

NOTICE OF VIOLATION OF CALIFORNIA HEALTH & SAFETY CODE § 25249.6

April 16, 2019

VIA CERTIFIED MAIL

Walgreen Co.
Alexander W. Gourlay, CEO
108 Wilmot Road
Deerfield, IL 60015

VIA ELECTRONIC SERVICE

Office of the California Attorney General
Proposition 65 Enforcement Reporting
Attention: Prop 65 Coordinator
P.O. Box 70550
Oakland, CA 94612-0550

VIA MAIL

[the entities and the public enforcement agencies listed on the distribution list accompanying the attached Certificate of Service]

Re: Violation of California Health & Safety Code § 25249.6

To Whom It May Concern:

Along with co-counsel, I represent Jan Graham (“Noticing Party”). This Notice of Violation (“Notice”) is provided to the public agencies listed on the distribution list accompanying the attached certificate of service. This Notice is also being provided to Walgreen Co. (the “Violator”) pursuant to and in compliance with California Health and Safety Code § 25249.6, *et seq.* (“Proposition 65”).

This Notice satisfies a prerequisite for the Noticing Party to commence an action against the Violator to enforce Proposition 65. The Noticing Party intends to begin an enforcement action sixty (60) days after effective service of this Notice, unless the public enforcement agencies have commenced an action to rectify the violations discussed in this Notice.

The Noticing Party

This notice is provided on behalf of Jan Graham. Ms. Graham is a resident of San Francisco in the State of California. She is acting in the public interest pursuant to California Health & Safety Code § 25249.7(d) and is dedicated to protecting the health of Californians.

Please contact Noticing Party through counsel and direct all questions concerning this Notice to counsel's office at the following addresses:

Ali Abtahi
Abtahi Law Group LLC
200 W Madison Street, Suite 2100
Chicago, IL 60647

Trent B. Miracle
Simmons Hanly Conroy LLC
One Court Street
Alton, Illinois 62002

Mitchell Breit
Simmons Hanly Conroy LLC
112 Madison Avenue, 7th floor
New York, NY 10016-7416

James L. Ward, Jr.
McGowan, Hood & Felder, LLC
321 Wingo Way, Suite 103
Mt. Pleasant, SC 29464

Name of the of the Violator

The name of the Violator is Walgreen Co.

Names of Listed Chemicals

The violations covered by this Notice consist of the types of harm potentially resulting from exposure to the chemicals known to the State to cause cancer or reproductive toxicity ("Listed Chemicals") identified below:

Listed Chemicals (type of harm): Arsenic (Cancer, Reproductive Toxicity, Developmental Toxicity)
Chromium [hexavalent compounds] (Cancer, Reproductive Toxicity, Developmental Toxicity, Female Reproductive Toxicity, Male Reproductive Toxicity)
Lead and Lead Compounds (Cancer, Reproductive Toxicity, Developmental Toxicity, Female Reproductive Toxicity, Male Reproductive Toxicity)
Silica, crystalline [airborne particles of respirable size] (Cancer)

Type of Product and Route of Exposure

The violations covered by this Notice consist of the product types and routes of exposure identified below:

Product Types:	Talcum powder products. See Product Description below.
Routes of Exposure:	Inhalation and perineal (genital) exposure

Description of Violation

The Violator has failed and continues to fail to provide a clear and reasonable Proposition 65 warning regarding the presence of Listed Chemicals. For example, and without limitation, Violator has failed to provide a clear and reasonable Proposition 65 warning on the product package or label, on their website, or at the point of sale.

On February 27, 1987, the State of California officially listed Arsenic (inorganic arsenic compounds) as a chemical known to the State to cause cancer. On May 1, 1997, the State of California officially listed Arsenic (inorganic oxides) as a chemical known to the State to cause developmental toxicity. Violator has exposed and continues to expose consumers within the State of California to Arsenic without providing a clear and reasonable warning of this exposure.

On February 27, 1987, the State of California officially listed Chromium (hexavalent compounds) as a chemical known to the State to cause cancer. On December 19, 2008, the State of California officially listed Chromium (hexavalent compounds) as a chemical known to the State to cause developmental toxicity, male reproductive toxicity, and female reproductive toxicity. Violator has exposed and continues to expose consumers within the State of California to Chromium (hexavalent compounds) without providing a clear and reasonable warning of this exposure.

On February 27, 1987, the State of California officially listed Lead and Lead Compounds as chemicals known to the State to cause developmental toxicity, male reproductive toxicity, and female reproductive toxicity. On October 1, 1992, the State of California officially listed Lead and Lead Compounds as chemicals known to the State to cause cancer. Violator has exposed and continues to expose consumers within the State of California to Lead and Lead Compounds without providing a clear and reasonable warning of this exposure.

