AMERICAN ENVIRONMENTAL SAFETY INSTITUTE
555 BRYANT STREET, # 218
PALO ALTO, CALIFORNIA 94301

FEBRUARY 12, 2008

NOTICE OF VIOLATION OF THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986
(California Health and Safety Code §25249.5 *et seq.*)

TO

- **GRACE GMBH & CO. KG**
- **GRACE SILICA GMBH**
- **W. R. GRACE & CO.-CONN.**

First Class Mail-Proof of Service Attached

TO THE PARTIES LISTED ON THE
ATTACHED DISTRIBUTION LISTS

Re: Consumer Toothpaste Products

Dear Sir or Madam:

The American Environmental Safety Institute serves this Notice of Violation ("Notice") upon **Grace GmbH & Co. KG, Grace Silica GmbH, and W.R. Grace & Co.-Conn.** (hereinafter **"Grace"**) pursuant to and in compliance with California Health and Safety Code ("H&S Code") §25249.7(d) and 22 California Code of Regulations ("CCR") §12903. This Notice satisfies a prerequisite for Noticing Party to commence an action against the Companies to enforce the Safe Drinking Water and Toxic Enforcement Act of 1986. The violations addressed by this Notice occur in every county and city in California. This Notice is being served upon each violator, the California Attorney General, the district attorney of every California county and the city attorney of every California city with a population (according to the most recent decennial census) of over 750,000. If the Companies have a current registration with the California Secretary of State that identifies a Chief Executive Officer, President, or General Counsel, this Notice is being addressed to, and served upon, one of those persons.

Attached as Exhibit A to this Notice is a copy of "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary." The attached Summary was prepared by the California EPA and provides general information about the Safe Drinking Water and Toxic Enforcement Act of 1986. Copies of the Summary are not required to be, and are not being, provided to the public enforcement agencies.

Description of the Noticing Entity, the Violator, and the Violations Addressed by this Notice:

- This Notice is provided by the American Environment Safety Institute. The American Environmental Safety Institute is a California non-profit corporation and is acting in the public interest pursuant to California Health and Safety Code Section 25249.7(d), its business address is 555 Bryant Street, #218, Palo Alto, California 94301. Deborah A. Sivas, President of the American Environmental Safety Institute, is a responsible individual within the American Environmental Safety Institute.

- The violator's name and address is:

Grace GmbH & Co KG In der Hollerhecke 1 Worms GERMANY	Grace Silica GmbH Kreuzauer Str. 46 Düren GERMANY	W. R. Grace & Co.-Conn. Corporate Headquarters 7500 Grace Drive Columbia, MD 21044	W. R. Grace & Co.-Conn. 7237 East Gage Avenue Los Angeles, CA 90040

- The violations addressed by this Notice began on February 27, 1988, have occurred on numerous occasions each and every day since February 27, 1988, and are ongoing and continuing.

- This Notice of Violation covers the "warning provision" of Proposition 65, which is found at H&S Code §25249.6.

- The name of each chemical that is listed pursuant to the Safe Drinking Water and Toxic Enforcement Act of 1986 involved in the violations addressed by this Notice is Lead and lead compounds (carcinogen); and Lead (reproductive); (the "Listed Chemicals"). The Listed Chemicals are listed (and has been so listed for more than twelve months) by the Governor of the State of California as being a chemical known to the State of California to cause cancer or reproductive toxicity, or both cancer and reproductive toxicity. See Exhibit B attached hereto.

- The type of consumer products causing the exposures addressed by this Notice are toothpaste consumer products, including but not limited to children's (Weleda Children's Tooth Gel), and includes any and all toothpaste consumer products manufactured by Grace for Weleda, Inc. ("Products").

- The routes of exposure for the violations addressed by this Notice are dermal contact and/or ingestion during use of the Product(s).

- There are numerous sources of the exposures addressed in this Notice. These exposures occur in homes, the workplace and everywhere else in California where these products are consumed. These exposures occur principally off the property of the Noticed Company.

- In the course of doing business, Grace knowingly and intentionally have exposed, and continues to expose, individuals (especially children) to the Listed Chemicals in the Products. No clear and reasonable warning is or has been provided by Grace to individuals regarding exposure to the Listed Chemicals or regarding the fact that the Listed Chemicals are known to the State of California to be a carcinogen and/or reproductive toxin.

Please direct any inquiries regarding this notice to counsel for the American Environmental Safety Institute:

Roger Lane Carrick, Esq.
The Carrick Law Group, P.C.
350 S. Grand Avenue, Suite 2930
Los Angeles, CA 90071
Tel.: (213) 346-7930
Fax: (213) 346-7931

EXHIBIT B

NOTICED PARTIES:

- GRACE GMBH & CO. KG
- GRACE SILICA GMBH
- W. R. GRACE & CO.-CONN.

