

Proposition 65 Notices

and

Certificate of Merit

(re: Asphalt Paving and Other Asphalt Use)

Attorney General Copy: Contains Official Information Pursuant to Evidence Code Section 1040

Submitted by:

**Yeroushalmi & Associates
3700 Wilshire Blvd., Suite 480
Los Angeles, CA 90010**

Wednesday, July 07, 2004

60-Day Notice of Intent to Sue Under Health & Safety Code Section 25249.6

This notice is given by Consumer Advocacy Group, Inc. ("CAG"). The noticing party must be contacted through the following entity: **Reuben Yeroushalmi, Yeroushalmi & Associates**, 3700 Wilshire Blvd., Ste. 480, Los Angeles, CA 90010; 213-382-3183. This letter constitutes notification that CAG believes and alleges that Proposition 65, *The Safe Drinking Water and Toxic Enforcement Act* (commencing with Health & Safety Code Section 25249.5) and California Code of Regulations, Title 22, section 12601 have been violated by the following companies and/or entities (hereinafter, "the violators") and during the time period referenced below:

NAMES OF COMPANIES LISTED ON EXHIBIT A

PERIOD OF VIOLATION
From: 07/07/2000 Through: 07/07/2004 And continuing thereafter

Consumer Product Exposures

While in the course of doing business, each and every day, during the time period referenced above, the violators have been and are knowingly and intentionally manufacturing, refining, generating, blending, purchasing, selling, distributing, transporting, storing, handling, applying and/or using asphalt and/or other products containing asphalt as an ingredient (hereinafter collectively "Asphalt Products" throughout the State of California, and thereby directly and indirectly exposing consumers and the public to various chemicals listed in Exhibit B hereto (the "Covered Chemicals"), each of which has been designated by the State of California as causing cancer and/or reproductive toxicity, without first giving clear and reasonable warning of that fact to such exposed persons either in the violators' Material Safety Data Sheets ("MSDS"), or on or with the Asphalt Products, where applicable, so that the warning could be passed on to persons or entities acquiring, purchasing, storing, handling, using or otherwise being exposed to Asphalt Products and/or the Covered Chemicals.

A "consumer product exposure" is an exposure that results from a person's acquisition, purchase, storage, consumption, or other reasonably foreseeable use of a consumer good, or any exposure that results from receiving a consumer service. Asphalt Products are consumer products. The acquisition, purchase, storage and/or other foreseeable use of Asphalt Products result in exposures through inhalation contact with Asphalt Products and the Covered Chemicals. The violators had control over the decision-making process concerning whether they should manufacture, generate, refine, blend, purchase, sell, distribute, transport, store, handle, apply and/or use the Asphalt Products and whether they should have provided the Proposition 65 warning in connection therewith. The violators manufactured, generated, refined, blended, purchased, sold, distributed, transported, stored, handled, applied, used and/or caused exposures to the Asphalt Products and to Covered Chemicals, but they failed to provide the required warning so that the warning could be passed on. Consequently, the purchasers and users of the violators' Asphalt Products, during their acquisition, purchase, storage, handling, and/or other foreseeable use of them, came into inhalation contact with the Covered Chemicals, which caused contact with their mouths, throats, esophagi, and lungs.

The routes of exposure for the Consumer Product Exposures to the Covered Chemicals have been the inhalation contacts described above.

Said exposures took place in the California counties whose district attorneys received copies of this notice as listed in the attached certificate of service.

Occupational Exposures

While in the course of doing business at, but not limited to: ***ADDRESSES LISTED ON EXHIBIT A***

during the time period referenced above, during which violators manufactured, generated, refined, blended, purchased, sold, distributed, transported, stored, handled, applied and/or used Asphalt Products or engaged in activities relating to the manufacturing, refining, generating, blending, purchasing, selling, distributing, transporting, storing, handling,

applying, using and/or causing exposure to Asphalt Products, the violators thereby directly and indirectly have been and are knowingly and intentionally exposing their employees to the Covered Chemicals, which have been designated by the State of California as causing cancer and/or reproductive toxicity, pursuant to California Code of Regulations, title 22, section 12000, without first giving clear and reasonable warning of that fact to the exposed person (Health & Safety Code Section 25249.6). The violators also have been exposing employees of other companies throughout California to Asphalt Products and/or the Covered Chemicals because they are not including and have not included the required Proposition 65 warning in their MSDS, or on or with the Asphalt Products, where applicable.

