

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

PCBs in Farmed Salmon

January 13, 2004

This Notice of Violation 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 of Violation is provided by the Center for Environmental Health and the Environmental Working Group. The Center for Environmental Health is a nonprofit corporation dedicated to protecting the environment, improving human health and supporting environmentally sound practices. The Environmental Working Group is a nonprofit corporation dedicated to improving public health and protecting the environment by reducing pollution in air, water and food.

Description of Violation:

- The names and addresses of the violators are attached hereto as Exhibit 1.
- The violations have been occurring since at least October 1, 1990 and are continuing to this day.
- This Notice of Violation covers the "warning provision" of Proposition 65, which is found at California Health and Safety Code Section 25249.6.
- The names of the listed chemicals involved in these violations are polychlorinated biphenyls ("PCBs"). Exposures to PCBs occur from consumption of the products identified in this notice.
- The category of products causing these violations is all farm-raised salmon other than those originating from salmon farms located in Chile or Washington State. The PCBs are contained in these products.
- Description of Violations: Use of the products identified in this notice results in human exposures to PCBs. The route of exposure for the violations is ingestion of the products. These exposures occur in homes, restaurants, and everywhere else throughout California where farm-raised salmon are consumed. No clear and reasonable warning is provided with these products regarding the carcinogenic or reproductive hazards of PCBs.

Please direct any inquiries regarding this notice to counsel for the Center for Environmental Health and the Environmental Working Group: Mark Todzo, Lexington Law Group, LLP, 1627 Irving Street, San Francisco, CA 94122, (415) 759-4111.

EXHIBIT 1

Exhibit 1
**(January 13, 2004 60-Day Notice Letter By Center for Environmental Health and
Environmental Working Group re: Farm-Raised Salmon)**

Atlantic Salmon of Maine, LLC
57 Little River Drive
Belfast, ME 04915

Fjord Seafood USA, LLC
57 Little River Drive
Belfast, ME 04915

Cermaq Group
Grev Wedels Plass 5
P.O. Box 144
Sentrum, 0102
Oslo, Norway

Mainstream Scotland
Alness Point Business Park
Alness, Ross-shire
Scotland IV17 OUP

Creative Salmon Company, Ltd.
612 Campbell
Tofino, British Columbia
Canada

Cypress Island, Inc.
124-1334 Island Highway
Campbell River, British Columbia
Canada
V9W 8C9

Omega Salmon Group Ltd.
124-1334 Island Highway
Campbell River, British Columbia
Canada
V9W 8C9

Panfish ASA
Grimmergt 5, N-6002
Alesund, Norway

Panfish Sales USA SA dba Pan Fish Sales, Inc.
4250 8th Avenue NW, Suite 200
Seattle, WA 98107

Grieg Seafood, B.C., Ltd.
909 Island Highway, Suite 303
Campbell River, British Columbia
Canada
V9W 2C2

Grieg Seafood AS
C. Sundstgate 17/19
P.O. Box 234
Sentrum, 5804
Bergen, Norway

Heritage Salmon, Inc.
874 Main Street
Black Harbour, New Brunswick
Canada
E2L 5C7

Marine Harvest USA
1600 S. Federal Hwy., Suite 811
Pompano Beach, FL 33062

Marine Harvest Canada
1100-1200 West 73rd Avenue
Vancouver, British Columbia
Canada
V6P 6G5

Nutreco Holding N.V.
Prins Frederiklaan
4, 3818 KC
Amersfoort, Netherlands

Stolt Sea Farm, Inc. (USA)
P.O. Box 279
Lubec, ME 04652

Stolt Sea Farm, Inc. (Canada)
4100 Yonge Street, Suite 513
Willowdale, ON
Canada
M2P 2B5

Stolt Sea Farm California, LLC
4100 Yonge Street, Suite 513
Willowdale, ON
Canada
M2P 2B5

Stolt Sea Farm Holdings plc
Aldwych House
71-91 Aldwych
London WC2B 4HN
United Kingdom

