

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

Arsenic from Drinking Water Filtration Systems

July 13, 2009

This Notice of Violation is provided to you pursuant to and in compliance with California Health and Safety Code Section 25249.7(d).

- For general information regarding the California Safe Drinking Water and Toxic Enforcement Act, see the attached summary provided by the California EPA (copies not provided to public enforcement agencies).
- This Notice of Violation is provided by the Center for Environmental Health, 2201 Broadway, Suite 302, Oakland, CA 94612, (510) 655-3900. CEH is a nonprofit corporation dedicated to protecting the environment, improving human health and supporting environmentally sound practices. Michael Green is the Executive Director of and a responsible individual within CEH.

Description of Violation:

- Violator: The name and address of the violator is Multi-Pure Drinking Water Systems, 7251 Cathedral Rock Drive, Las Vegas, NV 89128.
- Time Period of Exposure: The violations have been occurring since at least May 15, 2006, and are continuing to this day.
- Provision of Proposition 65: This Notice of Violation covers both the "discharge provision" of Proposition 65 and the "warning provision" of Proposition 65, which are found at California Health and Safety Code Sections 25249.5 and 25249.6, respectively.
- Chemical(s) Involved: The name of the listed chemical involved in these violations is Arsenic. Arsenic, as used herein, refers to arsenic (inorganic arsenic compounds) and arsenic (inorganic arsenic oxides). Discharges of Arsenic and exposures to Arsenic occur from use of the products identified in this Notice.
- Type of Product: The specific type of product causing these violations is drinking water filtration systems utilizing activated carbon filters and replacement filters used in such systems. A non-exclusive example of this specific type of product is the Multi-Pure MPAD Replacement Filter, Model CB6AD. The Arsenic is contained in the activated carbon used in this product.
- Discharge Violations: Use of these products results in discharges or releases of Arsenic into a source of drinking water. Specifically, the drinking water filtration systems that are the subject of this Notice of Violation contain sufficient quantities of Arsenic such that Arsenic will leach from the filtration systems into water that passes through them. Arsenic is contained in the activated carbon used in these systems. As the products connect to the plumbing system of homes and workplaces before the faucet, they are sources of drinking water under Proposition 65. The water in these filtration systems is a source of drinking water. These discharges occur in homes, workplaces and everywhere else throughout California where these filtration systems are used.

- Warning Violations: Use of the products identified in this Notice also results in human exposures to Arsenic. The filtration systems are constructed of materials that contain Arsenic. Arsenic is contained in the activated carbon used in these systems. The route of exposure for the violations is ingestion of water discharged through the filters. These exposures occur in homes, workplaces and everywhere else throughout California where these filtration systems are used. No clear and reasonable warning is provided with these products regarding the carcinogenic or reproductive hazards of Arsenic.

Resolution of Noticed Claims:

- Based on the allegations set forth in this Notice, CEH intends to file a citizen enforcement lawsuit against the alleged violator unless such violator enters into a binding written agreement to: (1) recall products already sold; (2) reformulate products sold in the future to eliminate the Arsenic exposures; and (3) pay an appropriate civil penalty based on the factors enumerated in California Health and Safety Code Section 25249.7(b). If the alleged violator is interested in resolving this dispute without resort to expensive and time-consuming litigation, please feel free to contact CEH through its counsel identified below. It should be noted that CEH cannot: (1) finalize any settlement until after the 60-day notice period has expired; nor (2) speak for the Attorney General or any District or City Attorney who received CEH's 60-day Notice. Therefore, while reaching an agreement with CEH will resolve its claims, such agreement may not satisfy the public prosecutors.

Please direct any inquiries regarding this Notice to counsel for CEH: Eric S. Somers, Lexington Law Group, 1627 Irving Street, San Francisco, CA 94122, (415) 759-4111, esomers at lexlawgroup.com.

CERTIFICATE OF MERIT
Health & Safety Code § 25249.7(d)

I, Howard Hirsch, hereby declare:

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

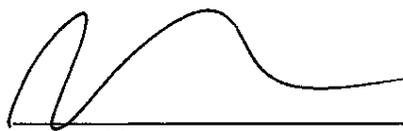
2. I am an attorney with the Lexington Law Group and I represent the noticing party, the Center for Environmental Health.

3. Members of my firm and 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 exposures to the listed chemical that is the subject of the action.

4. Based on the information obtained through those consultations, and on 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 violators will be able to establish any of the affirmative defenses set forth in the statute.

5. The copy of the 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 § 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.

July 13, 2009


Howard Hirsch
Attorney for CENTER FOR
ENVIRONMENTAL HEALTH

PROOF OF SERVICE BY MAIL

I declare that:

I am employed in San Francisco County, California; my business address is 1627 Irving Street, San Francisco, California 94122. I am over the age of 18 years and not a party to the within cause.

On July 13, 2009, I served true copies of the following documents:

NOTICE OF VIOLATION OF CALIFORNIA SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT;

CERTIFICATE OF MERIT; and

THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY (only sent to those on service list marked with an asterisks).

On this date, I deposited fully prepaid and sealed envelopes containing the above-mentioned documents with the United States Postal Service, addressed to the following individuals:

Please see attached service list.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on July 13, 2009, at San Francisco, California.

Signed: _____
Ellen Reed

SERVICE LIST

District Attorney of Alameda County
1225 Fallon Street, Room 900
Oakland, CA 94612

District Attorney of Colusa County
547 Market Street
Colusa, CA 95932

District Attorney of Contra Costa County
627 Ferry Street
Martinez, CA 94553

District Attorney of Alpine County
P.O. Box 248
Markleeville, CA 96120

District Attorney of Del Norte County
450 H Street, Ste 171
Crescent City, CA 95531

District Attorney of Amador County
708 Court Street, #202
Jackson, CA 95642

District Attorney of Butte County
25 County Center Drive
Oroville, CA 95965

District Attorney of El Dorado County
515 Main Street
Placerville, CA 95667

District Attorney of Calaveras County
891 Mountain Ranch Road
San Andreas, CA 95249

District Attorney of Fresno County
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District Attorney of Kings County
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District Attorney of Lake County
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El Centro, CA 92243

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District Attorney of Inyo County
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210 W. Temple Street, Room 345
Los Angeles, CA 90012

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209 West Yosemite Avenue
Madera, CA 93637

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675 Texas Street, Suite 4500
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70 West Hedding Street, West Wing
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Visalia, CA 93291

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San Jose City Attorney's Office
200 East Santa Clara Street
San Jose, CA 95113

Los Angeles City Attorney's Office
800 City Hall East
200 N. Main Street
Los Angeles, CA 90012

San Diego City Attorney's Office
1200 3rd Avenue #1620
San Diego, CA 92101

San Francisco City Attorney's Office
City Hall, Room 234
San Francisco, CA 94102

California Attorney General's Office
Attention: Proposition 65
Coordinator
1515 Clay Street, Suite 2000
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President *
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