An "occupational exposure" is an exposure in the workplace by the employer causing the exposure of any employee. The violators had control over the decision-making process concerning whether they should manufacture, generate, refine, blend, purchase, sell, distribute, transport, store, handle, apply, use and/or cause exposure to Asphalt Products and/or the Covered Chemicals, or engage in activities causing or relating to the manufacturing, refining, generating, blending, purchasing, selling, distributing, transporting, storing, handling, applying, using and/or causing exposure to Asphalt Products and/or Covered Chemicals, and whether they should have provided the Proposition 65 warning in connection therewith. The violators manufactured, generated, refined, blended, purchased, sold, distributed, transported, stored, handled, applied, used and caused exposures to the Asphalt Products and Covered Chemicals, but they failed to provide the required warning.

The sources of exposures are Asphalt Products and the Covered Chemicals. The employees exposed to said Asphalt Products and Covered Chemicals include, but are not limited to, the violators' employees whose tasks involve working in or near areas within a 50-foot radius of the violators' facility where the Asphalt Products and Covered Chemicals are manufactured, generated, refined, blended, purchased, sold, distributed, transported, stored, handled, applied and/or used, and at an area along and within a 50-foot radius of the routes traveled during the manufacturing, generating, refining, blending, purchasing, selling, distributing, transporting, storing, handling, applying, using and/or causing exposure to Asphalt Products and/or Covered Chemicals within or off of the violators' facility to employees of companies who acquired, purchased, stored, used, handled or were otherwise exposed to violators' Asphalt Products and Covered Chemicals, or who were engaged in activities directly or indirectly relating to the manufacturing, refining, generating, blending, purchasing, selling, distributing, transporting, storing, handling, applying, using and/or causing exposure to Asphalt Products and/or Covered Chemicals.

Said exposures took place in locations ranging from the violators' facilities/garage areas where the Asphalt Products and Covered Chemicals are manufactured, generated, refined, blended, purchased, sold, distributed, transported, stored, handled, applied and/or used at the violators' principal places of business, as referenced below, to the locations of all activities relating to the manufacturing, refining, generating, blending, purchasing, selling, distributing, transporting, storing, handling, applying and/or using of Asphalt Products and/or Covered Chemicals, and from, on and in the vicinity of work vehicles transporting Asphalt Products and/or Covered Chemicals within or off the violators' facility, to the facilities/garage areas of other companies directly or indirectly involved in the business of manufacturing, refining, blending, purchasing, selling, distributing, transporting, storing, applying and/or using Asphalt Products throughout California, to other addresses where Asphalt Products and/or Covered Chemicals are manufactured, generated, refined, blended, purchased, sold, distributed, transported, stored, handled, applied and/or used, as well as the areas along and within the routes traveled between the violator's principal places of business and the destination addresses by which the Asphalt Products and/or Covered Chemicals have been transported.

The routes of exposure for Occupational Exposures to the Covered Chemicals of the affected persons have included, but are not limited to, the smoke, dust, and fumes associated with the heating and use of Asphalt Products, and the activities relating to the manufacturing, refining, generating, blending, purchasing, selling, distributing, transporting, storing, handling, applying and/or using of Asphalt Products and/or Covered Chemicals, that have been breathed in via the ambient air by the exposed persons causing inhalation contact with their mouths, throats, esophagi, and lungs.

