

April 20, 2022

**NOTICE OF VIOLATION OF  
CALIFORNIA HEALTH & SAFETY CODE SECTION  
25249.5 ET SEQ.  
(PROPOSITION 65)**

Dear Alleged Violators and the Appropriate Public Enforcement Agencies:

We represent Keep America Safe and Beautiful ("KASB"), 14891 Booney Street, Westminster, California 92683. KASB's Executive Director is Ngoc-Bich Hoang Vo. KASB 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.

KASB has identified violations of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65"), which is codified at California Health & Safety Code §25249.5 et seq., with respect to the products identified below. These violations have occurred and continue to occur because the alleged Violators identified below failed to provide required clear and reasonable warnings with these products. This letter serves as a notice of these violations to the alleged Violators and the appropriate public enforcement agencies. Pursuant to Health and Safety Code Section 25249.7(d), KASB intends to pursue 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 enclosed with this letter served to the alleged Violators identified below.

**Alleged Violators.**

The names of the person/company covered by this notice that violated Proposition 65 (hereinafter the "Violators") are:

CVS Pharmacy, Inc.  
1 CVS Drive  
Woonsocket, RI 02895

CT Corporation System  
330 N Brand Blvd, Ste 700  
Glendale, CA 91203

### **Consumer Products and Listed Chemical.**

The products that are the subject of this notice and the chemical in those products identified as exceeding allowable levels are: Gold Emblem Abound Kale & Spinach Tortilla Chips.

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.

It should be noted that KASB may continue to investigate other products that may reveal further violations and result in subsequent notices of violations.

### **Route of Exposure.**

The consumer exposures that are the subject of this notice result from the recommended use of these products. Consequently, the route of exposure to this chemical has been and continues to be through ingestion.

### **Approximate Time Period of Violations.**

Ongoing violations have occurred every day since at least November 12, 2021, as well as every day since the products were introduced into the California marketplace, and will continue every day until clear and reasonable warnings are provided to product purchasers and users or until this known toxic chemical is either removed from or reduced to allowable levels in the products. Proposition 65 requires that a clear and reasonable warning be provided prior to exposure to the identified chemical. The method of warning should be a warning that appears on the product label. The Violators violated Proposition 65 because they failed to provide persons ingesting these products with appropriate warnings that they are being exposed to this chemical.

Consistent with the public interest goals of Proposition 65 and a desire to have these ongoing violations of California law quickly rectified, KASB 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 chemical, 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 chemical, as well as an expensive and time-consuming litigation.

KASB has retained us as legal counsel in connection with this matter. **Please direct all communications regarding this Notice of Violation to my attention at the law office address and telephone number indicated on the letterhead or at [padilla@avjustice.com](mailto:padilla@avjustice.com)**

Sincerely,



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Arturo Padilla

Attachments:

Certificate of Merit  
Certificate of Service  
OEHHA Summary (to Alleged Violators only)  
Factual Information in Support of Certificate of Merit (to AG only)



April 20, 2022,

**CERTIFICATE OF MERIT**

**Re: Keep America Safe and Beautiful's Notice of Proposition 65 Violation by  
CVS Pharmacy, Inc**

I, Arturo Padilla, declare:

1. This Certificate of Merit accompanies the attached 60-day notice in which it is alleged that the parties identified in the notice violated California Health & Safety Code Section 25249.6 by failing to provide clear and reasonable warnings.
2. I am an 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 exposure to the listed chemical that is the subject of the notice.
4. I have reviewed the laboratory testing results for the chemical subject to the Notice and rely on these results. The testing was conducted by a reputable accredited testing laboratory and by experienced scientists with doctoral and other degrees in relevant sciences. The facts, studies and other data derived through this investigation overwhelmingly demonstrate that the alleged violators have exposed persons to the listed chemical that is the subject of the Notice and is known to the State of California to cause reproductive and/or developmental harm, and/or cancer.
5. Based on the information obtained through those consultations, and on 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 that the information did not prove that the alleged Violators will be able to establish any of the affirmative defenses set forth in the statute.
6. Along with the copy of this Certificate of Merit-served on the Attorney General is attached additional factual information sufficient to establish the basis for this certificate, including the information identified in California Health & Safety Code §25249.7(h)(2), i.e., (1) the identities or persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Dated: April 20, 2022

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Arturo Padilla  
padilla@avjustice.com

**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:

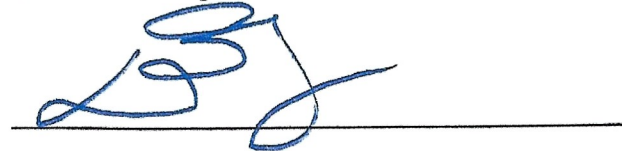
I am a citizen of the United States and over the age of 18 years of age. My business address is 714 W. Olympic Blvd., Suite 450, Los Angeles, CA 90015. I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Los Angeles, California.

