

Proposition 65 Notices

(re: Asphalt Paving and Other Asphalt Use)

Submitted by:

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

Thursday, July 15, 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: 07/15/2000 Through: 07/15/2004 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 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: _____

July 25/04

Exhibit A -- Names of Companies Receiving Notice

Jorge L. Castaneda
KC Paving
135 Laurel Street
Redwood City, CA 94063

KW Reynolds
KW Reynolds Asphalt Maint
PO Box 1404
Anderson, CA 96007

William Kanayan
Kanayan Construction
PO Box 643
Rimforest, CA 92378

Carolyn Keas
KEAS Inc.-Key Seal Products
724 W. Linwood Avenue
Turlock, CA 95380

Curtis Kemp
Kemp & Kemp SVC
P.O. Box 733
Thousand Palms, CA 92276

Ken Bowen
Ken Bowen Construction Co.
P.O. Box 445
Williams, CA 95987

Ken Herrett
Ken Herrett Backhoe & Excavating
P.O. Box 2025
Weaverville, CA 96093

Kenneth Keagy
Ken Keagy Excavating
852 Mono Way
Sonora, CA 95370

Ken McCarty
Ken's Asphalt
3896 Glory Street
Turlock, CA 95382

Kent Busher
Kent Busher Excavating
P.O. Box 1081
Idyllwild, CA 92549

C Jay Watson
KERN Asphalt Paving & Sealing
4100 Alken Street
Bakersfield, CA 93308

KERN Valley Asphalt Svc
P.O. Box 439
Lake Isabella, CA 93240

Kurt Kemen
Kemen Construction
P.O. Box 1340
Blue Lake, CA 95525

Ben Prock
Kiewit Pacific Co.
31514 Hi Sierra Drive
Gold Run, CA 95717

King Asphalt Sealing
P.O. Box 2344
Kings Beach, CA 96143

Roy Busby
Kingsburg Grading & Paving
13078 E. Kamm Avenue
Kingsburg, CA 93631

Justin Kirby
Kirbman Sealing & Striping
P.O. Box 1591
Palm Desert, CA 92261

Jon A. Kirk
Kirk Paving Inc.
8722 Winter Gardens Blvd.
Lakeside, CA 92040

Joe Platt
Koch Materials Co.
14929 Slover Avenue
Fontana, CA 92337

Dwane Stevens
Koch Materials Co.
P.O. Box 240
Goshen, CA 93227

Christopher Armstrong
Koch-Armstrong General
9709 Airport Vista Road #A
Santee, CA 92071

Chris Armstrong
Koch-Armstrong General
Engrng.
10769 Woodside Avenue
Santee, CA 92071

Jim Krummen
Krummen Enterprises Inc.
5733 Alhambra Avenue
Martinez, CA 94553

James Larry Creswell
L & D Grading & Equipment
14855 Faceta Drive
La Mirada, CA 90638

Larry A. Coltrell
L & S Grading Paving & Svc
P.O. Box 1856
Tulare, CA 93275

Jose Salinas
LC Paving & Sealing
996 Borden Road
San Marcos, CA 92069

LJ Rotunno
LJ Rotunno Concrete Construction
P.O. Box 4568
San Clemente, CA 92674

Gerald L. Butcher
LV Butcher Paving, Inc.
P.O. Box 8001
Cnetral Valley, CA 96019

Rick Case
LA Vista Quarry
P.O. Box 487
Fremont, CA 94537

Tom Breese
Laguna Asphalt Paving Co.
P.O. Box 814
Dana Point, CA 92629

James Laird
Laird Construction Co.
9460 Lucas Ranch Road
Rancho Cucamonga, CA 91730

Michael Ewers
Lakeside Paving
P.O. Box 5304
Tahoe City, CA 96145

Frank Rivera
Lakewood Contracting Co.
4628 Pimenta Avenue
Lakewood, CA 90712

Tim Lamkin
Lamkin TL Paving & Grading
5571 Chum Creek Road #1
Redding, CA 96002

Lawrence Stanley
Landmark Paving
17597 Tamarind Ct.
Bloomington, CA 92316

William Rash
Landmark Site Contractors
27200 State Highway 74
Perris, CA 92570

Lee Larimer
Larimer-Surian Construction
707-010 Wingfield Rd. E
Janesville, CA 96114

Larry Clark
Larry Clark's Paving &
Grading
200 Tucker Road
Watsonville, CA 95076

Larry Nelson
Larry Nelson Construction
30942 Road 92
Visalia, CA 93291

Larry O. Pierce
Larry O. Pierce Paving Co.
13399 Nevada City Avenue
Grass Valley, CA 95945