CAG also believes and alleges that the violators are also responsible for a route of exposure of dermal contact due to above-described employees (i.e., those working for violators and any other companies in the business of manufacturing, refining, blending, purchasing, selling, distributing, transporting, storing, handling, applying and/or using the Asphalt Products or Covered Chemicals throughout California) and/or those activities relating to the manufacturing, refining, generating, blending, purchasing, selling, distributing, transporting, storing, handling, applying and/or using of Asphalt Products or Covered Chemicals, and coming in direct contact (e.g., their bare skin

touching) with the Asphalt Products or Covered Chemicals while mixing, heating, and/or transporting the Asphalt Products or Covered Chemicals, as well as said employees coming in contact with Asphalt Products or Covered Chemicals by inadvertently allowing their work gloves, which had touched the Asphalt Products or Covered Chemicals, to come in contact with their bare skin. Said employees also sustained dermal contact when moving the Asphalt Products or Covered Chemicals in and out of the storage facilities/garage areas where the Asphalt Products or Covered Chemicals had been stored at the principal places of business of violators and/or any other companies in the business of manufacturing, refining, blending, purchasing, selling, distributing, transporting, storing, applying and/or using Asphalt Products or Covered Chemicals throughout California.

Said exposures took place in the California counties whose district attorneys received copies of this notice as listed in the attached certificate of service.

This notice alleges the violation of Proposition 65 with respect to occupational exposures governed by the California State Plan for Occupational Safety and Health. The State Plan incorporates the provisions of Proposition 65, as approved by Federal OSHA on June 6, 1997. That approval specifically placed certain conditions with regard to occupational exposures on Proposition 65, including that it does not apply to (a) the conduct of manufacturers occurring outside the State of California; and (b) employers with less than 10 employees. The approval also provides that an employer may use any means of compliance in the general hazard communication requirements to comply with Proposition 65. It also requires that supplemental enforcement be subject to the supervision of the California Occupational Safety and Health Administration. Accordingly, any settlement, civil complaint, or substantive court orders in this matter must be submitted to the California Attorney General.

Environmental Exposures

While in the course of doing business at, but not limited to: ***ADDRESSES LISTED ON EXHIBIT A***

during the time period referenced above, during which violators manufactured, generated, refined, blended, purchased, sold, distributed, transported, stored, handled, applied, used and/or caused exposure to Asphalt Products and/or the Covered Chemicals, and engaged in activities relating to the manufacturing, refining, generating, blending, purchasing, selling, distributing, transporting, storing, handling, applying, using and/or causing exposure to Asphalt Products and/or Covered Chemicals, the violators have been and are knowingly and intentionally exposing reasonably foreseeable members of the public to Asphalt Products and the Covered Chemicals, which are designated by the State of California to cause cancer and/or reproductive toxicity, pursuant to California Code of Regulations, Title 22, section 12000, without first giving clear and reasonable warning of that fact to the exposed persons (Health & Safety Code Section 25249.6), because the violators have been manufacturing, refining, blending, purchasing, selling, distributing, transporting, storing, applying, using and/or causing exposure to Asphalt Products and/or Covered Chemicals without providing the required Proposition 65 warning in their MSDS, or on or with the Asphalt Products, where applicable, so that the warning could be passed on to persons who might be exposed thereto by any means of any exposure that is not a "consumer product exposure" or "occupational exposure." The violators had control over the decision-making process concerning whether they should manufacture, generate, refine, blend, purchase, sell, distribute, transport, store, handle, apply, use and/or cause exposure to Asphalt Products and/or the Covered Chemicals, and whether they should have provided the Proposition 65 warning in connection therewith.

The violators manufactured, generated, refined, blended, purchased, sold, distributed, transported, stored, handled, applied, used and/or caused exposure to the Asphalt Products and/or Covered Chemicals, but they failed to provide the required warning so that the warning could be passed on. Reasonably foreseeable members of the public who are allegedly exposed to the violators' Asphalt Products and Covered Chemicals include, but are not limited to, neighbors and residents, passersby, motorists, engineers, and inspectors not in the direct employment of violators, where all such persons are found in an area within a 50-foot radius of the locations at which Asphalt Products and/or Covered Chemicals are being manufactured, generated, refined, blended, purchased, sold, distributed, transported, stored, handled, applied and/or used, including all activities relating to the manufacturing, refining, generating, blending, purchasing, selling, distributing, transporting, storing, handling, applying, using and/or causing exposure to Asphalt Products and/or Covered Chemicals.