List Of Chemicals Contained In The Attached 60-Day Notice of Violation That Are Listed By The Governor Of The State Of California As Being Known To The State Of California To Cause Cancer Or Reproductive Toxicity

CARCINOGENS

Chemical	CAS No.	Date Added to List
Lead and lead compounds	---	October 1, 1992

REPRODUCTIVE TOXINS

Chemical	CAS No.	Date Added to List
Lead	---	February 27, 1987

CERTIFICATE OF MERIT

HEALTH AND SAFETY CODE SECTION 25249.7(d)

- LEAD AND LEAD COMPOUNDS
- LEAD

NOTICED PARTIES:

- GRACE GMBH & CO. KG
- GRACE SILICA GMBH
- W. R. GRACE & CO.-CONN.

I, Roger Lane Carrick, on behalf of American Environmental Safety Institute hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice(s) in which it is alleged that the parties identified in the notices have violated California 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 one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding the exposure to the listed chemical(s) that is the subject of this action.

4. Based upon the information obtained through those consultations, and 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 private action" means that the information provides a credible basis that all the 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 24249.7(h)(2), *i.e.*, (1) the identity of the person consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Date: February 12, 2008

ROGER LANE CARRICK
THE CARRICK LAW GROUP, P.C.
ATTORNEYS FOR
AMERICAN ENVIRONMENTAL SAFETY INSTITUTE

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 350 S. Grand Avenue, Suite 2930, Los Angeles, CA 90071-3406.

On February 12, 2008, I served copies of the documents listed immediately hereafter by first class mail by placing same in sealed envelopes, fully preparing postage thereon, and depositing said envelopes in the U.S. Mail at Los Angeles, California. Said envelopes were addressed as follows:

SEE ATTACHED DISTRIBUTION LIST

Documents mailed:

1. **NOTICE OF VIOLATION OF THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (California Health and Safety Code §25249.5 et seq.)**

NOTICED PARTIES:

- **Grace GmbH & Co. KG**
- **Grace Silica GmbH**
- **W. R. Grace & Co.-Conn.**

2. **Exhibit A - THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY (only sent to those parties listed with an asterisk)**
3. **Exhibit B - Details of Relevant Proposition 65 Chemical Listing**
4. **CERTIFICATE OF MERIT – (attachments only sent to California Attorney General's Office)**

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct, and that this declaration was executed on February 12, 2008, at Los Angeles, California.

Kimberly A.K. Burgo

DISTRIBUTION LIST – NOTICED PARTIES
(1) 60-Day Notice of Violation; (2) Exhibit A - Summary of Prop. 65; (3) Exhibit B - Details of Relevant Proposition 65 Chemical Listing; (4) Certificate of Merit; and (5) Certificate of Service

Grace GmbH & Co KG
In der Hollerhecke 1
Worms
GERMANY

* W. R. Grace & Co.-Conn.
Corporate Headquarters
7500 Grace Drive
Columbia, MD 21044

By Certified Mail – Return Receipt Requested

Grace Silica GmbH
Kreuzauer Str. 46
Düren
GERMANY

* W. R. Grace & Co.-Conn.
7237 East Gage Avenue
Los Angeles, CA 90040

By Certified Mail – Return Receipt Requested

DISTRIBUTION LIST – GOVERNMENT ENTITIES
(1) 60-Day Notice of Violation; (2) Exhibit B - Details of Relevant Proposition 65 Chemical Listing; (3) Certificate of Merit (w/atts. AG's office only); and (4) Certificate of Service

	CALIFORNIA ATTORNEY GENERAL CA Department of Justice **PROP. 65 ENFORCEMENT REPORTING** Attn: Prop 65 Coordinator 1515 Clay Street, Suite 2000 Post Office Box 70550 Oakland, CA 94612-0550	
San Francisco City Attorney's Office City Hall, Room 234 San Francisco, CA 94102	Los Angeles City Attorney's Office 1800 City Hall East 200 N. Main Street Los Angeles, CA 90012	San Diego City Attorney's Office Civic Center Plaza 1200 Third Avenue, 3rd Floor San Diego, CA 92101
Office of the District Attorney of Alameda County 1225 Fallon Street, Room 900 Oakland, CA 94612	San Jose City Attorney's Office 151 West Mission Street San Jose, CA 95110	Office of the District Attorney of Amador County 708 Court Street, Room 202 Jackson, CA 95642
Office of the District Attorney of Butte County Administration Building 25 County Center Drive Oroville, CA 95965	Office of the District Attorney of Alpine County P.O. Box 248 Markleeville, CA 96120	Office of the District Attorney of Colusa County 547 Market Street Colusa, CA 95932
Office of the District Attorney of Contra Costa County PO Box 670 Martinez, CA 94553	Office of the District Attorney of Calaveras County County Government Center 891 Mountain Ranch Road San Andreas, CA 95249	Office of the District Attorney of El Dorado County 515 Main Street Placerville, CA 95667