On October 1, 1989, the State of California officially listed Silica, Crystalline (airborne particles of respirable size) as a chemical known to the State to cause cancer. Violator has exposed and continues to expose consumers within the State of California to Silica, Crystalline (airborne particles of respirable size) without providing a clear and reasonable warning of this exposure.

Approximate Duration of Violation

The violations have been occurring since at least February 27, 1987 and are ongoing.

The Consumer Products

The products that are the subject of this Notice are talc-containing baby powder and foot powder products, all of which are produced, manufactured, marketed, and/or distributed by the Violator. Without limitation, such products include:

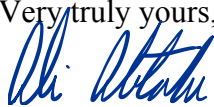
- Well Beginnings Baby Powder
- Walgreens Foot Powder Odor Control
- Walgreens Medicated Foot Powder

This identification is made in good faith to assist in recipients in investigation of, among other things, the magnitude of potential exposures to the Listed Chemicals. Please note that the above examples are not meant to be an exhaustive or comprehensive identification of each specific offending product manufactured, distributed, or sold during the relevant period.

General Information Regarding Proposition 65

Attached to this Notice is a copy of “The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary.” The attached Summary was prepared by the California Environmental Protection Agency and provides general information about Proposition 65.

Pursuant to Title 11 of the California Code of Regulations § 3100, a certificate of merit is attached hereto. Please direct any inquiries regarding this Notice or any communication to the counsel for the Noticing Party.

Very truly yours,

Ali Abtahi

CERTIFICATE OF MERIT

Health and Safety Code Section 25249.7(d)

I, Ali Abtahi, hereby 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.

3. 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 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 plaintiff’s case can be established, and the information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute.

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

Dated: April 16, 2019



Ali Abtahi

PROOF OF SERVICE

I am at least 18 years of age, not a party to this action, and I am a resident of or employed in the county where the mailing took place. My residence or business address is 200 W. Madison Street, Suite 2100, Chicago, IL 60606.

On this date, I served or caused to be served a true copy of the following document(s) in the manner specified below:

**NOTICE OF VIOLATION OF CALIFORNIA HEALTH &
SAFETY CODE § 25249.6**

CERTIFICATE OF MERIT

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

XXX **BY CERTIFIED MAIL** through placing the envelope containing the above documents for collection following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

[SEE ATTACHED CERTIFIED MAIL SERVICE LIST]

Also on this date, I served or caused to be served a true copy of the following document(s) in the manner specified below:

**NOTICE OF VIOLATION OF CALIFORNIA HEALTH &
SAFETY CODE § 25249.6**

CERTIFICATE OF MERIT

XXX **BY MAIL** through placing the envelope containing the above documents for collection following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

[SEE ATTACHED MAIL SERVICE LIST]

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**NOTICE OF VIOLATION OF CALIFORNIA HEALTH &
SAFETY CODE § 25249.6**

CERTIFICATE OF MERIT

**FACTUAL INFORMATION IN SUPPORT OF
CERTIFICATE OF MERIT**

XXX BY ELECTRONIC FILING through causing true and correct copies of the above documents to be uploaded to the California Attorney General's website at the web address on the attached "Electronic Filing Service List".

[SEE ATTACHED ELECTRONIC FILING SERVICE LIST]

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on April 16, 2019, at Chicago, Illinois.



Ali Abtahi

CERTIFIED MAIL SERVICE LIST

Walgreen Co.
Alexander W. Gourlay, CEO
108 Wilmot Road
Deerfield, IL 60015

MAIL SERVICE LIST

Alameda County District Attorney
1225 Fallon Street, Room 900
Oakland, CA 94612

Butte County District Attorney
25 County Center Drive, Suite 245
Oroville, CA 95965

Contra Costa County District Attorney
900 Ward Street
Martinez, CA 94553

Fresno County District Attorney
2220 Tulare Street, Suite 1000
Fresno, CA 93721

Imperial County District Attorney
940 W. Main Street, Suite 102
El Centro, CA 92243

Kings County District Attorney
1400 W. Lacey Boulevard
Hanford, CA 93230

LA County District Attorney
211 W. Temple Street, Suite 1200
Los Angeles, CA 90012

Mariposa County District Attorney
5101 Jones Street
P.O. Box 730
Mariposa, CA 95338

Modoc County District Attorney
204 S. Court Street, Suite 202
Alturas, CA 96101

Nevada County District Attorney
201 Commercial Street
Nevada City, CA 95959

Placer County District Attorney
10810 Justice Center Dr., Suite 240
Roseville, CA 95678

Alpine County District Attorney
P.O. Box 248
Markleeville, CA 96120

Calaveras County District Attorney
891 Mountain Ranch Road
San Andreas, CA 95249

Del Norte County District Attorney
450 H Street, Room 171
Crescent City, CA 95531