On April 20, 2022, between 8:00 a.m. and 5:00 p.m. Pacific Standard Time, I served the following documents: **NOTICE OF VIOLATION 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 at a U.S. Postal Service Office with the postage fully prepaid for delivery by Certified First Class Mail:

Current President or CEO of CVS Pharmacy, Inc  
1 CSV Dr  
Woonsocket, RI 02895-6146

CT Corporation System, Registered Agent for CVS Pharmacy, Inc.  
330 N Brand Blvd, Ste 700  
Glendale, CA 91203

Executed on April 20, 2022, in Los Angeles, California.



Diane Quevedo

**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 714 W. Olympic Blvd., Suite 450, Los Angeles, CA 90015. I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Los Angeles, California.

On April 20, 2022 between 8:00 a.m. and 5:00 p.m. Pacific Standard Time, I verified the following documents **NOTICE OF VIOLATIONS, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT INCLUDING A SUMMARY OF CONFIDENTIAL FACTUAL INFORMATION; 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

Executed on April 20, 2022, in Los Angeles, California



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Diane Quevedo

**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:

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On April 20, 2022 between 8:00 a.m. and 5:00 p.m. Pacific Standard 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:

|  |  |
|--|--|
| Nancy O'Malley, District Attorney<br>Alameda County<br>7677 Oakport Street, Suite 650<br>Oakland, CA 94621<br>CEPDProp65@acgov.org       | Barbara Yook, District Attorney<br>Calaveras County<br>891 Mountain Ranch Road<br>San Andreas, CA 95249<br>Prop65Env@co.calaveras.ca.us  |
| Stacey Grassini, Deputy District Attorney<br>Contra Costa County<br>900 Ward Street<br>Martinez, CA 94553<br>sgrassini@contracostada.org | Thomas L. Hardy, District Attorney<br>Inyo County<br>168 North Edwards Street<br>Independence, CA 93526<br>inyoda@inyocounty.us          |
| Michelle Latimer, Program Coordinator<br>Lassen County<br>220 S. Lassen Street<br>Susanville, CA 96130<br>mlatimer@co.lassen.ca.us       | Lisa A. Smittcamp, District Attorney<br>Fresno County<br>2100 Tulare Street<br>Fresno, CA 93721<br>consumerprotection@fresnocountyca.gov |
| Walter W. Wall, District Attorney<br>Mariposa County<br>P.O Box 730<br>Mariposa, CA 95338<br>mcda@mariposacounty.org                     | Kimberly Lewis, District Attorney<br>Merced County<br>550 West Main Street<br>Merced, CA 95340<br>Prop65@countyofmerced.com              |
| Jeannine M. Pacioni, District Attorney<br>Monterey County<br>1200 Aguajito Road,<br>Monterey, CA 93940<br>Prop65DA@co.monterey.ca.us     | Mark Ankcorn, Deputy City Attorney<br>San Diego City Attorney<br>1200 Third Avenue<br>San Diego, CA 92101<br>CityAttyProp65@sandiego.gov |

