

DR. RICHARD F. SOWINSKI

1457 Ramsay Circle
Walnut Creek, CA 94597

Sixty Day Notice of Intent to Sue Hewlett-Packard Company and All of Its Operating Affiliates Under Health & Safety Code Sections 25249.6

Dr. Richard F. Sowinski (hereinafter the "Noticing Party") hereby provides this Amended Notice of Intent to Sue Under Health & Safety Code Section 25249.5, *et seq* (the "Notice") to Mark V. Hurd, the CEO and President of Hewlett-Packard Company and all of its operating affiliates (hereinafter referred to collectively as "HEWLETT PACKARD"), as well as the governmental entities on the attached proof of service. The Noticing Party lives at the above address but is represented by counsel and requests that any correspondence or communications be directed to his counsel, Anthony G. Graham, of the law firm of Graham & Martin, LLP, at 950 South Coast Drive, Suite 220, Costa Mesa, CA 92626, Telephone: (714) 850-9390 and Facsimile: (714) 850-9392.

This Notice is intended to inform HEWLETT PACKARD that it is in violation of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act (commencing with Health & Safety Code Section 25249.5) (hereinafter "Proposition 65"), specifically Section 25249.6. Proposition 65 states that when a party, such as HEWLETT PACKARD, an entity with more than ten employees, has been or is knowingly and intentionally exposing its customers and users of its products to a detectable level of any chemical designated by the State of California to cause cancer or reproductive toxicity (the "Designated Chemicals"), it has violated the statute unless, prior to such exposure, it provides clear and reasonable warning of the exposure to the potentially exposed persons (Health & Safety Code § 25249.6). HEWLETT PACKARD manufactures, distributes, sells and markets toners ("the Consumer Products") in California through retail outlets and through its internet website (www.hp.com), which when operated or used as intended emit detectable levels of Designated Chemicals. The Consumer Products relevant to this Notice are identified on Exhibit A hereto by reference to the specific printer/copier machine in which they are used. HEWLETT PACKARD however has not placed on the any of the Consumer Products, its packaging or marketing materials, nor anywhere on its internet website a clear and reasonable warning that use of any such Consumer Products will expose the user to a Designated Chemical. HEWLETT PACKARD is therefore violating Health & Safety Code Section 25249.6.

In the ordinary course of its business, HEWLETT PACKARD manufactures, distributes and offers for sale, both through retail outlets and through its internet website (www.hp.com) in California, the toners identified on Exhibit A hereto. It has been doing so for at least one year prior to the date of this Notice.

Print toner used in photocopy machines and printers produce hazardous emissions during their operation which include Benzene, styrene oxide, Ethylbenzene, Napthalene, toluene, 1,1,2,2, Tetrachlorethane, 1-Nitropyrene, and Trichlorokethylene, chemicals known to the State to cause cancer, birth defects, and/or reproductive harm. These chemicals pose a significant health risk and are emitted without a clear and reasonable warning as required by The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) Health & Safety Code § 25249.6.

A photocopy machine is an electronic duplicator that fuses a reproduced image to plain bond paper. Photocopy machines work as follows:

- A copier drum is given a positive charge.
- The image from the original copy illuminates the charged drum and a latent image is formed.
- Static electricity attracts toner to the drum surface and a visible image is formed.
- Toner on the drum is transferred to paper by positive charging.
- After the image transfer process is completed, the paper is separated from the drum surface.
- Toner on the copy paper is firmly fixed when the paper runs between heat and pressure rollers.
- A cleaning blade wipes off excess toner.
- The drum is exposed by a neon lamp to erase remaining static charge.

Toner is a powder used in printers and photocopiers to form the text and images on the printed paper. In its early form it was simply carbon powder. Then, to improve the quality of the printout the carbon was blended with a polymer. Toner particles are melted by the heat of the fuser, causing them to bind to the paper.


