VIA U.S. MAIL

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

Consumer Advocacy Group, Inc., who gives this notice, must be contacted through **Reuben Yeroushalmi, Esq., Yeroushalmi & Associates;** 3700 Wilshire Blvd. Ste. 480 Los Angeles, CA 90010; 213-382-3183. This letter constitutes notification that Consumer Advocacy Group, Inc. believes that the following entities ("Violators") have violated *The Safe Drinking Water and Toxic Enforcement Act* (Health & Saf. Code, § 25249.5, et seq. and Cal. Code Regs., tit. 22, § 12601 ("Proposition 65") during the period referenced below:

PERIOD OF VIOLATION

From: December 1, 2000 Through December 1, 2004 and continuing thereafter.

Environmental Exposures

While in the course of doing business at, but not limited to:

The locations on the section of the attached Certificate of Service entitled the "name and address of each violator to whom documents were mailed":

during the period referenced above, Violators installed, repaired, removed, and replaced roofs. Violators have been and are knowingly and intentionally exposing foreseeable members of the public, including neighbors and residents, passersby, motorists, and inspectors not employed by Violators and found within a 50 foot radius of where Violators performed ***roofing*** work, to products containing ***Asphalt***, including hot asphalt, and its constituent chemicals as listed below and designated to cause **cancer** and **reproductive toxicity,** pursuant Cal. Code Regs., tit. 22, § 12000, without first giving clear and reasonable warning of such to the exposed persons (Proposition 65). The source of exposures is ***Asphalt***, including hot asphalt, and its constituent chemicals. The locations of exposures include areas within a 50-foot radius of Violators' places of business, as referenced above, where Violators heated and mixed ***Asphalt***, and along and within 50 feet of the route Violators traveled between said places of business and where Violators stored ***roofing*** materials and performed ***roofing*** work. The locations of exposures also occurred within a 50-foot radius where Violators performed ***roofing*** work. Because of these activities, members of the public breathed in via the ambient air, and caused contact with their mouths, throats, esophagi, and lungs, ***Asphalt***, including hot asphalt, associated fumes, and its constituent chemicals. The route of exposure for Environmental exposures to the chemicals listed below has been the inhalation contact described above. Said exposures took place in the counties whose district attorneys received copies of this notice as listed in the attached certificate of service. Some of the exposures for which a warning is allegedly required occurred beyond the property owned or controlled by Violators.

Occupational Exposures

While in the course of doing business at, but not limited to:

The locations on the section of the attached Certificate of Service entitled the "name and address of each violator to whom documents were mailed":

during the period referenced above, Violators have been and are knowingly and intentionally exposing Violators' employees to ***Asphalt***, including hot asphalt, "cold" asphalt emulsions and adhesives, asphalt shingles, and inter-ply layers of asphalt or coal tar, and its constituent chemicals as listed below and designated to cause cancer and reproductive toxicity, pursuant Cal. Code Regs., tit. 22, § 12000, without first giving clear and reasonable warning of such to the exposed persons (Proposition 65). The source of exposures is ***Asphalt***, including hot asphalt, "cold" asphalt emulsions and adhesives, asphalt shingles, and inter-ply layers of asphalt or coal tar, and its constituent chemicals as listed below.

Cadmium and Cadmium compounds	Chromium (hexavalent compounds)	Tetrachloroethylene (Perchloroethylene)	Trichloroethylene
Formaldehyde (gas)	Chrysene	Dibenz[a,h]anthracene	1, 3-butadiene
Carbazole	dibenz[a,j]acridine	Dibenz[a,h]anthracene	dibenzo[a,e]pyrene
dibenzo[a,h]pyrene	dibenzo[a,i]pyrene	dibenzo[a,l]pyrene	Silica, Crystalline (airborne particles of respirable size)

REPRODUCTIVE TOXINS

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Toluene	Carbon Disulfide	Benzene	Lead
Mercury and Mercury compounds	Arsenic (inorganic oxides)	Cadmium	

Proposition 65 (Health & Saf. Code, § 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, ***Consumer Advocacy Group, Inc.*** gives notice of the alleged violations to Violators and appropriate governmental authorities. In absence of any action by the appropriate governmental authorities within 60 days of the sending of this notice, ***Consumer Advocacy Group, Inc.*** may file suit. This notice covers all violations of Proposition 65 that ***Consumer Advocacy Group, Inc.*** currently knows of 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: *Consumer Advocacy Group, Inc.*, in the interest of the public, is determined to resolve this matter in the least costly manner and one that would benefit all parties involved. In order to encourage the expeditious and proper resolution of this matter, *Consumer Advocacy Group, Inc.* 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/or modification of your business practices.

