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November 21, 1996

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

RE: 60-Day Notice for Failure to Warn Public About Chemicals
Listed Pursuant to Health and Safety Code Section 25249.6

Dear Prosecutors:

I represent Corporation For Clean Air, ("CCA") a non-profit California corporation dedicated to protecting and improving California's environment. CCA's central objective is to prevent and reduce toxic hazards to human health and the environment from diesel engine exhaust.

This letter constitutes notification that Laidlaw Transit Inc., whose regional office is located at 1340 Treat Blvd., Suite 210, Walnut Creek, CA 94596, has violated the warning requirement of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act (commencing with section 25249.5 of the Health and Safety Code).

In particular, this company has exposed and continues to

expose numerous individuals within the San Francisco Bay area to the following chemical subject to Proposition 65: diesel engine exhaust, listed as a carcinogen on October 1, 1990. The time period of this violation commenced one year after the listed date for the chemical and has continued to the present. The route of exposure has been by inhalation. The general geographic location of the unlawful exposure extends from the point of exhaust of the noticed company's operational vehicles to the immediate surrounding areas.

Proposition 65 requires that a clear and reasonable warning be provided prior to exposure to certain listed chemicals. Laidlaw Transit is in violation of Proposition 65 because it failed to provide a warning to school children, pedestrians, the vehicle operator, employees at Laidlaw who maintain the vehicles, and other persons located nearby operational vehicles that they are being exposed to diesel engine exhaust. (22 C.C.R. section 12601.) While in the course of doing business, the company is knowingly and intentionally exposing the public to diesel engine exhaust, a chemical designated by the state to cause cancer without first giving clear and reasonable warning to such persons. (Health and Safety Code section 25249.6.) Based on the exposure involved, Laidlaw should be warning persons exposed to diesel engine exhaust by a conspicuous sign adjacent to the point of exhaust on its vehicles. (22 C.C.R. section 12601 (d) (1) (A).

Proposition 65 requires that notice and intent to sue be given to a violator 60-days before the suit is filed. With this letter, CCA gives notice of the alleged violation to Laidlaw Transit and the appropriate governmental authorities. This notice covers all violations of Proposition 65 that are currently known to CCA from information now available to us. A summary of Proposition 65, prepared by the Office of Environmental Health Hazard Assessment, and referenced as Appendix A, has been provided to the noticed party.

If you have any questions, please contact my office at your earliest convenience.

Sincerely,



Michael Freund

cc: Corporation for Clean Air

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CERTIFICATE OF SERVICE

I am a citizen of the United States and a resident of the County of Alameda. I am over the age of eighteen years and not a party to the within entitled action; my business address is 1915 Addison Street, Berkeley, California 94704.

On November 21, 1996, I served the within

60-Day Notice

on the parties in said action, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United State Post Office mail box in Berkeley, California and/or by hand delivery to said parties addressed as follows:

Daniel Lungren, Attorney General
Edward Weil, Deputy Attorney General
2101 Webster Street
Oakland, CA 94612

Louise Renne
City Attorney, S.F.
1390 Market St., 5th Floor
S.F., CA 94102

Terence Hallinan
San Francisco County District Attorney
Hall of Justice
850 Bryant Street, Room 300
San Francisco, CA 94103

Mike Griffus
Laidlaw Transit Inc.
1340 Treat Blvd., Suite 210
Walnut Creek, CA 94596

I, Michael Freund declare under penalty of perjury that the foregoing is true and correct.

Executed on November 21, 1996 at Berkeley, California.


MICHAEL FREUND