The Consumer Products, when used in the ordinary course of business, emit vapors, gases and particles containing Designated Chemicals. Each of the Consumer Products identified on Exhibit A hereto emit, when in operation or use, the following Designated Chemicals: Benzene, a chemical known to the State of California to cause cancer and reproductive toxicity; styrene oxide, a chemical known to the State of California to cause cancer; Ethylbenzene, a chemical known to the State of California to cause cancer; Napthalene, a chemical known to the State of California to cause cancer; toluene, a chemical known to the State of California to cause reproductive toxicity; 1,1,2,2, Tetrachlorethane, a chemical known to the State of California to cause cancer; 1-Nitropyrene, a chemical known to the State of California to cause cancer and Trichlorokethylene, a chemical known to the State of California to cause cancer.

Persons using the products identified on Exhibit A will be exposed to these Designated Chemicals primarily by inhalation. None of the products identified on Exhibit A hereto have a clear and reasonable warning, as required under Proposition 65, informing persons either purchasing or using the products that use of such products will result in exposures to the identified Designated Chemicals.

Proposition 65 requires that notice and intent to sue be given to HEWLETT PACKARD sixty days before a suit is filed. With this letter, Dr. Sowinski gives notice of the alleged violations to HEWLETT PACKARD and the appropriate governmental authorities. This notice covers all violations of Proposition 65 that are currently known to Dr. Sowinski from information now available to him. Dr. Sowinski reserves the right to amend this Notice to inform HEWLETT PACKARD of other violations and/or exposures as it gathers further information. With the copy of this amended notice submitted to HEWLETT PACKARD, a copy is provided of "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary."

Dated: September 31, 2008

By:


Anthony C. Graham, Esq.

HEWLETT PACKARD EXHIBIT A

Toner for Model Number:

LaserJet Series
LaserJet
LaserJet+
LaserJet 1000
LaserJet1005W
LaserJet 1010
LaserJet 1012
LaserJet 1015
LaserJet 1018
LaserJet 1020
LaserJet 1022
LaserJet 1022n
LaserJet 1022nw
LaserJet 1100
LaserJet 1100ASE
LaserJet 1100 SE
LaserJet 1100 AXI
LaserJet 1100 XI
LaserJet1100 A
LaserJet 1150
LaserJet 1160
LaserJet 1200
LaserJet 1200 SE
LaserJet 1200N
LaserJet 1220
LaserJet 1220 SE
LaserJet 1300
LaserJet 1300N
LaserJet 1300Xi
LaserJet 1320
LaserJet 1320n
LaserJet 1320nw
LaserJet 1320tn
LaserJet 2000
LaserJet 2100
LaserJet 2100 SE
LaserJet 2100 TN
LaserJet 2100 XI
LaserJet 2100M
LaserJet 2200
LaserJet 2200 DN

LaserJet 2200 DSE
LaserJet 2200 DT
LaserJet 2200 DTN
LaserJet 2200D
LaserJet 2300
LaserJet 2300D
LaserJet 2300DN
LaserJet 2300DTN
LaserJet 2300L
LaserJet2300N
LaserJet 2400
LaserJet 2410
LaserJet 2420
LaserJet 2420d
LaserJet 2420dn
LaserJet 2420dtn
LaserJet 2420n
LaserJet 2420tn
LaserJet 2430
LaserJet 2430dtn
LaserJet 2430tn
LaserJet 2430t
LaserJet 3015
LaserJet 3020
LaserJet 3030
LaserJet 3050
LaserJet 3052
LaserJet 3055
LaserJet 3100
LaserJet 3100 SE
LaserJet 3100 XI
LaserJet 3150
LaserJet 3150 SE
LaserJet 3150 XI
LaserJet 3200
LaserJet 3200M
LaserJet 3200 SE
LaserJet 3200 XI
LaserJet 3300 MFP
LaserJet 3310 digital printer copier
LaserJet 3320 MFP
LaserJet 3320n MFP
LaserJet 3330 MFP
LaserJet 3380
LaserJet 3390
LaserJet 3392

