VIA U.S. MAIL

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

Environmental World Watch, Inc. [Noticing Party] provides this notice, whose contact for the purpose of this notice is Reuben Yeroushalmi, Esq., Yeroushalmi & Associates, 3700 Wilshire Blvd., Ste. 480, Los Angeles, CA 90010, 213-382-3183. Environmental World Watch believes that **America West Airlines, Inc.** ("Violator") has violated The Safe Drinking Water and Toxic Enforcement Act (Health & Saf. Code, § 25249.5, et seq.) ("Proposition 65") during the period referenced below.

I. BACKGROUND AND ALLEGATIONS

Violator has exposed persons to jet engine exhaust, which contains the chemicals listed below and designated to cause cancer or reproductive toxicity ("Covered Chemicals"), pursuant to California Code of Regulations, title 22, section 12000, without first giving a clear and reasonable warning of such to the exposed persons pursuant to Proposition 65.

PERIOD OF VIOLATION

From: December 29, 2000 Through December 29, 2004 and continuing thereafter.

Environmental Exposures

During the period referenced above, Violator exposed persons to jet engine exhaust. The exposures occurred when Violator landed its airplanes, during the process of refueling, while passengers exited the airplanes, while Violator maintained the airplanes, while passengers boarded Violator's airplanes, while the airplanes taxied, and during take-off, and any other time while Violator operated its airplanes on or near the ground. Exposed persons included people visiting and working at the airports listed in Exhibit A, including passengers, well-wishers, children and pregnant women, taxi and shuttle drivers, catering personnel and food service delivery personnel, police and security personnel, airport employees and ground crews, neighborhood residents, and passers-by. Violator exposed these persons to the Covered Chemicals contained in jet engine exhaust without first giving a clear and reasonable warning of such pursuant to Proposition 65. The avenues of exposures included inhalation caused by the exposed persons inhaling and breathing in the ambient air containing jet engine exhaust while traversing runway areas and jet bridges at the airports, as well as being on or near the airports listed in Exhibit A. Dermal exposure of the Covered Chemicals in the jet engine exhaust occurred because the particulate matter and other chemical residues in solid and semi gaseous form, from the aircraft exhaust, deposited on exposed surfaces near the runways where the aircraft operated so that affected persons touched these surfaces and absorbed the chemicals through their skin. Exposures occurred at each of the airports listed in Exhibit A. Some of the exposures for which a warning is allegedly required occurred beyond the property owned or controlled by the Violator. Specifically, alleged violations occurred within a two mile radius of the Violator's terminals at the airports listed in Exhibit A.

Occupational Exposures

During the period referenced above, Violator exposed employees to jet engine exhaust. The exposures occurred when Violator landed its airplanes, during the process of refueling, while passengers exited the airplanes, while the airplanes received maintenance, while passengers boarded Violator's airplanes, while the airplanes taxied, and during take-off, or any other time while Violator operated its airplanes on or near the ground. The exposed employees include baggage handlers, maintenance workers, pilots, flight attendants, cleaning personnel, ticket agents and all other employees working at the gate, warehouse workers, and all other airline personnel working at the terminal. Violator exposed these employees to the Covered Chemicals contained in jet engine exhaust without first giving clear and

reasonable warning of such pursuant to Proposition 65. The sources of exposures included inhalation caused by the exposed employees breathing in the ambient air containing jet engine exhaust while traversing runway areas, jet bridges, and all other areas at the airports listed in Exhibit A. Dermal exposure of the Covered Chemicals in the jet engine exhaust occurred because the particulate matter and other chemical residues in solid and semi gaseous form, from the aircraft exhaust, deposited on exposed surfaces near the runways where the aircraft operated so that affected persons touched these surfaces and absorbed the chemicals through their skin.

This notice alleges the violation of Proposition 65 concerning 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.

