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A PROFESSIONAL CORPORATION

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December 6, 2006

### BY U.S FIRST CLASS MAIL

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55 Shuman Blvd. #400  
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Kevin Benson, President  
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Kevin Benson, President  
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Kevin Benson, President  
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Brian Stock, President  
National Express Corporation  
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Larry K. Durham, President  
National Express Corporation  
3901 Watersedge Drive  
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Current CEO or President  
Durham School Services, L.P.  
9011 Mountain Ridge Drive, Suite 200  
Austin, TX 78759

Re: Notice of Violation of the Safe Drinking Water and Toxic Enforcement Act of 1986  
(Proposition 65), Section 25249.6 of the California Health and Safety Code, for  
Exposing All Employees who Drive Diesel School Buses to Diesel Engine Exhaust  
Without a Warning

Dear Mr. Benson, Mr. Stock, Mr. Larry Durham, Durham Holding II, L.L.C., Mr. Daniel  
Durham, President of Durham School Services, and President of Durham School Services,  
L.P.:

The Environmental Law Foundation (“ELF”) is a California non-profit organization dedicated to the preservation and enhancement of human health and the environment. Our Children’s Earth Foundation (“OCE”) is a California non-profit organization dedicated to protecting the public, especially children, from the harmful effects of air and water pollution. Citizens for a Better Environment (“CBE”) is an environmental health and justice non-profit organization dedicated to promoting clean air, clean water and the development of toxin-free communities. ELF, OCE and CBE each have a long-standing interest in reducing health hazards to the public posed by toxic chemicals.

This letter constitutes notice that the entities listed below have violated and continue to violate provisions of the Safe Drinking Water and Toxic Enforcement Act of 1986, California Health and Safety Code sections 25249.5 et seq. Specifically, these entities have violated and continue to violate the warning requirement at section 25249.6 of the California Health and Safety Code, which provides, “No person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the state to cause cancer or reproductive toxicity without first giving clear and reasonable warning to such individual...”

Alleged Violators:

Laidlaw Transit, Inc. doing business as Laidlaw Education Services;  
Laidlaw Transit Inc.;  
Laidlaw Transit Services Inc.;  
Laidlaw Transit Management Company, Inc.;  
Laidlaw Transportation Management, Inc.;  
National Express Corporation;  
Durham School Services, L.P;  
Durham Transportation, Inc.;  
Durham School Services.

School buses owned and operated by these entities emit diesel engine exhaust, a chemical known to the State to cause cancer. When bus drivers operate these diesel school buses, the drivers are exposed to high levels of diesel engine exhaust, a toxic chemical emitted by the entities’ diesel school buses. On each and every day from October 1, 1991 through the present, these entities have exposed and continue to expose all of their respective employees who drive diesel buses to diesel engine exhaust. Exposure has occurred through inhalation of the diesel engine exhaust from the buses.

Because diesel engine exhaust is a chemical listed in Proposition 65 as a cancer causing chemical, pursuant to Health and Safety Code § 25249.6 these entities were, and are, required to provide clear and reasonable warnings to all diesel bus drivers employed by these entities before exposing these employees to diesel engine exhaust emitted by the diesel buses. The warnings must state that the diesel buses emit a chemical known by the State of California to cause cancer. Pursuant to Health and Safety Code section 25249.7(d),

ELF, OCE and CBE intend to bring suit in the public interest against the above named entities sixty days hereafter to correct the violation occasioned by the failure to warn all employees who drive diesel buses of the exposure to diesel engine exhaust.

Pursuant to 22 California Code of Regulations § 12903(b)(1), attached is a copy of "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary," a summary of Proposition 65 prepared by the Office of Environmental Health Hazard Assessment of the California Environmental Protection Agency.

Pursuant to Health and Safety Code § 25249.7(d)(1), the undersigned hereby include the attached Certificate of Merit, to wit, that the undersigned have consulted with one or more persons with relevant and appropriate experience or expertise who has or have reviewed facts, studies, or other data regarding the exposure to the listed chemical that is the subject of this notice, and that, based on that information, the undersigned believe there is a reasonable and meritorious case. Factual information sufficient to establish the basis of this Certificate of Merit is included with the notice that is served on the Attorney General and is provided to that office in confidence and is not to be disclosed except according to law.

While violations are occurring throughout the State of California, the noticing parties are unable to know for certain if violations are occurring in all of the 58 counties in California. Therefore, pursuant to 22 California Code of Regulations § 12903(c)(3), the noticing parties are providing this notice to the district attorney for each of the 58 counties in California. Further, the noticing parties provide this notice to the California Attorney General and the city attorneys for the cities of Los Angeles, San Diego, San Francisco and San Jose.