LaserJet 3310
LaserJet 3310mfp
LaserJet 4
LaserJet 4 Si
LaserJet 4+
LaserJet 4L
LaserJet 4LC
LaserJet 4M
LaserJet 4M Plus
LaserJet 4ML
LaserJet 4MP
LaserJet 4MV
LaserJet 4P
LaserJet 4PJ
LaserJet 4 SiMAC
LaserJet 4 SiMX
LaserJet 4000NT
LaserJet 4V
LaserJet 4000SE
LaserJet 4000
LaserJet 4000N
LaserJet 4000T
LaserJet 4000TN
LaserJet 4050
LaserJet 4050N
LaserJet 4050SE
LaserJet 4050T
LaserJet 4050TN
LaserJet 4100
LaserJet 4100DTN
LaserJet 4100MFP
LaserJet 4100N
LaserJet 4100TN
LaserJet 4101MFP
LaserJet 4200
LaserJet 4200DTN
LaserJet 4200DTNS
LaserJet 4200DTNSL
LaserJet 4200N
LaserJet 4200TN
LaserJet 4250
LaserJet 4250dtn
LaserJet 4250dtnsl
LaserJet 4250n
LaserJet 4250tn
LaserJet 4300

LaserJet 4300DTN
LaserJet 4300DTNS
LaserJet 4300DTNSL
LaserJet 4300N
LaserJet 4300TN
LaserJet 4345 MFP
LaserJet 4345x MFP
LaserJet 4345xm MFP
LaserJet 4345xs MFP
LaserJet 4350dtn
LaserJet 4350dtnsl
LaserJet 4350n
LaserJet 4350tn
LaserJet 4500D
LaserJet 5
LaserJet 5000
LaserJet 5000 N
LaserJet 5000GN
LaserJet 5100TN
LaserJet 5100
LaserJet 5100dtn
LaserJet 5200
LaserJet 5200N
LaserJet 5200TN
LaserJet 5200DTN
LaserJet 5200L
LaserJet 5L
LaserJet 5Lfs
LaserJet 5L XTRA
LaserJet 5M
LaserJet 5MP
LaserJet 5N
LaserJet 5P
LaserJet5SI
LaserJet 5Lxi
LaserJet 5LSF
LaserJet 5SI Mopier
LaserJet 5SI MX
LaserJet 5SI NX
LaserJet 5Sii
LaserJet 5 SE
LaserJet Series 500
LaserJet Series 500+
LaserJet 6
LaserJet 6L
LaserJet 6LSE

LaserJet 6LSF
LaserJet 6LXI
LaserJet 6MP
LaserJet 6P
LaserJet 6PSE
LaserJet 6 PSI
LaserJet 6PXI
LaserJet 6RE
LaserJet 8000
LaserJet 8000DN
LaserJet 8000N
LaserJet 8000MFP
LaserJet 8050
LaserJet 8100
LaserJet 8100MFP
LaserJet 8100 N
LaserJet 8100DN
LaserJet 8150
LaserJet 8150 DN
LaserJet 8150 HN
LaserJet 8150 MFP
LaserJet 8150 N
LaserJet 9000
LaserJet 9000DN
LaserJet 9000HNS
LaserJet 9000MFP
LaserJet 9000N
LaserJet 9040mfp
LaserJet 9050
LaserJet 9050dn
LaserJet 9050mfp
LaserJet 9050n
LaserJet P1005
LaserJet P1006
LaserJet P1505
LaserJet P1505n
LaserJet P2015
LaserJet P2015d
LaserJet P2015dn
LaserJet P2015x
LaserJet P3005
LaserJet M3035mfp
LaserJet IP
LaserJet IIP
LaserJet IIP Plus
LaserJet IIIP

LaserJet III Si
LaserJet II
LaserJet IID
LaserJet IID/MAC
LaserJet III/MAC
LaserJet IIIP +
LaserJet IIIP MAC
LaserJet III Si/MAC
LaserJet III Si/PC
LaserJet III
LaserJet IID
LaserJet IV
LaserJet IV+
LaserJet IVM
LaserJet IVM+
LaserJet EP-B
LaserJet EP-V
Series I
HP1000
HP1200
HP1200N
HP1200SE
HP1220
HP1220SE
HP4100
HP4100DTN
HP4100N
HP4100TN
Mopier 240 Network Copier
Mopier 320 Network Copier
Color LaserJet Series
Color LaserJet 1500
Color LaserJet 1500L
Color LaserJet 1600
Color LaserJet 2500
Color LaserJet 2500 L
Color LaserJet 2500 n
Color LaserJet 2500 tn
Color LaserJet 2550
Color LaserJet 2550L
Color LaserJet 2550Ln
Color LaserJet 2550n
Color LaserJet 2600
Color LaserJet 2600N
Color LaserJet 2700
Color LaserJet 2800

Color LaserJet 2820
Color LaserJet 2850
Color LaserJet 2840
Color LaserJet 3000
Color LaserJet 3500
Color LaserJet 3500n
Color LaserJet 3550
Color LaserJet 3550n
Color LaserJet 3600
Color LaserJet 3700
Color LaserJet 3700dn
Color LaserJet 3700dtn
Color LaserJet 3700n
Color LaserJet 3800
Color LaserJet 4500
Color LaserJet 4500DN
Color LaserJet 4500N
Color LaserJet 4550
Color LaserJet 4550DN
Color LaserJet 4550HDN
Color LaserJet 4550N
Color LaserJet 4550ODN
Color LaserJet 4600
Color LaserJet 4600 dn
Color LaserJet 4600 dtn
Color LaserJet 4600 hdn
Color LaserJet 4650
Color LaserJet 4650dn
Color LaserJet 4650dtn
Color LaserJet 4650hdn
Color LaserJet 4650n
Color LaserJet 4700
Color LaserJet 4730
Color LaserJet 4730MFP
Color LaserJet 5500
Color LaserJet 5500 dn
Color LaserJet 5500 dtn
Color LaserJet 5500 hdn
Color LaserJet 5500 n
Color LaserJet 5550
Color LaserJet 5550dn
Color LaserJet 5550dtn
Color LaserJet 5550hdn
Color LaserJet 5550n
Color LaserJet 8500
Color LaserJet 8500DN

Color LaserJet 8500N
Color LaserJet 8550
Color LaserJet 8550DN
Color LaserJet 8550GN
Color LaserJet 8550MFP
Color LaserJet 8550N
Color LaserJet CP4005
Color LaserJet CP4005n
Color LaserJet CP4005dn

CERTIFICATE OF MERIT
Health and Safety Code Section 25249.7(d)

I, Richard F. Sowinski, hereby declare:

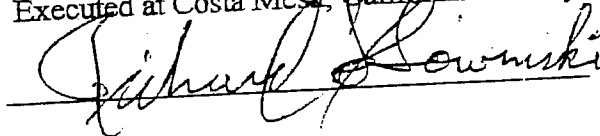
1. This Certificate of Merit accompanies the attached sixty-day notice(s) in which it is alleged the parties identified in the notice have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.

2. 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 exposures to the listed chemicals that are the subject of the action.

3. 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.

4. 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.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Costa Mesa, California on May 13, 2008.


Richard F. Sowinski

Readers should note a chemical that already has been designated as known to the state to cause cancer or reproductive toxicity is not included in the following listing as requiring additional testing for that particular toxicological endpoint. However, the "data gap" may continue to exist, for purposes of the state or federal agency's requirements. Additional information on the requirements for testing may be obtained from the specific agency identified below.

(b) Chemicals required to be tested by the California Department of Pesticide Regulation.

The Birth Defect Prevention Act of 1984 (SB 950) mandates that the California Department of Pesticide Regulation (CDPR) review chronic toxicology studies supporting the registration of pesticidal active ingredients. Missing or unacceptable studies are identified as data gaps. The studies are conducted to fulfill generic data requirements of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), which is administered by the U.S. Environmental Protection Agency. The studies are reviewed by CDPR according to guidelines and standards promulgated under FIFRA. Thus, older studies may not meet current guidelines.

The existence of a data gap for a compound does not indicate a total lack of information on the carcinogenicity or reproductive toxicity of the compound. In some cases, information exists in the open scientific literature, but SB 950 requires specific additional information. A data gap does not necessarily indicate that an oncogenic or reproductive hazard exists. For the purposes of this list, a data gap is still considered to be present until the study is reviewed and found to be acceptable.

