

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

Lead in Sunscreen
December 4, 2025

This Notice of Violation (the "Notice") 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, see the attached summary provided by the California EPA (copies not provided to public enforcement agencies).
- This Notice is provided by the Center for Environmental Health ("CEH"), 2201 Broadway, Suite 508, Oakland, CA 94612, (510) 655-3900. CEH is a nonprofit corporation dedicated to protecting the environment, improving human health, and supporting environmentally sound practices. Shakoora Azimi-Gaylon is the Senior Director of the Toxic Exposures and Pollution Prevention program of and a responsible individual within CEH.

Description of Violation:

- Violators: The names and addresses of the violators are identified on the attached Exhibit 1.
- Time Period of Exposure: The violations have been occurring since at least December __, 2022 and are continuing to this day.
- Provision of Proposition 65: This Notice covers the exposure/warning provision of Proposition 65, which is found at California Health and Safety Code Section 25249.6.
- Chemical(s) Involved: The name of the listed chemical involved in these violations is lead ("Lead"). Exposures to Lead occur from use of the products identified in this Notice.
- Type of Product: The specific type of product causing these violations is sunscreen. Non-exclusive examples of this specific type of product are identified on the attached Exhibit 1.
- Description of Exposure: This Notice addresses consumer exposures to Lead. Use of the products identified in this Notice results in human exposures to Lead. Lead is found in the substance of the products, which are applied to the skin. The routes of exposure for the violations are dermal absorption directly through the skin when consumers apply the products, and ingestion via hand-to-mouth contact after consumers touch the products, or touch skin onto which the

products have been applied. No clear and reasonable Proposition 65 warning is provided with these products regarding the presence of Lead in the products.

Resolution of Noticed Claims:

Based on the allegations set forth in this Notice, CEH intends to file a citizen enforcement lawsuit against the alleged violators unless such violators agree in a binding written instrument to: (1) provide clear and reasonable warnings for products sold or otherwise provided to consumers in the future or reformulate such products to eliminate the Lead exposures; and (2) pay an appropriate civil penalty based on the factors enumerated in California Health and Safety Code Section 25249.7(b). If the alleged violators are interested in resolving this dispute without resort to expensive and time-consuming litigation, please feel free to contact CEH through its counsel identified below. It should be noted that CEH cannot: (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 CEH's 60-day Notice. Therefore, while reaching an agreement with CEH will resolve its claims, such agreement may not satisfy the public prosecutors.

Preservation of Relevant Evidence:

This Notice also serves as a demand that the alleged violators preserve and maintain all relevant evidence, including all electronic documents and data, pending resolution of this matter. Such relevant evidence includes but is not limited to all documents relating to the presence or potential presence of Lead in sunscreen; purchase and usage information for such products; efforts to comply with Proposition 65 with respect to such products; communications with any person relating to the presence or potential presence of Lead in such products; and representative exemplars of any such products provided to customers or consumers by the alleged violator in the year preceding this Notice through the date of any trial of the claims alleged in this Notice.

Please direct any inquiries regarding this Notice to CEH's counsel Meredyth Mellow at Lexington Law Group, LLP 503 Divisadero Street, San Francisco, CA 94117, (415) 913-7800, mmellow@lexlawgroup.com.

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

I, Meredyth Merrow, 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 with the Lexington Law Group, LLP, and I represent the noticing party, the Center for Environmental Health.

3. Members of my firm and 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 exposures to the listed chemical that is the subject of the action.

4. 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 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 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.

December 4, 2025



Meredyth Merrow
Attorney for CENTER FOR
ENVIRONMENTAL HEALTH

EXHIBIT 1
December 4, 2025 Notice of Violation
Lead in Sunscreen

Names and Addresses of Responsible Parties	Non-Exclusive Examples of the Products	Further Description of Non-Exclusive Exemplar
EM Organics, LLC 17954 S Hidden Lake Drive Oregon City, OR 97045 ELEEO Earth Mama, LLC 2150 Winchell Ave Cincinnati, OH 45214	Earth Mama Baby Mineral Sunscreen Lotion (SPF007)	SPF 40; Net wt. 3 oz (84 g); UPC No. 8-59220- 01035-7
Whole Foods Market California, Inc. 6401 Hollis Street, Suite 150 Emeryville, CA 94608 Whole Foods Market California, Inc. PO Box 684786 Austin, TX 78768	365 Whole Foods Market Sport Lotion Mineral Sunscreen (SPF021)	SPF 30 UVA/UVB Protection; 6 FL oz. (177mL); UPC No. 0- 99482-47049-4

