

October 22, 2007

**Via First Class Mail**

PROPANE GAS PRODUCERS,  
DISTRIBUTORS AND RETAILERS  
(See Certificate of Service)

**60-DAY NOTICE OF INTENT TO SUE  
FOR VIOLATIONS OF PROPOSITION 65**

Dear Messrs. and Madames:

This letter constitutes notice that the following companies have violated and continue to violate California's Safe Drinking Water and Toxic Enforcement Act of 1986 (Health & Safety Code § 25249.5 *et seq.*, commonly known as Proposition 65).

**(1) General Information.**

For general information regarding Proposition 65, please see the attached Appendix A, entitled, "The California Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary," which was prepared by the Office of Environmental Health Hazard Assessment of the California Environmental Protection Agency. (A copy is not provided to the public enforcement agencies which receive copies of this notice.) 22 California Code of Regulations § 12903(b)(1).

**(2) Description of Violations.**

**Alleged Violators:**

- **Refineries:** BP Products North America, Inc., BP Amoco Chemical Company, Chevron Phillips Chemical Company LP, ConocoPhillips Company, Shell Chemical LP, Tesoro Refining & Marketing Co., and Valero Marketing & Supply Co., Equilon Enterprises LLC
- **Distributors:** Amerigas Propane, L.P., Campora Wholesale Propane, Inc., Ferrellgas, Inc., Ferrellgas Partners, L.P., Southern California Edison Company, and Suburban Propane Gas Corporation
- **Retailers:** Amerigas Propane, L.P., Ferrellgas, Inc., Ferrellgas Partners, L.P., U-Haul Co. of California, and Suburban Propane Gas Corporation

**Consumer Product:** Propane gas.

**Listed Chemical Involved in Alleged Violations:** Benzene.

**Time Period of Violations:** From at least October 22, 2003 to the present day.

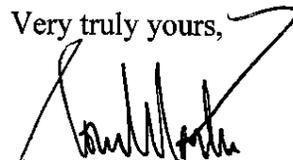
**Route of Exposure:** Inhalation.

**Nature of Alleged Violations:** The alleged violators respectively produce propane gas, distribute and/or sell propane gas to California consumers, who (by their reasonably foreseeable use of the consumer product) burn it for the purpose of cooking. The act of burning propane gas produces benzene which is then inhaled by consumers. Benzene is on the Governor's list, as expressed at 22 C.C.R. 12000, and is known to the State of California to cause cancer and reproductive toxicity. The alleged violators do not provide California consumers with clear and reasonable warnings regarding exposure to benzene as a consequence of the product's reasonably foreseeable use. Without first receiving clear and reasonable warnings (as required by Proposition 65), California consumers purchase propane gas, burn it, and thereby unwittingly inhale and are exposed to benzene.

**Noticing Individual:** This Notice is provided by Dr. Richard F. Sowinski, who is a California citizen and who has an interest in protecting the public from health hazards posed by toxic chemicals. Dr. Sowinski's address and telephone number are: 1457 Ramsay Circle, Walnut Creek, California 94597, (925) 938-2693. However, Dr. Sowinski requests that all inquiries about this Notice be directed to him at the following address and telephone number:

Dr. Richard F. Sowinski  
c/o Thomas G. Martin, Esq.  
Law Office of Thomas Glenn Martin  
One World Trade Center, Suite 800  
Long Beach, California 90831  
Telephone: (562) 208-9088  
Facsimile: (562) 684-0882

Pursuant to Health and Safety Code § 25249.7(d), the Noticing Individual intends to bring suit in the public interest against the Alleged Violator sixty (60) days hereafter to correct the violations occasioned by the failure to warn of exposures to listed chemicals.

Very truly yours,  
  
Thomas G. Martin

Enclosures

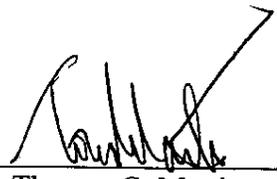
## CERTIFICATE OF MERIT

Health and Safety Code Section 25249.7(d)

I, Thomas G. Martin, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged the parties identified in the notices have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.
2. I am an attorney for the noticing party.
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 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.
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: October 22, 2007

  
\_\_\_\_\_  
Thomas G. Martin

**CERTIFICATE OF SERVICE**

I, Thomas G. Martin, declare under penalty of perjury under the laws of the State of California that the following is true and correct:

I am over the age of eighteen years and not a party to this action. My business address is: One World Trade Center, Suite 800, Long Beach, CA 90831.

On October 22, 2007, I served the following documents:

**60-DAY NOTICE OF INTENT TO SUE FOR VIOLATIONS OF PROPOSITION 65;**

**APPENDIX A. THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY (NOT SERVED ON PUBLIC ENFORCERS);**

**CERTIFICATE OF MERIT; AND**

**CERTIFICATE OF MERIT ATTACHMENTS (SERVED ONLY ON THE ATTORNEY GENERAL)**

- a) on each of the alleged violators listed in the attached service list via First Class by placing a true and correct copy thereof in a sealed envelope with postage fully prepaid, addressed as set forth in the attached service list, and providing such to a United States Postal Service Representative; and
- b) on the public enforcers by placing a true and correct copy in a sealed envelope, addressed to each party listed below as follows:

<i>Via Priority Mail by providing such envelope, postage fully prepaid to a U.S Postal Service Representative:</i>	The Attorney General of the State of California
<i>Via First Class Mail by providing each envelope, postage fully prepaid to a U.S Postal Service Representative:</i>	The District Attorney for each of the 58 counties in the State of California, and  The City Attorney for Los Angeles, San Diego, San Jose, San Francisco and Sacramento.

*A service list of addresses for each of these public enforcer recipients is attached.*

Executed on October 22, 2007 in Long Beach, California.



\_\_\_\_\_  
Thomas G. Martin

## SERVICE LIST

### Public Enforcers:

- The Honorable Tom Orloff  
Alameda County District Attorney  
1225 Fallon Street, Room 900  
Oakland, CA 94612
- The Honorable William Richmond  
Alpine County District Attorney  
270 Laramie Street, PO BOX 248  
Markleeville, CA 96120
- The Honorable Todd Riebe  
Amador County District Attorney  
708 Court Street, #202  
Jackson, CA 95642
- The Honorable Michael Ramsey  
Butte County District Attorney  
25 County Center Drive,  
Administration Building  
Oroville, CA 95965
- The Honorable Jeffrey Tuttle  
Calaveras County District Attorney  
891 Mountain Ranch Road  
San Andreas, CA 95249
- The Honorable John R. Poyner  
Colusa County District Attorney  
547 Market Street  
Colusa, CA 95932
- The Honorable Robert J. Kochly  
Contra Costa County District Attorney  
725 Court Street, 4th Floor, Rm. 402  
Martinez, CA 94553
- The Honorable Michael Riese  
Del Norte County District Attorney  
450 H Street  
Crescent City, CA 95531
- The Honorable Gary Lacy  
El Dorado County District Attorney  
515 Main Street  
Placerville, CA 95667
- The Honorable Elizabeth Egan  
Fresno County District Attorney  
2220 Tulare Street, #1000  
Fresno, CA 93721
- The Honorable Robert Holzapfel  
Glenn County District Attorney  
540 West Sycamore  
Willows, CA 95988
- The Honorable Paul Gallegos  
Humboldt County District Attorney  
825 5th Street  
Eureka, CA 95501
- The Honorable Gilbert Otero  
Imperial County District Attorney  
939 West Main Street  
El Centro, CA 92243
- The Honorable Arthur Maillet  
Inyo County District Attorney  
PO Drawer D  
Independence, CA 93526
- The Honorable Edward R. Jagels  
Kern County District Attorney  
1215 Truxtun Avenue  
Bakersfield, CA 93301
- The Honorable Ronald Calhoun  
Kings County District Attorney  
1400 West Lacey Boulevard  
Hanford, CA 93230
- The Honorable Gerhard Luck  
Lake County District Attorney  
255 North Forbes Street  
Lakeport, CA 95453
- The Honorable Robert Burns  
Lassen County District Attorney  
220 S. Lassen Street, Ste. 8  
Susanville, CA 96130
- The Honorable Steve Cooley  
Los Angeles County District Attorney  
210 West Temple Street  
Los Angeles, CA 90012
- The Honorable Ernest LiCalsi  
Madera County District Attorney  
209 West Yosemite Avenue  
Madera, CA 93637
- The Honorable Edward Berberian  
Marin County District Attorney  
3501 Civic Center Drive, Room 130  
San Rafael, CA 94903
- The Honorable Robert Brown  
Mariposa County District Attorney  
5101 Jones Street, P.O. Box 730  
Mariposa, CA 95338
- The Honorable Norman Vroman  
Mendocino County District Attorney  
100 North State Street, G-10  
Ukiah, CA 95482
- The Honorable Gordon Spencer  
Merced County District Attorney  
2222 M Street  
Merced, CA 95340
- The Honorable Jordan Funk  
Modoc County District Attorney  
204 S. Court Street, Room 202  
Alturas, CA 96101
- The Honorable George Booth  
Mono County District Attorney  
Old Court House, Main Street  
Bridgeport, CA 93517
- The Honorable Dean Flippo  
Monterey County District Attorney  
240 Church Street, #101  
Salinas, CA 93901
- The Honorable Gary Lieberstein  
Napa County District Attorney  
931 Parkway Mall  
Napa, CA 94559
- The Honorable Michael Ferguson  
Nevada County District Attorney  
201 Church Street, Suite 8  
Nevada City, CA 95959
- The Honorable Tony Rackauckas  
Orange County District Attorney  
401 Civic Center Drive West  
Santa Ana, CA 92701
- The Honorable Bradford Fenocchio  
Placer County District Attorney  
11562 B Avenue  
Auburn, CA 95603
- The Honorable Jeff Cunan  
Plumas County District Attorney  
520 Main Street, Room 404  
Quincy, CA 95971
- The Honorable Grover Trask II  
Riverside County District Attorney  
4075 Main Street  
Riverside, CA 92501
- The Honorable Jan Scully  
Sacramento County District Attorney  
901 G Street  
Sacramento, CA 95814
- The Honorable John Sarsfield  
San Benito County District Attorney  
419 4th Street, Second Floor  
Hollister, CA 95203
- The Honorable Michael Ramos  
San Bernardino County District Attorney  
316 N. Mountain View Avenue  
San Bernardino, CA 92415
- The Honorable Bonnie Dumanis  
San Diego County District Attorney  
330 W. Broadway Street, Suite 1320  
San Diego, CA 92101
- The Honorable Kamala Harris  
San Francisco County District Attorney  
850 Bryant Street, Room 325  
San Francisco, CA 94103
- The Honorable James Willett  
San Joaquin County District Attorney  
222 E. Weber Avenue  
2<sup>nd</sup> Floor, Room 202  
Stockton, CA 95201
- The Honorable Gerald Shea  
San Luis Obispo County District Attorney  
1050 Monterey Street, Room 450  
San Luis Obispo, CA 93408
- The Honorable James Fox  
San Mateo County District Attorney  
400 County Center, Third Floor  
Redwood City, CA 94063
- The Honorable Thomas Sneddon, Jr.  
Santa Barbara County District Attorney  
1112 Santa Barbara Street  
Santa Barbara, CA 93101
- The Honorable George Kennedy  
Santa Clara County District Attorney  
70 West Hedding Street, West Wing  
San Jose, CA 95110
- The Honorable Bob Lee  
Santa Cruz County District Attorney  
701 Ocean Street, Room 200  
Santa Cruz, CA 95060
- The Honorable Gerald Benito  
Shasta County District Attorney  
1525 Court Street, Third Floor  
Redding, CA 96001
- The Honorable Lawrence Allen  
Sierra County District Attorney  
100 Courthouse Square, Second Floor  
Downieville, CA 95936
- The Honorable James Andrus  
Siskiyou County District Attorney  
311 4th Street  
Yreka, CA 96097
- The Honorable David Paulson  
Solano County District Attorney  
675 Texas Street, Suite 4500  
Fairfield, CA 94533
- The Honorable Stephan Passalacqua  
Sonoma County District Attorney  
600 Administration Drive, Room 212J  
Santa Rosa, CA 95403
- The Honorable Carol Shipley  
Stanislaus County District Attorney  
800 11th Street, Room 200  
Modesto, CA 95353
- The Honorable Carl Adams  
Sutter County District Attorney  
446 Second Street  
Yuba City, CA 95991
- The Honorable Gregg Cohen  
Tehama County District Attorney  
PO Box 519  
Red Bluff, CA 96080
- The Honorable Michael B. Harper  
Trinity County District Attorney  
PO Box 310  
Weaverville, CA 96093
- The Honorable Phillip Cline  
Tulare County District Attorney  
221 South Mooney Boulevard, Suite 224  
Visalia, CA 93291
- The Honorable Donald Segerstrom, Jr.  
Tuolumne County District Attorney  
2 South Green Street  
Sonora, CA 95370
- The Honorable Gregory Totten  
Ventura County District Attorney  
800 South Victoria Avenue  
Ventura, CA 93009
- The Honorable David C. Henderson  
Yolo County District Attorney  
301 Second Street  
Woodland, CA 95695
- The Honorable Patrick McGrath  
Yuba County District Attorney  
215 Fifth Street  
Marysville, CA 95901
- The Honorable Rockard Delgadillo  
City Attorney, Los Angeles  
200 North Main Street  
Los Angeles, CA 90012
- The Honorable Michael Aguirre  
City Attorney, San Diego  
1200 Third Avenue, Suite 1620  
San Diego, CA 92101
- The Honorable Samuel Jackson  
City Attorney, Sacramento  
915 I Street, 4th Floor  
Sacramento, CA 95814
- The Honorable Dennis J. Herrera  
City Attorney, San Francisco  
City Hall, Room 234  
San Francisco, CA 94102
- The Honorable Richard Doyle  
City Attorney, San Jose  
200 East Santa Clara Street  
San Jose, CA 95113
- Office of the California Attorney General  
Proposition 65 Enforcement Reporting  
ATTN: Prop 65 Coordinator  
1515 Clay Street, Suite 2000  
Oakland, CA 94612-0550