Stolt Sea Farm A.S.
Grev Wedels Plass 5
P.O. Box 370 Sentrum
0102 Oslo, Norway

Stolt Sea Farm Ltd.
Sunnyhill
Tarbert
Isle of Harris
Scotland HS3 3DA

Englewood Packing Company, Ltd.
Box 1120
Port McNeill, British Columbia
V0N 2R0

Calkins & Burke, Inc.
1500 West Georgia Street #800
Vancouver, British Columbia
Canada
V6G 2Z6

H & N Foods International, Inc.
125 Bayshore Blvd.
San Francisco, CA 94124

Blue River Seafood, Inc.
678 Third Street
Oakland, CA 94607-3560

Lusamerica Foods, Inc.
1325 East Julian Street
San Jose, CA 95116

Pacific Fresh Sea Food Company
16797 S.E. 130th Ave.
Clackamas, OR 97015

Peninsula Seafood Of San Bruno, Inc.
135 El Camino Real
San Bruno, CA 94066-5426

Vince's Shellfish Co., Inc.
1063 Montgomery Ave.
San Bruno, CA 94066

Western United Fish Company, Inc.
9411 8th Avenue South, Suite 1
Seattle, WA 98108

Albertson's, Inc.
250 Parkcenter Blvd. P.O. Box 20
Boise, ID 83726

Andronico's Markets, Inc.
1109 Wahington Avenue
Albany, CA 94706

Gelson's Markets
2020 S. Central Ave.
Compton, CA 90220

Cala Foods, Inc.
1100 W. Artesia Blvd.
Compton, CA 90220

Cala Co.
1100 W. Artesia Blvd.
Compton, CA 90220

Bell Markets, Inc.
1100 W. Artesia Blvd.
Compton, CA 90220

Ralphs Grocery Company
1100 W. Artesia Blvd.
Compton, CA 90220

Food 4 Less of California, Inc.
1014 Vine Street
Cincinnati, OH 45202

Food 4 Less of Southern California, Inc.
1014 Vine Street
Cincinnati, OH 45202

Alpha Beta Company
1100 W. Artesia Blvd.
Compton, CA 90220

The Kroger Co.
1014 Vine Street
Cincinnati, OH 45202

Costco Wholesale Corporation
999 Lake Drive
Issaquah, WA 98027

Nob Hill General Store, Inc.
500 West Capitol Avenue
West Sacramento, CA 95606-2696

Bel Air Mart
500 West Capitol Avenue
West Sacramento, CA 95606-2696

Raley's
500 West Capitol Avenue
West Sacramento, CA 95606-2696

Safeway, Inc.
5918 Stoneridge Mall Road
Pleasanton, CA 94588-3229

The Vons Companies, Inc.
5918 Stoneridge Mall Road
Pleasanton, CA 94588-3229

Vons Food Services, Inc.
5918 Stoneridge Mall Road
Pleasanton, CA 94588-3229

Stater Bros. Markets
21700 Barton Road
Colton, CA 92324

Trader Joe's Company
800 S. Shamrock Ave.
Monrovia, CA 91016

PROOF OF SERVICE

I declare that:

I am employed in San Francisco County, California. I am over the age of 18 years and not a party to the within cause; my business address is 1627 Irving Street, San Francisco, California 94122.

On January 13, 2004, I served true copies of the following documents:

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

CERTIFICATE OF MERIT; and

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

I placed a true copy of these papers in an envelope addressed to:

See Attached Service List.

I am readily familiar with my firm's practice for collection and processing of correspondence for mailing with the United States Postal Service, to wit, that correspondence will be deposited with the United States Postal Service this same day in the ordinary course of business. I placed the envelope containing the above-mentioned documents for collection and mailing on January 13, 2004, following the ordinary business practice.