Glenn County District Attorney
P.O. Box 430
Willows, CA 95988

Inyo County District Attorney
P.O. Box Drawer D
Independence, CA 93526

Lake County District Attorney
255 N. Forbes Street
Lakeport, CA 95453

Madera County District Attorney
209 W. Yosemite Avenue
Madera, CA 93637

Mendocino County District Attorney
100 N. State Street, Room G-10
P.O. Box 1000
Ukiah, CA 95482

Mono County District Attorney
278 Main Street
Bridgeport, CA 93517

Napa County District Attorney
1127 First Street, Suite C
Napa, CA 94559

Plumas County District Attorney
520 Main Street, Room 404
Quincy, CA 95971

Amador County District Attorney
708 Court Street
Jackson, CA 95642

Colusa County District Attorney
346 5th Street, Suite 101
Colusa, CA 95932

El Dorado County District Attorney
778 Pacific Street
Placerville, CA 95667

Humboldt County District Attorney
825 5th Street, Fourth Floor
Eureka, CA 95501

Kern County District Attorney
1215 Truxtun Avenue, 4th Floor
Bakersfield, CA 93301

Lassen County District Attorney
2950 Riverside Drive, Suite 102
Susanville, CA 96130

Marin County District Attorney
3501 Civic Center Drive, Suite 145
San Rafael, CA 94903

Merced County District Attorney
550 W. Main Street
Merced, CA 95340

Monterey County District Attorney
P.O. Box 1131
Salinas, CA 93902

Orange County District Attorney
401 Civic Center Drive West
Santa Ana, CA 92701

Riverside County District Attorney
3960 Orange Street
Riverside, CA 92501

Sacramento County District Attorney 901 G Street Sacramento, CA 95814	San Benito County District Attorney 419 4th Street Hollister, CA 95023	San Bernardino County District Attorney 303 W. 3rd Street, 6th Floor San Bernardino, CA 92415-0502
San Diego County District Attorney 330 W. Broadway Street San Diego, CA 92101	San Francisco County District Attorney 850 Bryant Street, Room 320 San Francisco, CA 94103	San Joaquin County District Attorney P.O. Box 990 Stockton, CA 95201
San Luis Obispo District Attorney 1035 Palm Street, 4th Floor San Luis Obispo, CA 93408	San Mateo County District Attorney 400 County Center, 3rd Floor Redwood City, CA 94063	Santa Barbara County District Attorney 1112 Santa Barbara Street Santa Barbara, CA 93101
Santa Clara County District Attorney 70 W. Hedding Street, West Wing San Jose, CA 95110	Santa Cruz County District Attorney 701 Ocean Street, Room 200 Santa Cruz, CA 95060	Shasta County District Attorney 1355 West Street Redding, CA 96001
Sierra County District Attorney P.O. Box 457 Downieville, CA 95936	Siskiyou County District Attorney 311 4th Street Yreka, CA 96097	Solano County District Attorney 675 Texas Street, Suite 4500 Fairfield, CA 94533
Sonoma County District Attorney 600 Administration Dr, Room 212 J Santa Rosa, CA 95403	Stanislaus County District Attorney 832 12th Street, Suite 300 Modesto, CA 95354	Sutter County District Attorney 463 Second Street, Suite 102 Yuba City, CA 95991
Tehama County District Attorney 444 Oak Street, Room L Red Bluff, CA 96080	Trinity County District Attorney P.O. Box 310 11 Court Street Weaverville, CA 96093	Tulare County District Attorney 221 S. Mooney Boulevard, Rm 224 Visalia, CA 93291-4593
Tuolumne County District Attorney 423 N. Washington Street Sonora, CA 95370	Ventura County District Attorney 800 S. Victoria Avenue, Suite 314 Ventura, CA 93009	Yolo County District Attorney 301 Second Street Woodland, CA 95695
Yuba County District Attorney 215 5th Street, Suite 152 Marysville, CA 95901	Los Angeles City Attorney James K. Hahn City Hall East 200 N. Main Street, Suite 800 Los Angeles, CA 90012	San Diego City Attorney 1200 Third Avenue, Suite 1620 San Diego, CA 92101
San Jose City Attorney 200 E. Santa Clara St, 16th Floor San Jose, CA 95113	San Francisco City Attorney City Hall, Room 234 1 Dr. Carlton B. Goodlett Pl. San Francisco, CA 94102	

ELECTRONIC FILING SERVICE LIST

Office of the California Attorney General
Proposition 65 Enforcement Reporting
ATTN: Prop 65 Coordinator
P.O. Box 70550
Oakland, CA 94612-0550
<https://oag.ca.gov/prop65/add-60-day-notice>