

*Please reply to:
Gillian L. Wade
gwade@mjfwlaw.com*

October 4, 2021

VIA CERTIFIED U.S. MAIL

Brian C. Cornell, CEO
Target Corporation
1000 Nicollet Mall
Minneapolis, Minnesota 55403

C T Corporation System
Registered Agent for Target Corporation
28 Liberty St.
New York, NY 10005

Rob Bonta, Attorney General
Office of the Attorney General
Attn: Prop 65 Coordinator
1515 Clay Street, Suite 2000
Post Office Box 70550
Oakland, California 94612-0550
<https://oag.ca.gov/prop65/add-60-day-notice>

[Additional District & City Attorneys Copied]

**Re: 60-Day Notice Pursuant to Cal. Health & Safety Code § 25249.5, et seq.
Violation of Proposition 65 Warning by Target Corporation**

To Target Corporation, Mr. Bonta, and Whomever Else it May Concern:

I represent California consumer La Nita M. Dominique-Tate in this matter and write on her behalf, pursuant to California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65"), which is codified at California Health and Safety Code section 25249.5, *et seq.*, to notify you of Target Corporation's ("Target" or the "Violator") violations of Proposition 65 in its sale of the Born Basic Anti-bac Hand Sanitizer (the "Product"). The violations alleged by this notice consist of types of harm that may potentially result from exposures to the toxic chemical benzene, which was listed as a known hazardous substance in February of 1987. This letter serves as a notice of these violations to the alleged Violator and the appropriate public enforcement agencies. Pursuant to section 25249.7(d) of the statute, Ms. Dominique-Tate intends to file a private enforcement action in the public interest 60 days after effective service of this notice unless

the public enforcement agencies have commenced and are diligently prosecuting an action to rectify these violations.

General Information about Proposition 65. A copy of a summary of Proposition 65, prepared by the Office of Environmental Health hazard Assessment, is attached with the copy of this letter served to the alleged Violator identified below.

Alleged Violator. The name of the company covered by this notice that violated Proposition 65 is: Target Corporation.

Consumer Product and Listed Chemical. The product that is the subject of this notice is Born Basic Anti-bac Hand Sanitizer, a hand sanitizer product sold at Target. The chemical in that product identified as exceeding allowable levels is benzene (CAS No. 71-43-2).

On February 27, 1987, the State of California officially listed benzene as a chemical known to cause cancer.

Provision of Proposition 65. This notice covers the “warning provision” of Proposition 65, which is found at California Health & Safety Code § 25249.6.

Route of Exposure. The consumer exposures that are the subject of this notice result from the purchase, acquisition, and recommended use of the Product. Consequently, the primary route of exposure to these chemicals has been and continues to be through dermal absorption through direct skin contact with the hand sanitizer. There is also a risk of exposure through ingestion.

Violations. The Violator has exposed and continues to expose consumers within the State of California to benzene at levels that, upon reasonable use of the product, exceed the No Significant Risk Level and the Maximum Allowable Dose Level without providing clear and reasonable warning of this exposure. In particular, the Violator does not warn that the Product contains a chemical known to the State of California to cause cancer.

Approximate Time Period of Violations. Ongoing violations have occurred every day since March 2021 or earlier, as well as every day since the Product was introduced into the California marketplace, and will continue every day until clear and reasonable warnings are provided to product purchasers or until these known toxic chemicals are either removed from or reduced to allowable levels in the Product. Proposition 65 requires that a clear and reasonable warning be provided prior to exposure to the identified chemicals. The method of warning should be a warning that appears where the product is sold. The Violator violated Proposition 65 because it failed to provide persons using these products with appropriate warnings that they are being exposed to benzene.

Resolution of Noticed Claims. Based on the allegations set forth in this notice, Ms. Dominique-Tate intends to file a citizen enforcement lawsuit against Target unless it agrees to provide clear and reasonable warnings for products sold or otherwise provided to consumers in the future to eliminate unknowing exposures to benzene, and pay an appropriate civil penalty based on the factors enumerated in California Health and Safety Code Section 25249.7(b).

Ms. Dominique-Tate has retained me as legal counsel in connection with this matter. Please direct all communications regarding this notice to my attention at the law office address and telephone number indicated on the letterhead.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Wade". The signature is written in a cursive, flowing style.

Gillian L. Wade

Attachments:

- Certificate of Merit
- Certificate of Service
- OEHHA Summary (to Violators only)
- Additional Supporting Information for Certificate of Merit (to AG only)