On January 13, 2004, I also caused copies of the above-mentioned documents, along with supporting evidence for the Certificate of Merit as required by Proposition 65 regulations, to be delivered by hand to the following address:

Ed Weil, Deputy Attorney General
California Attorney General's Office
1515 Clay Street
Oakland, CA 94612

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on January 13, 2004, at San Francisco, California.

Signed:

SERVICE LIST

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

District Attorney of Colusa County
547 Market Street
Colusa, CA 95932

District Attorney of Contra Costa
County
725 Court Street, Room 402
Martinez, CA 94553

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

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

District Attorney of Amador County
708 Court Street, #202
Jackson, CA 95642

District Attorney of Butte County
25 County Center Drive
Oroville, CA 95965

District Attorney of El Dorado
County
515 Main Street
Placerville, CA 95667

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

District Attorney of Fresno County
2220 Tulare Street, #1000
Fresno, CA 93721

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

District Attorney of Kings County
1400 West Lacey
Hanford, CA 93230

District Attorney of Sacramento
County
901 "G" Street
Sacramento, CA 95814

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

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

District Attorney of Imperial County
939 Main Street
El Centro, CA 92243

District Attorney of Lassen County
220 S. Lassen St., Ste 8
Susanville, CA 96130

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

District Attorney of Los Angeles
County
210 W. Temple Street, Room 345
Los Angeles, CA 90012

District Attorney of Madera County
209 West Yosemite Avenue
Madera, CA 93637

District Attorney of Kern County
1215 Truxtun Avenue
Bakersfield, CA 93301

District Attorney of Marin County
3501 Civic Center Dr., Room 183
San Rafael, CA 94903

District Attorney of Mono County
P.O. Box 617
Bridgeport, CA 93517

District Attorney of Mariposa County
P.O. Box 730
Mariposa, CA 95338

District Attorney of Monterey County
PO Box 1131
Salinas, CA 93901

District Attorney of San Joaquin
County
P.O. Box 990
Stockton, CA 95201

District Attorney of Mendocino
County
P.O. Box 1000
Ukiah, CA 95482

District Attorney of Napa County
931 Parkway Mall
Napa, CA 94559

District Attorney of Merced County
2222 "M" Street
Merced, CA 95340

District Attorney of Nevada County
201 Church St., Suite 8
Nevada City, CA 95959

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

District Attorney of Modoc County
204 S Court Street
Alturas, CA 96101-4020

District Attorney of Placer County
11562 "B" Avenue
Auburn, CA 95603

District Attorney of San
Bernardino County
316 N. Mountain View Avenue
San Bernardino, CA 92415-0004

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

District Attorney of San Diego
County
330 West Broadway, Suite 1320
San Diego, CA 92112

District Attorney of Riverside
County
4075 Main Street, 1st Floor
Riverside, CA 92501

District Attorney of San Francisco
County
880 Bryant Street, Rm 325
San Francisco, CA 94103

District Attorney of San Luis
Obispo County
1050 Monterey St, Room 450
San Luis Obispo, CA 93408

District Attorney of San Benito County
419 Fourth Street, 2nd Floor
Hollister, CA 95023

District Attorney of San Mateo County
400 County Ctr, 3rd Fl
Redwood City, CA 94063

District Attorney of Sierra County
Courthouse, P.O. Box 457
Downieville, CA 95936

District Attorney of Santa Barbara County
1105 Santa Barbara Street
Santa Barbara, CA 93101

District Attorney of Siskiyou County
P.O. Box 986
Yreka, CA 96097

District Attorney of Solano County
600 Union Avenue
Fairfield, CA 94533

District Attorney of Santa Clara County
70 West Hedding Street
San Jose, CA 95110

District Attorney of Santa Cruz County
701 Ocean Street, Room 200
Santa Cruz, CA 95061

District Attorney of Sonoma County
600 Administration Drive, Room 212J
Santa Rosa, CA 95403

District Attorney of Shasta County
1525 Court Street, Third Floor
Redding, CA 96001-1632