Art Lash
Lash Construction
P.O. Box 4640
Santa Barbara, CA 93140

Kevin Laughlin
Laughlin Paving
10929 Vanowen Street
North Hollywood, CA 91605

Ronald Le Rossignol
Le Rossignol Brothers
P.O. Box 491
Paradise, CA 95967

Greg McQueen
LeRoy McQueen, Inc.
525 S. Mirage Avenue
Lindsay, CA 93247

John Lee
Lee & Stires, Inc.
634 S. Palmetto Ave.
Ontario, CA 91762

Lee H. Evans Asphalt Paving
16179 Mozart Avenue
Los Gatos, CA 95032

Kathy Leighton
Leighton Construction Inc.
P.O. Box 52
Byron, CA 94514

Leslie D. Tees
Leslie D. Tees Contracting
48027 Lazy L. Summit Road
Oakhurst, CA 93644

Lincoln Mex Pavers
5811 1/2 E. Beverly Blvd.
Los Angeles, CA 90022

Lindco Construction Inc.
P.O. Box 3437
Salinas, CA 93912

Cindy Trump
Lindy's Cold Planning
P.O. Box 385
La Habra, CA 90633

Lee Livingston
Livingston's Grading & Paving
10243 Ophir Road
Auburn, CA 95603

Mike Jennings
Lodi Grading & Paving
P.O. Box 1301
Lodi, CA 95241

Richard Loera
Loera Asphalt Maintenance
501 W. Glenoaks Blvd.
Glendale, CA 91202

Roy Loera, Jr.
Loera Paving Co.
2957 Allesandro Street
Los Angeles, CA 90039

George Lopez
Lopez Sealing
548 Mentone Avenue
Grover Beach, CA 93433

Accurate Asphalt Services
312 Princeton Drive
Costa Mesa, CA 92626

Aggregate Products, Inc.
130 N. Brand Blvd., 4th Floor
Glendale, CA 91203

Paramount Petroleum Corporation
1538 N. Century Blvd.
Santa Ana, CA 92703

Douglas Raisch
Raisch Company
99 Pullman Way
San Jose, CA 95111

Diablo Contractors, Inc.
2760 Mossy Oak Drive
Danville, CA 94506

El Camino Paving, Inc.
924 San Rafael Ave.
Mountain View, CA 94043

Lonny R. Esquivel
Esquivel Grading & Paving, Inc.
918 Ingerson Avenue
San Francisco, CA 94124

Steelhead Constructors, Inc.
2940 Innsbruck Drive
Redding, CA 96003

Ghilotti Construction Co.
55 Professional Center
Parkway, Ste. A
San Rafael, CA 94903

Sanco Pipelines Inc.
325 Harding Ave.
Los Gatos, CA 95032

J. Flores Construction Co. Inc.
2055 41st Ave.
San Francisco, CA 94116

JMB Construction, Inc.
1104 Wanda Lee Ct.
Roseville, CA 95661

Gary Andrews
Amos & Andrews, Inc.
1801 Walters Ct.
Fairfield, CA 94533

EXHIBIT B – COVERED CHEMICALS

Carcinogens:

Acetaldehyde;
Arsenic (inorganic arsenic compounds);
Asbestos
Benza[a]anthracene;
Benzene;
Benzo[a]pyrene;
Benzo[b]fluoranthene;
Benzo[j]fluoranthene;
Benzo[k]fluoranthene;
Beryllium and Beryllium Compounds;
Bitumens; extracts of steam-refined and air-refined
1,3 Butadiene;
Cadmium and Cadmium compounds;
Carbazole;
Chromium (hexavalent compounds);
Chrysene;
Cobalt sulfate heptahydrate
Dibenz[a,h]anthracene;
Dibenz[a,j]acridine;
Dibenzo[a,e]pyrene;
Dibenzo[a,h]pyrene;
Dibenzo[a,i]pyrene;
Dibenzo[a,l]pyrene;
Dichloromethane (Methylene Chloride);
Diesel engine exhaust;
Formaldehyde (gas);
Indeno[1,2,3,-cd]pyrene;
Lead and Lead Compounds;
3-Methylcholanthrene;
5-Methylchrysene;
Naphthalene
Nickel and Certain Nickel Compounds;
Silica, Crystalline (airborne particles of respirable size);
Soots, tars and mineral oils (untreated and mildly treated oils and used engine oils);
Tetrachloroethylene (Perchloroethylene);
Toluene Diisocyanate;
Trichloroethylene.

Reproductive toxins:

Arsenic (inorganic oxides);
Benzene;
Cadmium;
Carbon Disulfide;
Carbon Monoxide;
Lead;
Mercury and Mercury Compounds;
Methyl chloride;
Toluene

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: July 13/09

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:

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: 7/15/04

BY: