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September 8, 2008

Jerry Brown, Attorney General
Edward Weil, Supervising Deputy Attorney General
1515 Clay Street, Suite 2000
Oakland, CA 94612-1413

Tony Rackauckas, District Attorney
Orange County District Attorney
401 Civic Center Drive
Santa Ana, CA 92701

Re: Notice of Violation

Dear Prosecutors:

I represent the Center for Environmental Health ("CEH"), a non-profit California corporation whose primary mission is to prevent and reduce toxic hazards to human health and the environment. This letter constitutes notification that Kirkhill - TA Co. located at 300 East Cypress, Brea, California 92821, has violated the warning requirement of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act (commencing with section 25249.5 of the Health and Safety Code).

In particular, this company has exposed and continues to expose numerous individuals within the surrounding area to the following chemical subject to Proposition 65: carbon tetrachloride, listed as a carcinogen on October 1, 1987. The time period of this violation commenced one year after the listed date. The route of exposure has been primarily through inhalation; however additional exposures may arise through dermal contact with, or ingestion of, these chemicals. The general geographic location of the unlawful exposure to the residential community and occupational area lies within a radius of approximately .4 miles from the facility.

Proposition 65 requires that a clear and reasonable warning be provided prior to exposure to certain listed chemicals. This company is in violation of Proposition 65 because it failed to provide a warning to persons residing and working in the area surrounding the facility that they have been and continue to be exposed to these listed chemicals. (22 C.C.R. section 12601.) While in the course of doing business, the company is knowingly and intentionally exposing people to these chemicals, without first providing clear and reasonable warning. (Health and Safety Code section 25249.6.) Moreover, based on the exposure involved, we believe the method of warning should be "... a notice mailed or otherwise delivered to each occupant in the affected area. Such notice shall be provided at least once in any three-month period." (22 C.C.R. section 12601 (d) (1) (B)).

Proposition 65 requires that notice and intent to sue be given to a violator 60-days before the suit is filed. With this letter, CEH gives notice of the alleged violation to the noticed party and the appropriate governmental authorities. This notice covers all violations of Proposition 65 that are currently known to CEH from information now available to us. CEH is continuing its investigation that may reveal further violations. A summary of Proposition 65, prepared by the Office of Environmental Health Hazard Assessment, and referenced as Appendix A, has been provided to the noticed party.

If you have any questions, please contact my office at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Freund", written in a cursive style.

Michael Freund

cc: Michael Green & Caroline Cox, CEH

CERTIFICATE OF MERIT

Health and Safety Code Section 25249.7 (d)


I, Michael Freund hereby declare:

1. This Certificate of Merit accompanies the attached Notice of Violation in which it is alleged that the party identified in the Notice 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 Center for Environmental Health ("CEH")
3. CEH is a non-profit California corporation whose primary mission is to prevent and reduce toxic hazards to human health and the environment.
4. The Notice of Violation alleges that the party identified has exposed persons in and around Brea, California to carbon tetrachloride. Please refer to the Notice of Violation for additional details regarding the alleged violations.
5. I have consulted with a scientist with more than 23 years of experience in chemical exposure issues. The consultant has the appropriate experience and expertise regarding the exposure issues in this case. The consultant has reviewed facts, studies or other data regarding the emissions of carbon tetrachloride and the location of receptors to the noticed party. These facts, studies or other data overwhelmingly demonstrate that the party identified in the Notice exposes nearby residents and workers to the above chemicals.
6. Based on my consultation with an experienced consultant in this field, it is clear that there is sufficient evidence that human exposures exist from exposure to these chemicals from the noticed party. Furthermore, as a result of the above, I have concluded that 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.

7. The copy of this Certificate of Merit served on the California 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: September 8, 2008



Michael Freund
Attorney for Center for Environmental
Health

CERTIFICATE OF SERVICE

I am a citizen of the United States and a resident of the County of Alameda. I am over the age of eighteen years and not a party to the within entitled action; my business address is 1915 Addison Street, Berkeley, California 94704. On September 11, 2008 I served the within:

Notice of Violation and Certificate of Merit (Supporting documentation pursuant to 11 CCR section 3102 sent to Attorney General only)

on the parties in said action, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Post Office mail box in Berkeley, California and/or by hand delivery to said parties addressed as follows:

Attorney General's Office
Attn: Prop 65 Coordinator
1515 Clay Street, Suite 2000
Oakland, CA 94612

Andrew Keller
Kirkhill - TA Co.
300 East Cypress
Brea, CA 92821

Tony Rackauckas, District Attorney
Orange County District Attorney
3401 Civic Center Drive
Santa Ana, CA 92701

I, Michael Freund, declare under penalty of perjury that the foregoing is true and correct.

Executed on September 11, 2008 at Berkeley, California.



Michael Freund