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| <p>Gregory Alker, Assistant District Attorney<br/>San Francisco County<br/>732 Brannan Street<br/>San Francisco, CA 94103<br/>gregory.alker@sfgov.org</p>                  | <p>Valerie Lopez, Deputy City Attorney<br/>San Francisco City Attorney<br/>1390 Market Street, 7th Floor<br/>San Francisco, CA 94102<br/>Valerie.Lopez@sfcityatty.org</p>         |
| <p>Tori Verber Salazar, District Attorney<br/>San Joaquin County<br/>222 E. Weber Avenue, Room 202<br/>Stockton, CA 95202<br/>DAConsumer.Environmental@sjcda.org</p>       | <p>Eric J. Dobroth, Deputy District Attorney<br/>San Luis Obispo County<br/>County Government Center Annex, 4th Floor<br/>San Luis Obispo, CA 93408<br/>edobroth@co.slo.ca.us</p> |
| <p>Christopher Dalbey, Deputy District Attorney<br/>Santa Barbara County<br/>1112 Santa Barbara Street<br/>Santa Barbara, CA 93101<br/>DAProp65@co.santa-barbara.ca.us</p> | <p>Bud Porter, Supervising Deputy District Attorney<br/>Santa Clara County<br/>70 W Hedding St<br/>San Jose, CA 95110<br/>EPU@da.sccgov.org</p>                                   |
| <p>Stephan R. Passalacqua, District Attorney<br/>Sonoma County<br/>600 Administration Dr<br/>Sonoma, CA 95403<br/>jbarnes@sonoma-county.org</p>                            | <p>Phillip J. Cline, District Attorney<br/>Tulare County<br/>221 S Mooney Blvd<br/>Visalia, CA 95370<br/>Prop65@co.tulare.ca.us</p>   |
| <p>Gregory D. Totten, District Attorney<br/>Ventura County<br/>800 S Victoria Ave<br/>Ventura, CA 93009<br/>daspecialops@ventura.org</p>                                   | <p>Jeff W. Reisig, District Attorney<br/>Yolo County<br/>30 I Second Street<br/>Woodland, CA 95695<br/>cfepd@yolocounty.org</p>   |
| <p>Alison Haley, District Attorney<br/>Napa County<br/>1127 First Street, suite C<br/>Napa CA 94559<br/>CEPD@countyofnapa.org</p>  | <p>Clifford H. Newell, District Attorney<br/>Nevada County<br/>201 Commercial Street<br/>Nevada City, CA 95959<br/>DA.Prop65@co.nevada.ca.us</p>                                  |
| <p>Morgan Briggs Gire, District Attorney<br/>Placer County<br/>10810 Justice Center Drive<br/>Roseville, CA 95678<br/>Prop65@placer.ca.gov</p>                             | <p>David Hollister, District Attorney<br/>Plumas County<br/>520 Main St<br/>Quincy, CA 95971<br/>davidhollister@countyofplumas.com</p>  |
| <p>Paul E. Zellerbach, District Attorney<br/>Riverside County<br/>3072 Orange Street<br/>Riverside, CA 92501<br/>Prop65@rivcoda.org</p>                                    | <p>Anne Marie Schubert, District<br/>Attorney<br/>Sacramento County<br/>901 G Street<br/>Sacramento, CA 95814<br/>Prop65@sacda.org</p>  |



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| <p>Summer Stephan, District Attorney<br/> San Diego County<br/> 330 West Broadway<br/> San Diego, CA 92101<br/> SanDiegoDAprop65@sdca.org</p>               | <p>Alexandra Grayner, Assistant<br/> District Attorney<br/> 350 Rhode Island Street<br/> San Francisco, CA 94103<br/> Alexandra.grayner@sfgov.org</p> |
| <p>Nora V. Frimann, City Attorney<br/> 200 E. Santa Clara Street, 16<sup>th</sup> Floor<br/> San Jose, CA 96113<br/> Proposition65notices@sanjoseca.gov</p> | <p>Jefferey S. Rosell, District Attorney<br/> 701 Ocean Street<br/> Santa Cruz, CA 95060<br/> Prop65@santacruzcounty.us</p>                           |
| <p>Jill Ravitch, District Attorney<br/> 600 Administration Drive<br/> Santa Rosa, CA 95403<br/> Jeannie.barnes@sonoma-county.org</p>                        | <p>Phillip J Cline, District Attorney<br/> 221 S Mooney Blvd<br/> Visalia, CA 95370<br/> Prop65@co.tulare.ca.us</p>                                   |

Executed April 20., 2022, in Los Angeles, California



Diane Quevedo

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

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**Service List**

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| District Attorney of Alameda County<br>1225 Fallon Street, Room 900<br>Oakland, CA 94612  | District Attorney of Glenn County<br>P.O. Box 430<br>Willows, CA 95988                         | District Attorney of Madera County<br>209 West Yosemite Avenue<br>Madera, CA 93637     |
| District Attorney of Amador County<br>708 Court Street #202<br>Jackson, CA 95642          | District Attorney of Imperial County<br>940 West Main Street, Suite 102<br>El Centro, CA 92243 | District Attorney of Mariposa County<br>P.O. Box 730<br>Mariposa, CA 95338             |
| District Attorney of Calaveras County<br>891 Mountain Ranch Road<br>San Andreas, CA 95249 | District Attorney of Kern County<br>1215 Truxtun Avenue<br>Bakersfield, CA 93301               | District Attorney of Mendocino County<br>P.O. Box 1000<br>Ukiah, CA 95482              |
| District Attorney of Contra Costa County<br>900 Ward Street<br>Martinez, CA 94553         | District Attorney of Lake County<br>255 N. Forbes Street<br>Lakeport, CA 95453                 | District Attorney of Modoc County<br>204 S. Court Street Room 202<br>Alturas, CA 96101 |