Following is a listing of SB 950 data gaps for oncogenicity, reproduction, and teratology studies for the first 200 pesticidal active ingredients. This list will change as data gaps are filled by additional data or replacement studies.

For purposes of this section, "onc mouse" means oncogenicity in mice, "onc rat" means oncogenicity in rats, "repro" means reproduction, "tera rodent" means teratogenicity in rodents, "tera rabbit" means teratogenicity in rabbits.

Chemical	Testing Needed
Bendiocarb	onc rat, repro, tera rodent
Chlorfenvinphos	onc rat, onc mouse, repro, tera rodent, tera rabbit
PCP	repro, onc rat
Petroleum distillates, aromatic	onc rat, onc mouse, repro, tera rodent, tera rabbit

(c) Chemicals required to be tested by the United States Environmental Protection Agency, Office of Toxic Substances.

Under Section 4(a) of the Toxic Substances Control Act, testing of a chemical is required when that chemical may present an unreasonable risk, or is produced in substantial quantities and enters the environment in substantial quantities, or may have significant or substantial human exposure.

For purposes of this section, "tera" means teratogenicity, "tox" means reproductive toxicity, "onc" means oncogenicity.

Chemical	Testing Needed
Alkyl (C12-13) glycidyl ether	tox, tera
n-Amyl methyl ether	tox, tera
Bisphenol A diglycidyl ether	onc, tox
Cyclohexane*	tox, tera
Glycidyl methacrylate*	tera
1,6-Hexamethylene diisocyanate	tox, tera
N-Methylpiperidone	onc, tox, tera
Phosco	tox

* The Toxic Substances Control Act health effects testing programs for cyclohexane and glycidyl methacrylate have been completed and the U.S. Environmental Protection Agency's review of the testing program data is currently underway.

(d) Chemicals required to be tested by the United States Environmental Protection Agency, Office of Pesticide Programs

The U.S. Environmental Protection Agency (EPA) is responsible for the regulation of pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). FIFRA requires EPA to register pesticides based on data adequate to demonstrate that they will not result in unreasonable adverse effects to people or the environment when used in accordance with their EPA-approved labels.

In 1988, FIFRA was amended to strengthen EPA's pesticide regulatory authority and responsibilities to reregister pesticides registered prior to 1984 to ensure they meet today's stringent scientific and regulatory standards. Reregistration requires registrants to develop up-to-date data bases for each pesticide active ingredient. As part of the reregistration process, modifications may be made to registrations, labels or tolerances to ensure they are protective of human health and the environment. Also, reregistration reviews will identify any pesticides where regulatory action may be necessary to deal with unreasonable risks. EPA has been directed to accelerate the reregistration process so that the entire process is completed by 1997. The 1988 amendments set out a five-phase schedule to accomplish this task with deadlines applying to both pesticide registrants and the EPA. These amendments are requiring a substantial number of new studies to be conducted and old studies to be reformulated for EPA review to ensure they are adequate. EPA may, in the future, request additional data or information to further evaluate any concerns over the safety of pesticide products.

The chemicals listed below are those for which data are unavailable or inadequate to characterize oncogenicity, teratogenicity, or reproductive effects potential. For purposes of this section, "onc" means oncogenicity, "tera" means teratogenicity, and "repro" means reproductive toxicity.

Chemical	Data Requirements
Acrolein	onc, tera
Alkyl imidazolines	tera
Ametryn	repro, tera
4-Aminopyridine	onc, repro, tera
4-T-Amylphenol	onc, repro
Aquashade	onc, repro, tera
Beauveride	onc, repro, tera
Benzisothiazolinone-3-ox	onc, repro, tera
Brodifacoum	repro
Bromobutylstyrene	tera
Buzan 77	repro
Chlorfenvinphos methyl	tera
Chlorophacinone	tera
Chloropicrin	onc, repro
Chromated arsenicals	tera
Cyfluthrin	onc
Cypermethrin	onc, repro, tera
DCNA	repro, tera
Dibromodicyanobutane	tera
Diclofop-methyl	onc, tera
Dicrotophos	onc, repro
Dihalodialkylhydantoins	onc, repro, tera
Dimethipin	onc, repro, tera
Dimethyldithiocarbamate	onc, repro, tera
Dinocap and its compounds	tera
Diphacinone and salts	onc, repro, tera
Diphenylamine	onc, tera
Dipropyl isocinchomeronic	repro
Diuron	onc

Animal bioassay data is admissible and generally indicative of potential effects in humans.