Office of the District Attorney of Fresno County 2220 Tulare Street, Suite 1000 Fresno, CA 93721	Office of the District Attorney of Del Norte County County Courthouse 450 H Street, Suite 171 Crescent City, CA 95531	Office of the District Attorney of Humboldt County 825 Fifth Street Eureka, CA 95501
Office of the District Attorney of Imperial County County Courthouse, Rm. 202 939 W. Main Street El Centro, CA 92243	Office of the District Attorney of Glenn County P.O. Box 430 Willows, CA 95988	Office of the District Attorney of Kern County 1215 Truxtun Avenue, 4th Floor Bakersfield, CA 93301
Office of the District Attorney of Kings County Government Center 1400 West Lacey Boulevard Hanford, CA 93230	Office of the District Attorney of Inyo County 168 N. Edwards Street P.O. Drawer D Independence, CA 93526	Office of the District Attorney of Lassen County County Courthouse 220 S. Lassen Street, Ste. 8 Susanville, CA 96130
Office of the District Attorney of Los Angeles County 18000 Criminal Courts Building 210 W. Temple Street Los Angeles, CA 90012	Office of the District Attorney of Lake County 255 N. Forbes Street, Ste. 424 Lakeport, CA 95453	Office of the District Attorney of Marin County 3501 Civic Center Drive, Room 130 San Rafael, CA 94903
Office of the District Attorney of Mariposa County 5089 Bullion Street P.O. Box 730 Mariposa, CA 95338	Office of the District Attorney of Madera County 209 W. Yosemite Avenue Madera, CA 93637	Office of the District Attorney of Merced County 2222 "M" Street Merced, CA 95340
Office of the District Attorney of Modoc County County Courthouse 204 S. Court Street, Room 202 Alturas, CA 96101	Office of the District Attorney of Mendocino County County Courthouse P.O. Box 1000 Ukiah, CA 95482	Office of the District Attorney of Monterey County 240 Church Street, Room 101 Salinas, CA 93902
Office of the District Attorney of Napa County 931 Parkway Mall Napa, CA 94559	Office of the District Attorney of Mono County County Courthouse P.O. Box 617 Bridgeport, CA 93517	Office of the District Attorney of Orange County 401 Civic Center Drive West Santa Ana, CA 92701
Office of the District Attorney of Placer County 11562 "B" Avenue, DeWitt Center Auburn, CA 95603	Office of the District Attorney of Nevada County Courthouse Annex 201 Church Street, Suite 8 Nevada City, CA 95959-2504	Office of the District Attorney of Riverside County 4075 Main Street, 1st Floor Riverside, CA 92501
Office of the District Attorney of Sacramento County 901 "G" Street P.O. Box 749 Sacramento, CA 95814	Office of the District Attorney of Plumas County 520 Main Street, Room 404 P.O. Box 10716 Quincy, CA 95971	Office of the District Attorney of San Bernardino County 316 N. Mountain View Avenue San Bernardino, CA 92415-0004
Office of the District Attorney of San Diego County 330 West Broadway, Ste. 1320 San Diego, CA 92101	Office of the District Attorney of San Benito County 419 4th Street, 2nd Floor Hollister, CA 95023-3801	Office of the District Attorney of San Joaquin County 222 E. Weber, Room 202 P.O. Box 990 Stockton, CA 95201

Office of the District Attorney of San Luis Obispo County 1050 Monterey Street, Room 450 San Luis Obispo, CA 93408	Office of the District Attorney of San Francisco County Hall of Justice 880 Bryant Street, Room 325 San Francisco, CA 94103	Office of the District Attorney of Santa Barbara County 1105 Santa Barbara Street Santa Barbara, CA 93101
Office of the District Attorney of Santa Clara County 70 West Hedding Street, West Wing San Jose, CA 95110	Office of the District Attorney of San Mateo County 400 County Center, 3rd Floor Redwood City, CA 94063	Office of the District Attorney of Shasta County 1525 Court Street, Third Floor P.O. Box 1320 Redding, CA 96001-1632
Office of the District Attorney of Sierra County County Courthouse P.O. Box 457 Downieville, CA 95936	Office of the District Attorney of Santa Cruz County 701 Ocean Street, Ste. 200 Santa Cruz, CA 95060	Office of the District Attorney of Solano County 600 Union Avenue Fairfield, CA 94533
Office of the District Attorney of Sonoma County Hall of Justice 600 Administration Drive, Room 212-J Santa Rosa, CA 95403	Office of the District Attorney of Siskiyou County P.O. Box 986 Yreka, CA 96097	Office of the District Attorney of Sutter County Courthouse Annex Box 1555 446 Second Street Yuba City, CA 95991
Office of the District Attorney of Tehama County County Courthouse P.O. Box 519 Red Bluff, CA 96080-0519	Office of the District Attorney of Stanislaus County 800 11th Street, Room 200 P.O. Box 442 Modesto, CA 95354	Office of the District Attorney of Tulare County County Civic Center 221 S. Mooney Boulevard, Room 224 Visalia, CA 93291
Office of the District Attorney of Tuolumne County 423 N. Washington Street Sonora, CA 95370	Office of the District Attorney of Trinity County P.O. Box 1310 Weaverville, CA 96093	Office of the District Attorney of Ventura County 800 South Victoria Avenue, Rm. 314 Ventura, CA 93009
	Office of the District Attorney of Yolo County 301 Second Street Woodland, CA 95695	Office of the District Attorney of Yuba County County Courthouse 215 Fifth Street Marysville, CA 95901

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