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|---|---|---|
| District Attorney of El Dorado County<br>778 Pacific Street<br>Placerville, CA 95667                        | District Attorney of Los Angeles County<br>211 W. Temple Street, Suite 1200<br>Los Angeles, CA 90012                        | District Attorney of Monterey County<br>P.O. Box 1131<br>Salinas, CA 93902                            |
| District Attorney of Alpine County<br>P.O. Box 248<br>Markleeville, CA 96120                                | District Attorney of Marin County<br>3501 Civic Center Drive, Room #130<br>San Rafael, CA 94903                             | District Attorney of Nevada County<br>201 Commercial Street<br>Nevada City, CA 95959                  |
| District Attorney of Butte County<br>25 Country Center Drive – Administration Building<br>Orville, CA 95965 | District Attorney of Humboldt County<br>825 5 <sup>th</sup> Street<br>Eureka, CA 95501                                      | District Attorney of Placer County<br>10810 Justice Center Drive<br>Roseville, CA 95678               |
| District Attorney of Colusa County<br>310 6 <sup>th</sup> Street<br>Colusa, CA 95932                        | District Attorney of Inyo County<br>168 North Edwards<br>Independence, CA 93526   | District Attorney of Riverside County<br>3960 Orange Street<br>Riverside, CA 92501                    |
| District Attorney of Del Norte County<br>450 H Street, Room 171<br>Crescent City, CA 95531                  | District Attorney of Kings County<br>1400 West Lacey Blvd.<br>Hanford, CA 93230   | District Attorney of Merced County<br>550 West Main Street<br>Merced, CA 95340                        |
| District Attorney of Fresno County<br>2100 Tulare Street<br>Fresno, CA 93721                                | District Attorney of Lassen County<br>2950 Riverside Drive, Suite 102<br>Susanville, CA 96130                               | District Attorney of Mono County<br>P.O. Box 2053<br>Mammoth Lakes, CA 93546                          |
| District Attorney of Napa County<br>P.O. Box 720<br>Napa, CA 94559  | District Attorney of San Bernardino County<br>303 W. Third Street<br>San Bernardino, CA 92415                               | District Attorney of Tuolumne County<br>423 N. Washington Street<br>Sonora, CA 95370                  |
| District Attorney of Orange County<br>300 N. Flower Street<br>Santa Ana, CA 92703                           | District Attorney of San Francisco County<br>350 Rhode Island Street, North Building, Suite 400N<br>San Francisco, CA 94103 | District Attorney of Yolo County<br>301 Second Street<br>Woodland, CA 95695                           |
| District Attorney of Plumas County<br>520 Main Street, Room 404<br>Quincy, CA 95971                         | District Attorney of San Luis Obispo County<br>Courthouse Annex, 4 <sup>th</sup> Floor<br>San Luis Obispo, CA 93408         | District Attorney of Solano County<br>675 Texas Street, Suite 4500<br>Fairfield, CA 94533             |
| District Attorney of Sacramento County<br>901 G Street<br>Sacramento, CA 95814                              | District Attorney of Santa Barbara County<br>1112 Santa Barbara Street<br>Santa Barbara, CA 93101                           | District Attorney of Stanislaus County<br>832 12 <sup>th</sup> Street, Suite 300<br>Modesto, CA 95353 |

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| District Attorney of San Benito County<br>419 4 <sup>th</sup> Street<br>Hollister, CA 95023       | District Attorney of Santa Cruz County<br>701 Ocean Street, Room 200<br>Santa Cruz, CA 95060       | District Attorney of Tehama County<br>P.O. Box 519<br>Red Bluff, CA 96080                   |
| District Attorney of San Diego County<br>330 W, Broadway, Suite 1300<br>San Diego, CA 92101       | District Attorney of Sierra County<br>100 Courthouse Square<br>Downieville, CA 95936               | District Attorney of Tulare County<br>221 South Mooney Blvd, Suite 224<br>Visalia, CA 93291 |
| District Attorney of San Joaquin<br>P.O. Box 990<br>Stockton, CA 95202                            | District Attorney of Siskiyou County<br>P.O. Box 986<br>Yreka, CA 96097                            | District Attorney of Ventura County<br>800 South Victoria Avenue<br>Ventura, CA 93291       |
| District Attorney of San Mateo County<br>400 County Center, Third Floor<br>Redwood City, CA 94063 | District Attorney of Sonoma County<br>600 Administration Drive, Room 212J<br>Santa Rosa, CA 95403  | District Attorney of Yuba County<br>215 Fifth Street, Suite 152<br>Marysville, CA 95901     |
| District Attorney of Santa Clara County<br>70 W. Hedding Street, West Wing<br>San Jose, CA 95110  | District Attorney of Sutter County<br>462 2 <sup>nd</sup> Street, Suite 102<br>Yuba City, CA 95991 |   |
| District Attorney of Shasta County<br>1355 West Street<br>Redding, CA 96001                       | District Attorney of Trinity County<br>P.O. Box 310<br>Weaverville, CA 96093                       |   |

Executed April 20, 2022, in Los Angeles, California



Diane Quevedo