Dated: December 2/04

By:

The employees exposed to said chemicals include roofing contractors, drivers, roofing installers, and workers otherwise involved in the installation, repair, and replacement of roofs. Exposures occurred in storage facilities/garage areas at Violators' places of business, where Violators prepared and heated ***Asphalt*** and stored "cold" asphalt emulsions and adhesives, asphalt shingles, and inter-ply layers of asphalt or coal tar. Exposures also occurred where Violators performed roofing installations, and along the routes by which Violators transported ***Asphalt*** from said places of business to where Violators performed ***roofing*** work. Exposures were created by heated ***Asphalt***, including hot asphalt, ***Asphalt*** smoke, and associated fumes, and particulate matter and other airborne constituents, including gaseous emissions, released from "cold" asphalt emulsions and adhesives, asphalt shingles, and inter-ply layers of asphalt or coal tar by removing these products from packaging and tearing out said products from old roofing in preparation of re-roofing. The exposed persons breathed in these materials via the ambient air (which was a direct result of participating in applying ***Asphalt*** to roofing surfaces, handling roofing materials for storage, application, and transportation, or being near where hot asphalt was mixed, heated, or transported) causing a route of exposure of inhalation contact with their mouths, throats, esophagi, and lungs.

Consumer Advocacy Group, Inc. alleges that Violators caused a route of exposure of dermal contact due to employees touching ***Asphalt***, while mixing, heating, transporting, and then applying ***Asphalt***, including hot asphalt, "cold" asphalt emulsions and adhesives, asphalt shingles, and inter-ply layers of asphalt or coal tar, to surfaces at work locations, and by allowing work gloves, which had touched the asphalt, to touch their skin. Employees also sustained dermal contact when moving asphalt products in and out of the storage facilities/garage areas at Violators' places of business, as referenced above. Exposures took place in the counties whose district attorneys received copies of this notice as listed in the attached certificate of service.

The roofing products used by Violators' employees that contain or result in exposure to asphalt or coal tar, and any equipment used in the storage, installation, repair, removal, and transportation of such products whose use may cause persons to be exposed to asphalt or coal tar, include: binders, felts, base sheets, cap sheets, surfacing materials, membrane systems, insulation materials, substrates, shingles, roll roofing, felt underlayments, flashings, coatings, mastics, cements, adhesives, caulking compounds, roofing kettles, tank trucks, vehicles used to tow roofing kettles to, from, and within job sites, torches, hot-air welders, other heating equipment, spreaders, felt-laying machines, roof removal equipment, including roof cutters, and hand tools.

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.

This 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. (Cal. Code Regs., tit. 8, § 338, subd. (b).)

For each such type and means of exposure, Violators have exposed and are exposing the exposed persons to:

CARCINOGENS

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Benz[a]anthracene	Chrysene	Toluene diisocyanate	Formaldehyde (gas)
5-Methylchrysene	Nickel and Nickel Compounds	Dichloromethane (Methylene Chloride)	Benzene
Lead and lead compounds	Benzo[b]flouranthene	Benzo[k]flouranthene	Benzo[a]pyrene
Indeno[1,2,3-cd]pyrene	Acetaldehyde	Beryllium and Beryllium compounds	Arsenic (inorganic arsenic compounds)

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) Certificate of Merit: Health and Safety Code Section 25249.7(d)
3) Certificate of Merit: Health and Safety Code Section 25249.7(d) *Attorney General Copy* (*only sent to Attorney General*)
4) The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary

by enclosing a true copy of the same in a sealed envelope, along with an unsigned copy of this declaration, addressed to each person shown below and depositing the envelope in the United States mail with the postage fully prepaid. Place of Mailing: Los Angeles, CA

Name And Address Of Each Violator To Whom Documents Were Mailed:

First	Last	Company	Address	City	State	Zip
Ernst	Glasgow	Danny Letner Inc. dba Letner Roofing Co.	1490 N. Glassell	Orange	CA	92867
Keith	Symons	State Roofing Systems, Inc.	15444 Hesperian Blvd.	San Leandro	CA	94578
Terri	Melena	West Coast Roofing	1950 Olive Drive	Santa Maria	CA	93454

Name And Address Of Each Public Prosecutor To Whom Documents Were Mailed:

Office of the Attorney General P.O. Box 70550 Oakland, CA 94612-0550	Orange County District Attorney PO Box 808 Santa Ana, CA 92702	Santa Barbara County District Attorney 1105 Santa Barbara St. Santa Barbara, CA 93101
Alameda County District Attorney 1225 Fallon St, Room 900 Oakland, CA 94612		

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

Dated: December 1, 2004

By: