Benito County District Attorney 419 4 th Street Hollister, CA 95023-3801	The Honorable Keith L. Fagundes Kings County District Attorney 1400 West Lacey Boulevard Hanford, CA 93230
The Honorable Greg Cohen Tehama County District Attorney 444 Oak St # L Red Bluff, CA 96080	The Honorable Karen Dustman Alpine County District Attorney 17300 Hwy. 89, PO Box 248 Markleeville, CA 96120	The Honorable Jackie Lacey Los Angeles County District Attorney 1933 S Broadway #730 Los Angeles, CA 90007	The Honorable Tim Kendall Mono County District Attorney PO Box 617 Bridgeport, CA 93517
The Honorable Michael Ramos San Bernardino County District Attorney 303 West 3rd Street, 6th Floor San Bernardino, CA 92415	The Honorable Eric L. Heryford Trinity County District Attorney PO Box 310 Weaverville, CA 96093	The Honorable Todd Riebe Amador County District Attorney 708 Court Street Jackson, CA 95642	The Honorable Lisa A. Smittcamp Fresno County District Attorney 2220 Tulare Street, #1000 Fresno, CA 93721
The Honorable David Linn Madera County District Attorney 209 West Yosemite Avenue Madera, CA 93637	The Honorable Bonnie Dumanis San Diego County District Attorney 330 W. Broadway Street San Diego, CA 92101	The Honorable Jordan Funk Modoc County District Attorney 204 S. Court Street, Room 202 Alturas, CA 96101	The Honorable James Sanchez Ofc of Sacramento City Attorney 915 I Street, 4th Floor Sacramento, CA 95814-2608
The Honorable Michael Ramsey Butte County District Attorney 25 County Center Drive Oroville, CA 95965	The Honorable Edward Berberian Marin County District Attorney 3501 Civic Center Drive, # 130 San Rafael, CA 94903	The Honorable Tony Rackauckas Orange County District Attorney 401 Civic Center Drive West Santa Ana, CA 92701	The Honorable Stephen Carlton Shasta County District Attorney 1355 West St., Third Floor Redding, CA 96001
The Honorable Laura L. Krieg Tuolumne County District Attorney 423 North Washington Street Sonora, CA 95370	The Honorable Barbara Yook Calaveras County District Attorney 891 Mountain Ranch Road San Andreas, CA 95249	The Honorable Thomas K Cooke Mariposa County District Attorney 5101 Jones Street, PO Box 730 Mariposa, CA 95338	The Honorable Clifford Newell Nevada County District Attorney 201 Commercial Street Nevada City, CA 95959-2506
The Honorable Tori V. Salazar San Joaquin County District Attorney PO Box 990 Stockton, CA 95201	The Honorable Dale P. Trigg Del Norte County District Attorney 450 H Street, Room 171 Crescent City, CA 95531	The Honorable John Poyner Colusa County District Attorney 346 5 th Street, #101 Colusa, CA 95932	The Honorable Birgit Fladager Stanislaus County District Attorney 832 12 th Street, Suite 300 Modesto, CA 95354
The Honorable C. David Eyster Mendocino County District Attorney 100 North State St., # 10 Ukiah, CA 95482	The Honorable Tom Hardy Inyo County District Attorney PO Box D Independence, CA 93526	The Honorable James Kirk Andrus Siskiyou County District Attorney 311 Fourth Street Yreka, CA 96097	The Honorable Ronald Owens Placer County District Attorney 10810 Justice Center Drive, Suite 240 Roseville, CA 95678
The Honorable Patrick McGrath Yuba County District Attorney 215 Fifth Street Marysville, CA 95901	The Honorable Larry Morse II Merced County District Attorney 550 W. Main Street Merced, CA 95340	The Honorable Stephen Wagstaffe San Mateo County District Attorney 400 County Center, Third Floor Redwood City, CA 94603	The Honorable David Hollister Plumas County District Attorney 520 Main Street, Room 404 Quincy, CA 95971
The Honorable Joyce Dudley Santa Barbara County District Attorney 1112 Santa Barbara Street Santa Barbara, CA 93101	The Honorable Mike Feuer Office of the City Attorney, Los Angeles James K. Hahn City Hall East, Suite 800 Los Angeles, CA 90012	The Honorable Vernon Pierson El Dorado County District Attorney 515 Main Street Placerville, CA 95667	The Honorable Lisa Green Kern County District Attorney 1215 Truxtun Avenue, 4 th Floor Bakersfield, CA 93301
The Honorable Dwayne R. Stewart Glenn County District Attorney PO Box 430 Willows, CA 95988	The Honorable Amanda L. Hopper Sutter County District Attorney 446 Second Street Yuba City, CA 95991	The Honorable Donald Anderson Lake County District Attorney 255 North Forbes Street Lakeport, CA 95453	The Honorable Jeffrey S. Rosell Santa Cruz County District Attorney 701 Ocean Street, Room 200 Santa Cruz, CA 95060
The Honorable Krishna A. Abrams Solano County District Attorney 675 Texas Street, Suite 4500 Fairfield, CA 94533	The Honorable Jan Goldsmith Office of the City Attorney, San Diego 1200 Third Avenue, Suite 1620 San Diego, CA 92101	The Honorable Maggie Fleming Humboldt County District Attorney 825 5 th Street, 4 th Floor Eureka, CA 95501	The Honorable Richard Doyle Office of the City Attorney, San Jose 200 East Santa Clara Street, #200 San Jose, CA 95113
The Honorable Lawrence Allen Sierra County District Attorney 100 Courthouse Square, Second Floor PO Box 457 Downieville, CA 95936			