1 **PROOF OF SERVICE**

2 I, Sophia Filipe, declare:

3 I am a citizen of the United States and employed in the County of San Francisco, State of
4 California. I am over the age of eighteen (18) years and not a party to this action. My business
5 address is 503 Divisadero Street, San Francisco, CA 94117 and my email address is
sfilipe@lexlawgroup.com.

6 On December 4, 2025, I served the following document(s) on all interested parties in this
7 action by placing a true copy thereof in the manner and at the addresses indicated below:

8 **NOTICE OF VIOLATION OF CALIFORNIA SAFE DRINKING WATER AND
TOXIC ENFORCEMENT ACT;**

9 **CERTIFICATE OF MERIT;** and

10 **THE SAFE DRINKING AND TOXIC ENFORCEMENT ACT OF 1986**
11 **(PROPOSITION 65): A SUMMARY** (only sent to those on service list marked with an
asterisk).

12 ☒ **BY MAIL:** I am readily familiar with the firm's practice for collecting and processing mail
13 with the United States Postal Service ("USPS"). Under that practice, mail would be deposited
14 with USPS that same day with postage thereon fully prepaid at San Francisco, California in the
ordinary course of business. On this date, I placed sealed envelopes containing the above
mentioned documents for collection and mailing following my firm's ordinary business practices.

15 *Please see attached service list.*

16 ☒ **BY ELECTRONIC UPLOAD:** I transmitted a PDF version of the document(s) listed above,
17 as well as a Confidential Supporting Certificate of Merit, to the Office of the Attorney General of
California via the Proposition 65 60-Day Notice Search website at [https://oag.ca.gov/prop65/60-](https://oag.ca.gov/prop65/60-day-notice-search)
18 [day-notice-search](https://oag.ca.gov/prop65/60-day-notice-search).

19 ☒ **BY ELECTRONIC MAIL:** I transmitted a PDF version of the document(s) listed above via
20 email to the email address(es) indicated on the attached service list [or noted above] before 5 p.m.
on the date executed.

21 Pamela Y. Price, Alameda District Attorney
22 7677 Oakport Street, Suite 650
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CEPDProp65@acgov.org

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28

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2	2950 Riverside Dr	901 G Street
3	Susanville, CA 96130	Sacramento, CA 95814
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7	Walter W. Wall, Mariposa District Attorney	Mark Ankorn, San Diego Deputy City Attorney
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9	Kimberly Lewis, Merced District Attorney	Henry Lifton, San Francisco Deputy City Attorney
10	550 West Main Street	1390 Market Street, 7th Floor
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15	Allison Haley, Napa District Attorney	Tori Verber Salazar, San Joaquin District Attorney
16	1127 First Street, Suite C	222 E. Weber Avenue, Room 202
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	CEPD@countyofnapa.org	DAConsumer.Environmental@sjcda.org
17	Clifford H. Newell, Nevada District Attorney	Eric J. Dobroth, San Luis Obispo Deputy District Attorney
18	201 Commercial Street	County Government Center Annex, 4th Floor
19	Nevada City, CA 95959	San Luis Obispo, CA 93408
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20	Morgan Briggs Gire, Placer District Attorney	Christopher Dalbey, Santa Barbara Deputy District Attorney
21	10810 Justice Center Drive	1112 Santa Barbara St.
22	Roseville, CA 95678	Santa Barbara, CA 93101
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23	David Hollister, Plumas District Attorney	Nora V. Frimann, Santa Clara City Attorney
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26	Paul E. Zellerbach, Riverside District Attorney	
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10 Todd Spitzer, District Attorney of Orange County
11 300 N Flower St
12 Santa Ana, CA 92703
13 Prop65Notice@ocdapa.org

13 I declare under penalty of perjury under the laws of the State of California that the
14 foregoing is true and correct.

14 Executed on December 4, 2025 at San Francisco, California.



Sophia Filipe

SERVICE LIST

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