For purposes of this regulation, substances are present occupationally when there is a possibility of exposure either as a result of normal work operations or a reasonably foreseeable emergency resulting from workplace operations. A reasonably foreseeable emergency is one which a reasonable person should anticipate based on usual work conditions, a substance's particular chemical properties (e.g., potential for explosion, fire, reactivity), and the potential for human health hazards. A reasonably foreseeable emergency includes, but is not limited to, spills, fires, explosions, equipment failure, rupture of containers, or failure of control equipment which may or do result in a release of a hazardous substance into the workplace.

(b) Administrative Procedure Followed by the Director for the Development of the Initial List. The Director shall hold a public hearing concerning the initial list. The record will remain open 30 days after the public hearing for additional written comment. Requests to exempt a substance in a particular physical state, volume, or concentration from the provisions of Labor Code sections 6390 to 6399.2 may be made at this time. If no comments in opposition to such a request are made at the public hearing or received during the comment period, or if the Director can find no valid reason why the request should not be considered, it will be incorporated during the Director's preparation of the list.

After the public comment period the Director shall formulate the initial list and send it to the Standards Board for approval. After receipt of the list or a modified list from the Standards Board, the Director will adopt the list and file it with the Office of Administrative Law.

(c) Concentration Requirement. In determining whether the concentration requirement of a substance should be changed pursuant to Labor Code section 6383, the Director shall consider valid and substantial evidence. Valid and substantial evidence shall consist of clinical evidence or toxicological studies including, but not limited to, animal bioassay tests, short-term in vitro tests, and human epidemiological studies. Upon adoption, a regulation indicating the concentration requirement for a substance shall consist of a footnote on the list.

(d) Procedures for Modifying the List. The Director will consider petitions from any member of the public to modify the list or the concentration requirements, pursuant to the procedures specified in Government Code section 11347.1. With petitions to modify the list, the Director shall make any necessary deletions or additions in accordance with the procedures herein set forth for establishing the list. The Director will review the existing list at least every two years and shall make any necessary additions or deletions in accordance with the procedures herein set forth for establishing the list.

(e) Criteria for Modifying the List. Petitions to add or remove a substance on the list, modify the concentration level of a substance, or reference when a particular substance is present in a physical state which does not pose any human health risk must be accompanied with relevant and sufficient scientific data which may include, but is not limited to, short-term tests, animal studies, human epidemiological studies, and clinical data. If the applicant does not include the complete content of a referenced study or other document, there must be sufficient information to permit the Director to identify and obtain the referenced material. The petitioner bears the burden of justifying any proposed modification of the list.

The Director shall consider all evidence submitted, including negative and positive evidence. All evidence must be based on properly designed studies for toxicological endpoints indicating adverse health effects in humans, e.g., carcinogenicity, mutagenicity, neurotoxicity, organ damage/effect.

For purposes of this regulation, animal data is admissible and generally indicative of potential effects in humans.

The absence of a particular category of studies shall not be used to prove the absence of risk.

Inherent insensitivities, negative results must be re-evaluated in light of the limits of sensitivity of each study, its test design, and the protocol followed.

In evaluating different results among proper tests, as a general rule, positive results shall be given more weight than negative results for purposes of including a substance on the list or modifying the list in reference to concentration, physical state or volume, so that appropriate information may be provided regarding those positive results. In each case, the relative sensitivity of each test shall be a factor in resolving such conflicts.