## SERVICE LIST (cont'd)

### Alleged Violators:

President, CEO or General Counsel  
BP Products North America, Inc.  
41101 Winfield Road  
Warrenville, IL 60555

BP Products North America, Inc.  
C/O CSC – LAWYERS INCORPORATING SVC.  
(Agent for Service of Process)  
P.O. Box 526036  
Sacramento, California 95852

President, CEO or General Counsel  
BP Amoco Chemical Company  
41101 Winfield Road  
Warrenville, IL 60555

BP Amoco Chemical Company  
C/O CSC – LAWYERS INCORPORATING SVC.  
(Agent for Service of Process)  
P.O. Box 526036  
Sacramento, California 95852

President, CEO or General Counsel  
Chevron Phillips Chemical Company LP  
Specialty Chemicals  
10001 Six Pines Drive  
The Woodlands, TX 77380

President, CEO or General Counsel  
ConocoPhillips Company  
600 N. Dairy Ashford  
Houston, TX 77079-1175

ConocoPhillips Company  
C/O CSC – LAWYERS INCORPORATING SVC.  
(Agent for Service of Process)  
P.O. Box 526036  
Sacramento, California 95852

President, CEO or General Counsel  
Shell Chemical LP  
P.O. Box 2463  
Houston, TX 77252-2463

President, CEO or General Counsel  
Tesoro Refining & Marketing Co.  
300 Concord Plaza Drive  
San Antonio, TX 78216-6999

Tesoro Refining & Marketing Co.  
C/O CSC – LAWYERS INCORPORATING SVC.  
(Agent for Service of Process)  
P.O. Box 526036  
Sacramento, California 95852

President, CEO or General Counsel  
Valero Marketing & Supply Company  
One Valero Way  
San Antonio, TX 78249-1616

Valero Marketing & Supply Company  
C/O CT CORPORATION SYSTEM  
(Agent for Service of Process)  
818 West Seventh Street  
Los Angeles, CA 90017

President, CEO or General Counsel  
Equilon Enterprises LLC  
P.O. Box 674414  
Houston, TX 77267-4414

President, CEO or General Counsel  
Equilon Enterprises LLC  
910 Louisiana Street, Suite 2556  
Houston, TX 77002-5227

President, CEO or General Counsel  
AmeriGas Propane, L.P.  
P.O. Box 965  
Valley Forge, PA 19482

President, CEO or General Counsel  
AmeriGas Propane, L.P.  
460 N Gulph Road  
King of Prussia, PA 19406

President, CEO or General Counsel  
Campora Wholesale Propane, Inc.  
2537 S. Mariposa Road  
Stockton, CA 95205

Campora Wholesale Propane, Inc.  
C/O AL WARREN HOSLETT  
(Agent for Service of Process)  
311 E. Main Street  
Stockton, CA 95202

President, CEO or General Counsel  
Suburban Propane Gas Corporation  
One Suburban Plaza  
240 Route 10 West  
P.O. Box 206  
Whippany, NJ 07981-0206

Suburban Propane Gas Corporation  
C/O CT CORPORATION SYSTEM  
(Agent for Service of Process)  
818 West Seventh Street  
Los Angeles, CA 90017

President, CEO or General Counsel  
Ferrellgas, Inc.  
One Liberty Plaza  
Liberty, MO 64068

Ferrellgas, Inc.  
C/O CT CORPORATION SYSTEM  
(Agent for Service of Process)  
818 West Seventh Street  
Los Angeles, CA 90017

President, CEO or General Counsel  
Southern California Edison Company  
2244 Walnut Grove Avenue  
Rosemead, CA 91770

Southern California Edison Company  
C/O VICKI KAISER  
(Agent for Service of Process)  
2244 Walnut Grove Avenue.  
Rosemead, CA 91770

President, CEO or General Counsel  
Ferrellgas Partners, L.P.  
7500 College Boulevard, Suite 1000  
Overland Park, Kansas 66210

President, CEO or General Counsel  
U-Haul Co. of California  
U-Haul Legal Department  
2721 N. Central Avenue  
Phoenix, AZ 85004

U-Haul Co. of California  
C/O CT CORPORATION SYSTEM  
(Agent for Service of Process)  
818 West Seventh Street  
Los Angeles, CA 90017