District Attorney of Stanislaus County
800 11th Street, Room 200
Modesto, CA 95353

District Attorney of Sutter County
446 Second Street
Yuba City, CA 95991

District Attorney of Ventura County
800 South Victoria Ave
Ventura, CA 93009

District Attorney of Tehama County
P.O. Box 519
Red Bluff, CA 96080

District Attorney of Yolo County
301 Second Street
Woodland, CA 95695

District Attorney of Trinity County
P.O. Box 1310
Weaverville, CA 96093

District Attorney of Yuba County
215 Fifth Street
Marysville, CA 95901

District Attorney of Tulare County
221 S. Mooney Ave, Room 224
Visalia, CA 93291

District Attorney of Tuolumne County
2 South Green
Sonora, CA 95370

San Jose City Attorney's Office
151 West Mission Street
San Jose, CA 95110

Los Angeles City Attorney's Office
Room 1800, City Hall East
200 N. Main Street
Los Angeles, CA 90012

San Diego City Attorney's Office
1200 3rd Avenue, 12th Floor
San Diego, CA 92101

San Francisco City Attorney's Office
City Hall, Room 234
San Francisco, CA 94102

David Peterson*
General Manager
Atlantic Salmon of Maine, LLC
57 Little River Drive
Belfast, ME 04915

President*
Fjord Seafood USA, LLC
57 Little River Drive
Belfast, ME 04915

Geir Isaksen, CEO*
Cermaq Group
Grev Wedels Plass 5
P.O. Box 144
Sentrum, 0102
Oslo, Norway

President*
Mainstream Scotland
Alness Point Business Park
Alness, Ross-shire
Scotland IV17 OUP

Jack Waterfield*
President
Creative Salmon Company, Ltd.
612 Campbell
Tofino, British Columbia
Canada

President*
Cypress Island, Inc.
124-1334 Island Highway
Campbell River, British Columbia
Canada
V9W 8C9

Keith Bullough, CEO*
Omega Salmon Group Ltd.
124-1334 Island Highway
Campbell River, British Columbia
Canada
V9W 8C9

Atle Eide, CEO*
Panfish ASA
Grimmergt 5, N-6002
Alesund, Norway

President*
Panfish Sales USA SA dba Pan
Fish Sales, Inc.
4250 8th Avenue NW, Suite 200
Seattle, WA 98107

Peter Gibson, Director*
Grieg Seafood, B.C., Ltd.
909 Island Highway, Suite 303
Campbell River, British Columbia
Canada
V9W 2C2

President*
Grieg Seafood AS
C. Sundstgate 17/19
P.O. Box 234
Sentrum, 5804
Bergen, Norway

Fraser J. Walsh, President*
Heritage Salmon, Inc.
874 Main Street
Black Harbour, New Brunswick
Canada
E2L 5C7

President*
Marine Harvest USA
1600 S. Federal Hwy., Suite 811
Pompano Beach, FL 33062

President*
Marine Harvest Canada
1100-1200 West 73rd Avenue
Vancouver, British Columbia
Canada
V6P 6G5

W. Dekker, CEO*
Nutreco Holding N.V.
Prins Frederiklaan
4. 3818 KC
Amersfoort, Netherlands

President*
Stolt Sea Farm, Inc. (USA)
P.O. Box 279
Lubec, ME 04652

President*
Stolt Sea Farm, Inc. (Canada)
4100 Yonge Street, Suite 513
Willowdale, ON
Canada
M2P 2B5

Peter Struffenegger*
General Manager
Stolt Sea Farm California, LLC
4100 Yonge Street, Suite 513
Willowdale, ON
Canada
M2P 2B5

James S. Lorentzen, CEO*
Stolt Sea Farm Holdings plc
Aldwych House
71-91 Aldwych
London WC2B 4HN
United Kingdom

President*
Stolt Sea Farm A.S
Grev Wedels Plass 5
P.O. Box 370 Sentrum
0102 Oslo, Norway