NOTE: Authority cited: Section 6380, Labor Code. Reference: Sections 6361, 6380, 6380.5, 6382 and 6383, Labor Code.

HISTORY

1. New article 5 (section 337) filed 11-5-81; effective thirtieth day thereafter (Register 81, No. 45).
2. Amendment of subsection (d) filed 1-15-87; effective upon filing pursuant to Government Code section 11346.2(d) (Register 87, No. 3).
3. Editorial correction of HISTORY 2, (Register 91, No. 19).

§ 338. Special Procedures for Supplementary Enforcement of State Plan Requirements Concerning Proposition 65.

(a) This section sets forth special procedures necessary to comply with the terms of the approval by the United States Department of Labor of the California Hazard Communication Standard, pertaining to the incorporation of the occupational applications of the California Safe Drinking and Toxic Enforcement Act (hereinafter Proposition 65), as set forth in 62 Federal Register 31159 (June 6, 1997). This approval specifically placed certain conditions on the enforcement of Proposition 65 with regard to occupational exposures, including that it does not apply to the conduct of manufacturers occurring outside the State of California. An person proceeding "in the public interest" pursuant to Health and Safety Code § 25249.7(d) (hereinafter "Supplemental Enforcer") or any district attorney or city attorney or prosecutor pursuant to Health and Safety Code § 25249.7(c) (hereinafter "Public Prosecutor"), who alleges the existence of violations of Proposition 65, with respect to occupational exposures as incorporated into the California Hazard Communication Standard (hereinafter "Supplemental Enforcement Matter"), shall comply with the requirements of this section. No Supplemental Enforcement Matter shall proceed except in compliance with the requirements of this section.

(b) 22 CCR § 12903, setting forth specific requirements for the content and manner of service of sixty-day notices under Proposition 65, in effect on April 22, 1997, is adopted and incorporated by reference. In addition, any sixty-day notice concerning a Supplemental Enforcement Matter shall include the following statement:

"This notice alleges the violation of Proposition 65 with respect to 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 the conduct of manufacturers occurring outside the State of California. This approval also provides that an employer may use the means of compliance in the general hazard communication requirements to comply with Proposition 65. It also requires that supplemental enforcement is subject to supervision of the California Occupational Safety and Health Administration. Accordingly, any settlement, civil complaint, or substitute court orders in this matter must be submitted to the Attorney General.

(c) A Supplemental Enforcer or Public Prosecutor who commences a Supplemental Enforcement Matter shall serve a file-stamped copy of the complaint upon the Attorney General within ten days after filing in the court.

(d) A Supplemental Enforcer or Public Prosecutor shall serve upon the Attorney General a copy of any motion, or opposition to a motion,

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 950 South Coast Drive, Suite 220, Costa Mesa, California 92626.

I SERVED THE FOLLOWING:

- 1) 60-Day Notice of Intent to Sue Under Health & Safety Code Section 24249.6;
- 2) The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary (only sent to violators);
- 3) Certificate of Merit (supporting papers sent to Attorney General only)

by enclosing a true copy of the same in a sealed envelope addressed to each person whose name and address is shown below and depositing the envelope in the United States mail with the postage fully prepaid:

Date of Mailing: September 31, 2008
Place of Mailing: Costa Mesa, California

NAME AND ADDRESS OF EACH PERSON TO WHOM DOCUMENTS WERE MAILED:

Mark V. Hurd CEO/President Hewlett Packard Company 3000 Hanover Street Palo Alto, CA 94304	California Attorney General (Proposition 65 Enforcement Division) 1515 Clay Street, 20th Floor Oakland, CA
---	---

And all entities on the attachment hereto

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

Dated: September 31, 2008



ATTACHMENT TO PROOF OF SERVICE

San Diego City Attorney
1200 3rd Ave. Ste. 1620
San Diego, CA 92101

San Diego County District Attorney
330 Broadway
San Diego, CA 92101

Los Angeles City Attorney
200 N. Main St. N.E.
Los Angeles, CA 90012

Los Angeles County DA
210 W. Temple Street, 18th Floor
Los Angeles, CA 90012

San Francisco City Attorney
1390 Market Street
San Francisco, CA 94102

San Francisco County DA
880 Bryant Street
San Francisco, CA 94103

Riverside County DA
4075 Main St., 1st Fl.
Riverside, CA 92501

San Bernardino County DA
316 N. Mountain View Av.
San Bernardino, CA 92415

Sacramento County DA
P.O. Box 749
Sacramento, CA 95812

Orange County District Attorney
700 Civic Center Dr. W., 2nd Fl.
Santa Ana, CA 92701

