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July 20, 2004

Bill Lockyer, Attorney General
Edward Weil, Deputy Attorney General
1515 Clay Street, Suite 2000
Oakland, CA 94612-1413

Steve Cooley, District Attorney
Los Angeles District Attorney's Office
210 W. Temple Street
Room 18-709
Los Angeles, CA 90012

Re: Notice of Violation

Dear Prosecutors:

I represent Communities for a Better Environment ("CBE"), a non-profit California corporation with over 25 years of experience in working to prevent and reduce toxic hazards to human health and the environment. This letter constitutes notification that DV Industries, Inc., located at 2605 Industry Way, Lynwood, CA 90071-2899, 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 surrounding area to the following chemical subject to Proposition 65: chromium (hexavalent compounds) listed as a carcinogen on February 27, 1987. The time period of this violation commenced one year after the listed date above. The route of exposure has been primarily through inhalation of these chemicals; however additional exposures may arise through dermal contact with, or ingestion of, these chemicals. The general geographic location of the unlawful exposure to the residential community and occupational area lies within a radius of approximately .4 mile from the facility.

Proposition 65 requires that a clear and reasonable warning be provided prior to exposure to certain listed chemicals. DV Industries is in violation of Proposition 65 because it failed to provide a warning to persons residing and working in the area surrounding the facility that they have been and continue to be exposed to chromium (hexavalent compounds). (22 C.C.R. section 12601.) While in the course of doing business, the company is knowingly and intentionally exposing people to these chemicals, without first providing clear and reasonable warning. (Health and Safety Code section 25249.6.) Moreover, based on the exposure involved, we believe the method of warning should be "... a notice mailed or otherwise delivered to each occupant in the

affected area. Such notice shall be provided at least once in any three-month period." (22 C.C.R. section 12601 (d) (1) (B)).

Proposition 65 requires that notice and intent to sue be given to a violator 60-days before the suit is filed. With this letter, CBE gives notice of the alleged violation to the noticed party and the appropriate governmental authorities and provides the requisite intent to sue to remedy the violations discussed herein. This notice covers all violations of Proposition 65 that are currently known to CBE from information now available to us. CBE is continuing its investigation that may reveal further violations. 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.

The noticing party is Communities for a Better Environment, 5610 Pacific Blvd., Suite 203, Huntington Park, CA 90255. Telephone: 323: 826-9771. CBE can be contacted through my office, at 1915 Addison Street, Berkeley, CA 94704. Telephone: (510) 540-1992.

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

cc: Scott Kuhn, Esq., CBE Legal Director

Enclosure: Proposition 65 Summary prepared by the Office of Environmental Health Hazard Assessment

CERTIFICATE OF MERIT

Health and Safety Code Section 25249.7 (d)

I, Michael Freund hereby declare:

1. This Certificate of Merit accompanies the attached Notice of Violation in which it is alleged that the party identified in the Notice has violated Health and Safety Code Section 25249.6 by failing to provide clear and reasonable warnings to those persons exposed to chromium (hexavalent compounds) in and around its facility.

2. I am the attorney for the noticing party Communities for a Better Environment ("CBE").

3. CBE is a non-profit California corporation with over 25 years of experience in working to prevent and reduce toxic hazards to human health and the environment.

4. The Notice of Violation alleges that the party identified emits chromium (hexavalent compounds) into the atmosphere such that nearby residences and workers are exposed to the chemical at levels that require a warning pursuant to Proposition 65. Chromium (hexavalent compounds) was listed as a chemical known to the State of California to cause cancer on February 27, 1987. Please refer to the Notice of Violation for additional details regarding the alleged violations.

5. I have consulted with a scientist with more than 20 years of regulatory and private-sector experience in air quality issues. The consultant has the appropriate experience and expertise regarding the exposure issues in this case. The consultant has reviewed facts, studies or other data regarding the exposure to the listed chemical that is the subject of this action. These facts, studies or other data overwhelmingly demonstrate that the party

identified in the Notice exposes residents and workers in and around the facility to a chemical known to the State of California to cause cancer.

6. Based on my consultation with an experienced consultant in this field and especially the results of the exposure assessment, it is clear that there is sufficient evidence that human exposures exist from the emission of chromium (hexavalent compounds) from the noticed party's facility. Furthermore, as a result of the above, I have concluded that 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 violator will be able to establish any of the affirmative defenses set forth in the statute.

7. The copy of this Certificate of Merit served on the California Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health & Safety Code Section 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: July 20, 2004

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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 July 20, 2004 I served the within:

Notice of Violation and Certificate of Merit (Supporting documentation pursuant to 11 CCR section 3102 sent to Attorney General only)

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 States Post Office mail box in Berkeley, California and/or by hand delivery to said parties addressed as follows:

Attorney General's Office
Attn: Prop 65 Coordinator
1515 Clay Street, Suite 2000
Oakland, CA 94612

Steve Cooley, District Attorney
Los Angeles District Attorney's Office
210 W. Temple Street, Room 18-709
Los Angeles, CA 90012

Steve Cooley, District Attorney
Los Angeles District Attorney's Office
210 West Temple Street
Room 18-709
Los Angeles, CA 90012

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

Executed on July 20, 2004 at Berkeley, California.