The sources of exposures are Asphalt Products and the Covered Chemicals. The locations of the exposures range from the areas in and around within a 50-foot radius of the principal places of business of companies in the business of manufacturing, refining, blending, purchasing, selling, distributing, transporting, storing, handling, applying, using and/or causing exposure to Asphalt Products and/or Covered Chemicals throughout California to the area along and within a 50-foot radius of the routes traveled between these companies' principal places of business and the addresses at which Asphalt Products and/or Covered Chemicals have been manufactured, generated, refined, blended, purchased, sold, distributed, transported, stored, handled, applied and/or used (including the street, sidewalks and pathways within a 50-foot radius to said addresses, the vicinity of work vehicles and the immediately neighboring areas affected by the Asphalt Products and the Covered Chemicals that have been breathed in via the ambient air by the exposed persons causing contact with their mouths, throats, esophagi, and lungs).

The route of exposure for Environmental Exposures, as referenced above, to the Covered Chemicals has been the inhalation contact described above. Said exposures took place in the California counties whose district attorneys received copies of this notice as listed in the attached certificate of service.

* * *

Proposition 65 (Health & Safety Code Section 25249.7) requires that notice and intent to sue be given to the violator(s) 60 days before the suit is filed. With this letter, CAG gives notice of the alleged violations to the violators and the appropriate governmental authorities. In the absence of any action by the appropriate governmental authorities within 60 days of the sending of this notice, CAG may file suit. This notice covers all violations of Proposition 65 that are currently known to CAG from information now available to it. With the copy of this notice submitted to the violators, a copy of the following is attached: *The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary*.

Note: CAG, in the interest of the public, is determined to resolve this matter in the least costly manner and one which would be beneficial to all parties involved. In order to encourage the expeditious and proper resolution of this matter, CAG is prepared to forgo all monetary recovery including attorney fees and costs, penalties, and restitution in exchange for a complete elimination of the exposures listed above through the possible reformulation of your products and modification of your business practices.

Dated: 7/7/04

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2.

Exhibit A – Names of Companies Receiving Notice

Michael Doyle
Dowly Ellis
PO Box 5505
Bakersfield, CA 93388

Bob Jones
Aggregate Products
PO Box 494519
Redding, CA 96049-4519

Jesse Alaniz
Alaniz Construction, Inc.
45268 Industrial Dr.
Fremont, CA 94538-6441

Rick Case
Curtner Quarry
PO Box 487
Fremont, CA 94537

Jerry Hansen
American River Asphalt Inc.
3417 Grant Line Rd
Rancho Cordova, CA 95742

Tom Angus
Angus Asphalt
9959 Prospect Ave.
Santee, CA 92071-4318

Ed Cline
Arrow Parking Lot Service Inc.
5030 Grayhurst Ave.
Baldwin Park, CA 91706

James Maneatis, President
JJM Engineering Constructors
P.O. Box 15828
Sacramento, CA 95852

Jeff Schaefer
Asphalt Care Inc.
7243 Somerset Blvd.
Paramount, CA 90723-3998

Gary Butler
Asphalt M.D.'s
PO Box 98
Thousand Palms, CA 92276

Barry Erickson
Asphalt Maintenance Systems
1607 Terminal Ave.
San Jose, CA 95112-4318

Tim Curcio
Curcio Enterprises
8977 Glenoaks Blvd
Sun Valley, CA 91352

John Rineer
Astro Paving
PO Box 6975
Auburn, CA 95604-6975

John Russo
Aztec Paving Inc.
9045 Olive Dr.
Spring Valley, CA 91977

Mick Brown
B & B Asphalt Inc.
9050 Grant Line Rd., #A
Elk Grove, CA 95624-9416

Dionisio Cruz
Cruz Brothers Paving
6371 Cedar St
Huntington Park, CA 90255

Jim Burris
Blackfeet Paving & Parking Lot
27210 Citrus Ave.
Perris, CA 92571-7441

Joe Miller/President/Owner
California Commercial Asphalt
PO Box 26880
San Diego, CA 92196-0880

Paul Cooley
Cooley Construction Inc.
PO Box 1341
Victorville, CA 92393-1341

AJ Crowton
Crowton AJ
1316 Pine St
San Francisco, CA 94109

Kenneth Cushman
Cushman Construction Co.
420 E. McGlincy Lane
Campbell, CA 95008-4905

Ralph Johnson
Diversified Asphalt Products
1227 N. Olive St.
Anaheim, CA 92801-2544

Doug Veerkamp
Doug Veerkamp General
Engineering
2585 Cold Springs Rd.
Placerville, CA 95667-3211

Ron Williams
Crown Paving
10769 Woodside Ave #205
Santee, CA 92071

Daren Young
Dryco Construction
5275 Central Ave.
Fremont, CA 94536-6532

Curt Brown
Excel Paving
2230 Lemon Ave.
Long Beach, CA 90806

John Bortolotto
G Bortolotto & Co.
580 Bragato Rd.
San Carlos, CA 94070-6227

Mike Crisler
Creative Asphalt Solutions
690 Noble St
Madera, CA 93637

Robert Thompson
Hat Creek Construction Inc.
24339 State Highway 89
Burney, CA 96013-9615

Steve Hemmingsen
Hemmingsen Construction Co.
1841 Northcrest Dr.
Crescent City, CA 95531-8923

Leallyn Breault
Centerline Striping Co.
9847 Dino Dr.
Elk Grove, CA 95624-9468

Terry Wagner
Couzin's Asphalt Svc
9807 La Clair Rd
Wilton, CA 95693

Albert C. Powell
Collet Construction Co., Inc.
2290 E. Main St.
Woodland, CA 95776-9503

Eddie Andreini
Andreini Brothers Inc.
151 Main St.
Half Moon Bay, CA 94019

Juan Quintor
AJW Construction
966 81st Ave.
Oakland, CA 94621-2512

John Cornish
Cornish Paving Inc
PO Box 81
Riverbank, CA 95367

Michael Bauman
Bauman Landscape
115 Brookside Dr.
Richmond, CA 94801-1203

Sean Venables
Duran & Venables
261 Bothelo Ave.
Milpitas, CA 95035-5338

Steven Dennis
Consolidated Asphalt Paving
2111 Gundry Ave
Signal Hill, CA 90755

Joe Vick
AAA Paving Co.
3330 N. Locust Ave.
Rialto, CA 92377-3705

Mike Bebout
Hanson Aggregates
5325 Foxen Canyon Rd
Santa Maria, CA 93454

Chris Geary
Custom Cut
PO Box 4516
Riverside, CA 92514

Ken Czubernat
ABC Construction Co
3120 National Ave
San Diego, CA 92113-2544

Kevin Maturo
Accurate Asphalt Inc
14660 Industry Cir
La Mirada, CA 90638-5815

John Istanbouli
Apex Asphalt Maintenance
15077 La Palma Dr
Chino, CA 91710-9615

Gilberto J Orozco
Coating R Us
13587 Crescent Hills Dr
Chino Hills, CA 91709

Appian Engineering
Robert Alvey
760 East Capitol Avenue
Milpitas, CA 95035

A. Teichert & Sons
Thomas J. Bois, Esq.
2030 Main Street, Suite 520
Irvine, CA 92614

Jeff Ludlow
Asphalt Professionals Inc
166 N Moorpark Rd # 104
Thousand Oaks, CA 91360

Leslie J Cleasby Jr.
Cleasby Manufacturing Co
1414 Bancroft Ave
San Francisco, CA 94124

Bob Woodfill
Fawndale Rock & Asphalt
PO Box 994248
Redding, CA 96099

Basic Resources
Thomas Walsh
P.O. Box 3191
Modesto, CA 95353

Dennis Foster
California Paving & Grading
3253 Verdugo Rd
Los Angeles, CA 90065-2035

Keith Cunningham
City Service Paving Inc
920 Lawrence St
Placentia, CA 92870

Victor A Cantando
Calvac Paving & Sealing
505 E Evelyn Ave
Mountain View, CA 94041

Robert C Jones
O C Jones & Sons Inc
1520 4th St
Berkeley, CA 94710-1748

Dante Ghilotti
Ghilotti Brothers Inc
525 Jacoby St
San Rafael, CA 94901-5305

Donald J Wheeler
D & L Paving
32389 Dunlap Blvd
Yucaipa, CA 92399

Tony Golobe
All Bay Asphalt
4620 Gravenstein Hwy S
Sebastopol, CA 95472

John Franich
Granite Rock Company
330 Blomquist St
Redwood City, CA 94063

Russell Grigg
Griffith Co
PO Box 70157
Bakersfield, CA 93387

Tim Regan
Charles C. Regan Paving Inc
230 Helicopter Cir
Corona, CA 92880

Dave Hummel
Hanson Aggregates
PO BOX 639069
San Diego, CA 92163

Larry Tronstad
Slinsen Construction Co
PO Box 3329
Napa, CA 94558-0332

Rod Sichel
Empire Asphalt & Engineering
3939 S. Moorland Ave
Santa Rosa, CA 95407

Nick Tatis
Certainteed Corporation
1431 W E St
Wilmington, CA 90744

Jeff Jayich
Guardian Asphalt
891 Corporation St
Santa Paula, CA 93060

Norm Pugh
Henry Co
10144 Waterman Rd
Elk Grove, CA 95624

EXHIBIT C

Alameda County District Attorney 1225 Fallon St, Room 900 Oakland, CA 94612	Los Angeles County District Attorney 210 W Temple St, 18th Floor Los Angeles, CA 90012	Mono County District Attorney PO Box 617 Bridgeport, CA 93517
Alpine County District Attorney PO Box 248 Markleeville, CA 96120	Madera County District Attorney 209 W Yosemite Ave Madera, CA 93637	San Joaquin County District Attorney PO Box 990 Stockton, CA 95201 -0990
Amador County District Attorney 708 Court, Suite 202 Jackson, CA 95642	Mariposa County District Attorney P.O. Box 730 Mariposa, CA 95338	San Francisco County District Attorney 850 Bryant St, Rm 322 San Francisco, CA 94103
Butte County District Attorney 25 County Center Dr. Oroville, CA 95965-3385	Marin County District Attorney 3501 Civic Center Drive, #130 San Rafael, CA 94903	San Diego County District Attorney 330 W. Broadway, Ste 1300 San Diego, CA 92101-3803
Calaveras County District Attorney 891 Mountain Ranch Road San Andreas, CA 95249	Mendocino County District Attorney P.O. Box 1000 Ukiah, CA 95482	San Bernardino County District Attorney 316 N Mountain View Ave San Bernardino, CA 92415-0004
Office of the Attorney General P.O. Box 70550 Oakland, CA 94612-0550	Los Angeles City Attorney 200 N Main St Ste 1800 Los Angeles CA 90012	San Francisco City Attorney # 1 Dr. Carlton B. Goodlett Place, Suite 234 San Francisco, CA 94102
Colusa County District Attorney Courthouse, 547 Market St. Colusa, CA 95932	Inyo County District Attorney P.O. Drawer D Independence, CA 93526	Placer County District Attorney 11562 "B" Ave Auburn, CA 95603-2687
Contra Costa County District Attorney 725 Court St., Room 402 Martinez, CA 94553	Orange County District Attorney PO Box 808 Santa Ana, CA 92702	Merced County District Attorney 2222 "M" St. Merced, CA 95340
Del Norte County District Attorney 450 "H" St. Crescent City, CA 95531	Nevada County District Attorney 201 Church St, Suite 8 Nevada City, CA 95959-2504	Napa County District Attorney PO Box 720 Napa, CA 94559-0720
El Dorado County District Attorney 515 Main St. Placerville, CA 95667-5697	Plumas County District Attorney 520 Main Street, rm 404 Quincy, CA 95971	Riverside County District Attorney 4075 Main St Riverside, CA 92501
Fresno County District Attorney 2220 Tulare St, Ste. 1000 Fresno, CA 93721	Sacramento County District Attorney 901 G Street Sacramento, CA 95814	San Benito County District Attorney 419 4th St Hollister, CA 95023
Glenn County District Attorney PO Box 430 Willows, CA 95988	San Luis Obispo County District Attorney County Government Center, Rm 450 San Luis Obispo, CA 93408	Siskiyou County District Attorney PO Box 986 Yreka, CA 96097
Humboldt County District Attorney 825 5th St., 4 th Floor Eureka, CA 95501	San Mateo County District Attorney 400 County Center Redwood City, CA 94063	Solano County District Attorney 600 Union Ave Fairfield, CA 94533