San Jose City Attorney
151 W. Mission St.
San Jose, CA 95110

Santa Clara County DA
2645 Zanker Road
San Jose, CA 95134

Humboldt County DA
825 5th Street
Eureka, CA 95501

Shasta County District Attorney
1525 Court Street
Redding, CA 96001-1632

San Mateo District Attorney
1050 Mission Road
South San Francisco, CA 94080

Marin County DA
3501 Civic Center Dr. #130
San Rafael, CA 94903

Sonoma County DA
600 Administrative Dr.
Santa Rosa, CA 95403

Contra Costa County DA
727 Court Street
Martinez, CA 94553

Yolo County DA
301 2nd Street
Woodland, CA 95695

District Attorney
1430 Freedom Blvd.
Watsonville, CA 95076

El Dorado County DA
1360 Johnson Blvd. #105
South Lake Tahoe, CA 96150

Ventura County DA
800 South Victoria Avenue
Ventura, CA 95695

Napa County DA
931 Parkway Mall
Napa, CA 94559

Inyo County DA
386 W. Line Street
Bishop, CA 93514

Lake County DA
255 N. Forbes St.
Lakeport, CA 95453

Stanislaus County DA
300 Starr Avenue
Turlock, CA 95380

District Attorney
14227 Road 28
Madera, CA 93638

Sutter County DA
446 Second Street
Yuba City, CA 95991

Mariposa County DA
P.O. Box 748
Mariposa, CA 95338

Nevada County DA
201 Church Street, Suite 8
Nevada City, CA 95959

San Luis Obispo County DA
1050 Monterey Street, Rm. 450
San Luis Obispo, CA 93408

Merced County DA
445 I Street
Los Banos CA 93635

Mendocino County DA
204 S Court Street
Alturas CA 96101

Kern County DA
2100 College Avenue
Bakersfield, CA 93305

San Joaquin DA
225 W. Elm Street #C
Lodi, CA 95240

Mendocino County DA
700 S. Franklin St.
Fort Bragg, CA 94537

Butte County DA
25 County Center Drive
Oroville, CA 95695

Orange County District Attorney
700 Civic Center Dr. W., 2nd Fl.
Santa Ana, CA 92701

Solano County DA
321 Tuolumne Street
Valejo, CA 94590

Santa Cruz County DA
701 Ocean Street
Santa Cruz, CA 95061

Alameda County DA
1225 Fallon Street
Oakland, CA 94612

Del Norte County DA
450 H Street
Crescent City, CA 95531

Santa Clara DA
2645 Zanker Rd
San Jose CA 95134

Solano County DA
321 Tuolumne St
Vallejo CA 94590

Glenn County DA
540 W Sycamore St
Willows CA 95988

Kings County DA
1400 W Lacey Blvd
Hanford CA 93230

Riverside DA
82675 US Hwy 111 FL4
Indio CA 92201

Santa Rosa D.A.
111 N Pythian Rd
Santa Rosa CA 95409

Monterey County DA
240 Church St.
Salinas, CA 93902

Placer County DA
11562 B Avenue
Auburn, CA 95603

Fresno County DA
2220 Tulare Street, #1000
Fresno, CA 93721

Siskyou County DA
P.O. Box 986
Yreka, CA 96097

Tulare County DA
425 E. Kern
Tulare, CA 93274

Inyo County DA
PO Drawer D
Independence, CA 93526

Meno County DA
P.O. Box 617
Bridgeport, CA 93517

Santa Barbara County DA
1105 Santa Barbara St.
Santa Barbara, CA 93101

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

Dated: September 31, 2008