President*
Stolt Sea Farm Ltd.
Sunnyhill
Tarbert
Isle of Harris
Scotland HS3 3DA

President*
Englewood Packing Company, Ltd.
Box 1120
Port McNeill, British Columbia
V0N 2R0

David Calkins, President*
Calkins & Burke, Inc.
1500 West Georgia Street #800
Vancouver, British Columbia
Canada
V6G 2Z6

Hua Ngo, President*
H & N Foods International, Inc.
125 Bayshore Blvd.
San Francisco, CA 94124

Chris Lam, President*
Blue River Seafood, Inc.
678 Third Street
Oakland, CA 94607-3560

Fernando Frederico, President*
Lusamerica Foods, Inc.
1325 East Julian Street
San Jose, CA 95116

Frank Dulcich, President and CEO*
Pacific Fresh Sea Food Company
16797 S.E. 130th Ave.
Clackamas, OR 97015

Dabiel Strazzullo, President*
Peninsula Seafood Of San Bruno,
Inc.
135 El Camino Real
San Bruno, CA 94066-5426

Vincent Svedise, President*
Vince's Shellfish Co., Inc.
1063 Montgomery Ave.
San Bruno, CA 94066

President*
Western United Fish Company, Inc.
9411 8th Avenue South, Suite 1
Seattle, WA 98108

Lawrence E. Johnston*
President and CEO
Albertson's, Inc.
250 Parkcenter Blvd. P.O. Box 20
Boise, ID 83726

William Andronico*
President and CEO
Andronico's Markets, Inc.
1109 Wahington Avenue
Albany, CA 94706

Robert E. Stiles*
President
Gelson's Markets
2020 S. Central Ave.
Compton, CA 90220

President*
Cala Foods, Inc.
1100 W. Artesia Blvd.
Compton, CA 90220

President*
Cala Co.
1100 W. Artesia Blvd.
Compton, CA 90220

President*
Bell Markets, Inc.
1100 W. Artesia Blvd.
Compton, CA 90220

President*
Ralphs Grocery Company
1100 W. Artesia Blvd.
Compton, CA 90220

President*
Food 4 Less of California, Inc.
1014 Vine Street
Cincinnati, OH 45202

President*
Food 4 Less of Southern
California, Inc.
1014 Vine Street
Cincinnati, OH 45202

President*
Alpha Beta Company
1100 W. Artesia Blvd.
Compton, CA 90220

Joseph A. Pichler, CEO*
The Kroger Co.
1014 Vine Street
Cincinnati, OH 45202

James D. Sinegal*
President and CEO
Costco Wholesale Corporation
999 Lake Drive
Issaquah, WA 98027

President*
Nob Hill General Store, Inc.
500 West Capitol Avenue
West Sacramento, CA 95606-
2696

President*
Bel Air Mart
500 West Capitol Avenue
West Sacramento, CA 95606-
2696

William E. Coyne, President*
Raley's
500 West Capitol Avenue
West Sacramento, CA 95606-
2696

Steven A. Burd*
President and CEO
Safeway, Inc.
5918 Stoneridge Mall Road
Pleasanton, CA 94588-3229

Thomas C. Keller, President*
The Vons Companies, Inc.
5918 Stoneridge Mall Road
Pleasanton, CA 94588-3229

President*
Vons Food Services, Inc.
5918 Stoneridge Mall Road
Pleasanton, CA 94588-3229

Jack H. Brown, President and CEO*
Stater Bros. Markets
21700 Barton Road
Colton, CA 92324

Dan Bane, CEO*
Trader Joe's Company
800 S. Shamrock Ave.
Monrovia, CA 91016

CERTIFICATE OF MERIT

Health & Safety Code §25249.7(d)

I, Mark Todzo, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged that the parties identified in the notice have 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 parties, the Center for Environmental Health and the Environmental Working Group.
3. 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 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 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.

Dated: January 12, 2004