EXHIBIT C

Imperial County District Attorney 939 W. Main St., 2 nd Floor El Centro, CA 92243-2860	Santa Barbara County District Attorney 1105 Santa Barbara St. Santa Barbara, CA 93101	Sonoma County District Attorney 600 Administration Dr., Rm 212-J Santa Rosa, CA 95403
Kern County District Attorney 1215 Truxtun Ave. Bakersfield, CA 93301	Santa Clara County District Attorney 70 W Hedding St. San Jose, CA 95110	Shasta County District Attorney 1525 Court St, 3rd Floor Redding, CA 96001-1632
Kings County District Attorney Gov't Ctr, 1400 W Lacey Blvd Hanford, CA 93230	Santa Cruz County District Attorney PO Box 1159 Santa Cruz, CA 95061	Sierra County District Attorney PO Box 457 Downieville, CA 95936-0457
Lake County District Attorney 255 N Forbes St Lakeport, CA 95453-4790	Stanislaus County District Attorney PO Box 442 Modesto, CA 95353	Trinity County District Attorney PO Box 310 Weaverville, CA 96093
Modoc County District Attorney 204 S. Court Street Alturas, CA 96101-4020	Sutter County District Attorney 446 Second Street Yuba City, CA 95991	Yuba County District Attorney 215 5th St Marysville, CA 95901
San Diego City Attorney City Center Plaza 1200 3rd Ave # 1100 San Diego, CA 92101	Lassen County District Attorney 200 S Lassen St, Suite 8 Susanville, CA 96130	Monterey County District Attorney PO Box 1131 Salinas, CA 93902
Tuolumne County District Attorney 2 S Green St Sonora, CA 95370	Tulare County District Attorney County Civic Center, Rm 224 Visalia, CA 93291	Yolo County District Attorney 310 Second St Woodland, CA 95695
Ventura County District Attorney 800 S Victoria Ave Ventura, CA 93009	Tehama County District Attorney P.O. Box 519 Red Bluff, CA 96080	San Jose City Attorney 151 W. Mission St. San Jose, CA 95110

CERTIFICATE OF MERIT

Health and Safety Code Section 25249.7(d)

I, Reuben Yeroushalmi, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice(s) in which it is alleged the party(s) identified in the notice(s) has violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.
2. I am the attorney for the noticing party.
3. I have consulted with at least one person with relevant and appropriate experience and expertise who has reviewed facts, studies, or other data regarding the exposure to the Covered Chemicals that are 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 plaintiffs' case can be established and the information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute.
5. The copy of this 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 and Safety Code section 25249.7(h)(2), i.e., (1) the identify of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Dated: _____

7/7/04

CERTIFICATE OF SERVICE

I am over the age of 18 and not a party to this case. I am a resident of or employed in the county where the mailing occurred. My business address is 3700 Wilshire Boulevard, Suite 480, Los Angeles, CA 90010.

I SERVED THE FOLLOWING:

- 1) 60-Day Notice of Intent to Sue Under Health & Safety Code Section 25249.6
- 2) Exhibit A: List of Alleged Violators' Names and Locations
- 3) Exhibit B: List of Covered Chemicals
- 4) Exhibit C: List of Prosecutors Served
- 5) Certificate of Merit: Health and Safety Code Section 25249.7(d)
- 6) Certificate of Merit: Health and Safety Code Section 25249.7(d) *Attorney General Copy (only sent to Attorney General's Office)*
- 7) The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary

by enclosing a true copy of the same, along with an unsigned copy of this declaration, in a sealed envelope addressed to each person whose name and address is shown below and depositing the envelope in the United States mail with the postage fully prepaid.

Date of Mailing: 7/7/04

Place of Mailing: Los Angeles, CA

NAME AND ADDRESS OF EACH PERSON TO WHOM DOCUMENTS WERE MAILED:

∇
Alleged Violators

The Names and Locations in Exhibit A

∇
Government Agencies

The locations in Exhibit C

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

DATED: 7/7/04

BY: _____