ELF is located at: 1736 Franklin, 9th Floor, Oakland, California 94612, telephone (510) 208-4555. OCE is located at: 100 First Street, Suite 100-367, San Francisco, California, 94105, telephone (415) 896-5289. CBE is located at: 1440 Broadway, Suite 701, Oakland, CA 94612, telephone (510) 302-0430. ELF, OCE and CBE are represented in this matter by the law firm of Adams Broadwell Joseph & Cardozo. All communications concerning this matter should be directed to:

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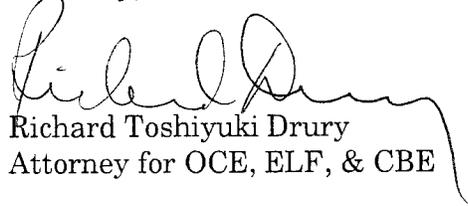
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James Wheaton  
Environmental Law Foundation  
1736 Franklin, 9th Floor  
Oakland, California 94612  
Telephone: (510) 208-4555  
Facsimile: (510) 208-4562

Michael Costa  
Our Children's Earth Foundation  
100 First Street, Suite 100-367  
San Francisco, California, 94105  
Telephone: (415) 896-5289  
Facsimile: (815) 642-9181

Adrienne Bloch  
Communities for a Better Environment  
1440 Broadway, Suite 701  
Oakland, CA 94612  
Telephone: (510) 302-0430, ext. 18  
Facsimile: (510) 302-0437

Sincerely,



Richard Toshiyuki Drury  
Attorney for OCE, ELF, & CBE

Enclosures

**cc: (without "Proposition 65: A Summary" attachment):**

Attorney General of California  
(with attached confidential factual information supporting Certificate of Merit)  
Los Angeles City Attorney  
San Diego City Attorney  
City Attorney of San Francisco  
San Jose City Attorney  
District Attorneys for California's 58 Counties  
(see attached certificate of service)

**cc: (with "Proposition 65: A Summary" attachment):**

CT Corporation  
Agent for Service of Process for  
Laidlaw Transit Management Company, Inc.  
818 West 7th Street  
Los Angeles, CA 90017

(continued)

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CT Corporation  
Agent for Service of Process for  
Laidlaw Transit, Inc. doing business as Laidlaw Education Services  
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Los Angeles, CA 90017

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818 West 7th Street  
Los Angeles, CA 90017

Corporation Service Company  
dba CSC – Lawyers Incorporating Service Company  
Agent for Service of Process for  
National Express Corporation  
701 Brazos, Suite 1050  
Austin, TX 78701

Illinois Corporation Service C  
Agent for Service of Process for  
National Express Corporation  
801 Adlai Stevenson Drive  
Springfield, IL 62703

CT Corporation System  
Agent for Service of Process for  
Durham School Services, L.P.  
1021 Main Street, Suite 1150  
Houston, TX 77002

(continued)

December 6, 2006  
Page 6

Paul R. Kaminski  
Agent for Service of Process for  
Durham Transportation, Inc.  
3000 Dundee Road Suite 321  
Northbrook, IL 60062

CT Corporation  
Agent for Service of Process for  
Durham School Services, L.P.  
818 West 7th Street  
Los Angeles, CA 90017

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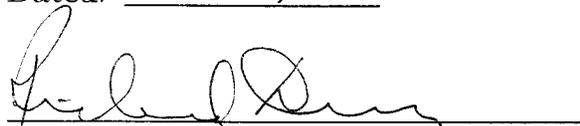
**Proposition 65: A Summary**  
**(Not included in notices sent to public enforcement agencies)**

**CERTIFICATE OF MERIT**  
**Health & Safety Code Section 25249.7(d)**

I, Richard Drury, declare:

1. This Certificate of Merit accompanies the attached notice of violation in which it is alleged that the parties identified in the notice have violated Health & Safety Code section 25249.6 by failing to provide clear and reasonable warnings.
2. I am an attorney representing Our Children's Earth Foundation, the Environmental Law Foundation, and Communities for a Better Environment.
3. I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding the alleged 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 & 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: Dec. 6, 2006



Richard Drury  
Attorney for Our Children's Earth Foundation,  
Environmental Law Foundation, &  
Communities for a Better Environment

**CERTIFICATE OF SERVICE**

I am employed in the City of South San Francisco in the County of San Mateo, California. I am over the age of eighteen years and not a party to the within action. My business address is 601 Gateway Blvd., Suite 1000, South San Francisco, California 94080.

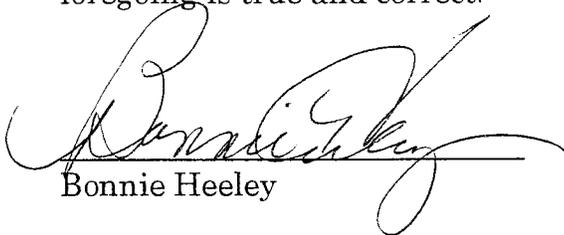
On December 6, 2006 I served the following document(s):

NOTICE OF VIOLATION OF THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65), SECTION 25249.6 OF THE CALIFORNIA HEALTH AND SAFETY CODE, FOR EXPOSING ALL EMPLOYEES WHO DRIVE DIESEL SCHOOL BUSES TO DIESEL ENGINE EXHAUST WITHOUT A WARNING

by UNITED STATES FIRST CLASS MAIL by placing a true and correct copy thereof in an envelope addressed to each of the persons named below at the address shown, and by sealing and depositing said envelope in the United States mail at South San Francisco, California, with postage fully prepaid to:

**See Attached List.**

Executed on this 6th day of December, 2006 at South San Francisco, California. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.



Bonnie Heeley

## SERVICE LIST

Kevin Benson, President  
Laidlaw Transit Inc. doing business as Laidlaw  
Education Services  
55 Shuman Blvd. #400  
Naperville, IL 60563

CT Corporation  
Agent for Service of Process for  
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Los Angeles, CA 90017

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dba CSC – Lawyers Incorporating Service  
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Larry K. Durham, President  
National Express Corporation  
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Daniel Durham  
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Current CEO or President  
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December 6, 2006

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California Attorney General's Office  
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