For each such type and means of exposure, Violator has exposed the above referenced persons to:

CARCINOGENS

Benz[a]anthracene	Chrysene	Benzo[a]pyrene	Indeno[1,2,3-cd]pyrene
Formaldehyde (gas)	Acetaldehyde	Naphthalene	Benzene
Ethylbenzene	Benzo[b]fluoranthene	Benzo[k]fluoranthene	Dibenz[a,h]anthracene
1,3-Butadiene			

REPRODUCTIVE TOXINS

Toluene	Carbon Monoxide	1,3-Butadiene	Benzene

Proposition 65 requires that notice and intent to sue be given to the violator(s) 60 days before the suit is filed. With this letter, **Environmental World Watch** gives notice of the alleged violations to Violator and the appropriate governmental authorities. In absence of any action by the appropriate governmental authorities within 60 days of the sending of this notice, **Environmental World Watch** may file suit. This notice covers all violations of Proposition 65 that **Environmental World Watch** currently knows of from information now available to it. The copy of this notice submitted to Violators includes a copy of *The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary.*

Dated: 12-29-04

By: _____

* One may refer to the Hazard Communication Standard (HCS) require

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 or expertise who has reviewed facts, studies, or other data regarding the exposure 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 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 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:
12-29-04

By: R

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 mail 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 Attor General*)
4) 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 t 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:

America West Airlines, Inc.
Douglas Parker III/President
4000 E. Sky Harbor Blvd.
Tempe, AZ 85281

America West Airlines, Inc.
Douglas Parker III/President
W. Rio Salado Pkwy
Tempe, AZ 85281

NAME AND ADDRESS OF EACH PUBLIC PROSECUTOR TO WHOM DOCUMENTS WERE MAILE

See Attached Exhibit B	

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

Dated: 12-30-2004

By: _____

EXHIBIT A

Bakersfield Municipal Airport
2000 S. Union Ave
Bakersfield, CA 93301
Airport Latitude: 35-19-29.4000N ESTIMATED
Airport Longitude: 118-59-45.0000W

Burbank-Glendale-Pasadena (Bob Hope) Airport
2627 Hollywood Way
Burbank, CA 91505
Airport Latitude: 34-12-02.4000N ESTIMATED
Airport Longitude: 118-21-31.2000W

Fresno Yosemite International Airport
4995 E. Clinton Way
Fresno, CA 93727
Airport Latitude: 36-46-34.3000N ESTIMATED
Airport Longitude: 119-43-05.3000W

Long Beach Airport/Daugherty Field
4100 Donald Douglas Dr.
Long Beach, CA 90808
Airport Latitude: 33-49-03.8000N ESTIMATED
Airport Longitude: 118-09-05.8000W

Los Angeles International Airport
1 World Way
Los Angeles, CA 90045-5830
Airport Latitude: 37-37-08.3000N ESTIMATED
Airport Longitude: 122-22-29.6000W

Monterey Peninsula Airport
200 Fred Kane Dr.
Monterey, CA 93940
Airport Latitude: 36-35-13.2000N ESTIMATED
Airport Longitude: 121-50-34.6000W

Metropolitan Oakland International Airport
1 Airport Drive
Oakland, CA 94621
Airport Latitude: 37-43-16.6470N ESTIMATED
Airport Longitude: 122-13-14.5800W

Palm Springs International Airport
3400 E. Tahquitz-Canyon Way.
Palm Springs, CA 92262
Airport Latitude: 33-49-46.8000N ESTIMATED
Airport Longitude: 116-30-24.1000W

San Diego International Airport-Lindbergh Field
3225 N. Harbor Drive
San Diego, CA 92101-1022
Airport Latitude: 32-44-00.8000N ESTIMATED
Airport Longitude: 117-11-22.8000W

San Francisco International Airport
San Francisco, CA 94128-8097
Airport Latitude: 37-37-08.3000N ESTIMATED
Airport Longitude: 122-22-29.6000W

Norman Y. Mineta San Jose International Airport
2077 Airport Blvd.
San Jose, CA 95110
Airport Latitude: 37-21-45.4500N ESTIMATED
Airport Longitude: 121-55-44.4300W

John Wayne-Orange County Airport
3160 Airway Ave
Costa Mesa, CA 92626
Airport Latitude: 33-40-32.4000N ESTIMATED
Airport Longitude: 117-52-05.6000W

Ontario International Airport
2900 East Airport Dr
Ontario, CA 91761
Airport Latitude: 34-03-21.6000N ESTIMATED
Airport Longitude: 117-36-04.3000W

Santa Barbara Municipal Airport
601 Firestone Rd.
Goleta, CA 93117
Airport Latitude: 34-25-34.3630N ESTIMATED
Airport Longitude: 119-50-25.3440W