

GRAHAM & MARTIN, LLP

ATTORNEYS AT LAW

900 S. COAST DRIVE, SUITE 220
COSTA MESA, CALIFORNIA 92626

TELEPHONE (714) 850-9390
FACSIMILE (714) 850-9392

July 14, 2009

SIXTY DAY NOTICE OF INTENT TO SUE ENTITIES LISTED ON EXHIBIT A HERETO PURSUANT TO CALIFORNIA HEALTH & SAFETY CODE SECTION 25249.5 ET SEQ

This Sixty Day Notice of Intent to Sue is sent by Dr. Richard Sowinski to the persons and entities listed on Exhibit A hereto (hereinafter “the Violators”) to inform them that they 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) by selling air fresheners in their stores in California without providing a clear and reasonable warning that those products when used by consumers expose those consumers and all persons in the area of such use to Chemicals which are on the Governor’s list, as expressed at 22 C.C.R. 12000, and are known to the State of California to cause cancer and reproductive toxicity (hereinafter “the Designated Chemicals”).

(1) General Information.

For general information regarding Proposition 65, please see the attached “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: Entities listed on Exhibit A hereto.

Consumer Product: Products designated as Air Fresheners and sold by the Violators in their stores in California.

The Designated Chemicals Involved in Alleged Violations:

1. Chemicals Causing Cancer

Acetaldehyde 90 (inhalation) (µg/day): 22CCR Section 12705(c)

Formaldehyde (gas) 40 (µg/day): 22CCR Section 12705(c)

Pentachlorophenol 40 (µg/day): 22CCR Section 12705(c)

2. Chemicals Causing Reproductive Toxicity

Ethylene glycol monoethyl ether (EGEE) 750 (oral) (µg/day) 960 (inhalation) (µg/day)

Ethylene glycol monoethyl ether acetate (EGEEA) 1100 (oral) (µg/day) 1400 (inhalation) (µg/day)

Ethylene glycol monomethyl ether 63 (oral) (µg/day)
Ethylene glycol monomethyl ether acetate 98 (oral) (µg/day)
Ethylene oxide 20.0 (µg/day)

Time Period of Violations: From at least July 1, 2005 to the present day.

Route of Exposure: Inhalation and ingestion.

Nature of Alleged Violations:

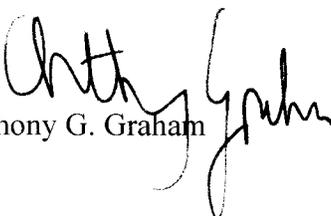
The Violators sell air fresheners in their stores in California. When such air fresheners are used by consumers they expose those persons and all persons in the area of such use to the Designated Chemicals. As noted above, these Designated Chemicals are on the Governor's list, as expressed at 22 C.C.R. 12000, and are known to the State of California to cause cancer and reproductive toxicity. The Violators do not provide California consumers with clear and reasonable warnings regarding exposure to the Designated Chemicals as a consequence of the reasonably foreseeable use of air fresheners. Without first receiving clear and reasonable warnings (as required by Proposition 65), California consumers purchase air fresheners, use them and can thereby unwittingly inhale and ingest the Designated Chemicals, as can any other person in the area where the air fresheners are or have been used.

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 Anthony G. Graham, Esq.
Graham & Martin LLP
950 South Coast Drive, Ste. 220
Costa Mesa, CA 92626
Telephone: (714) 850-9390
Facsimile: (714) 850-9392

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,


Anthony G. Graham

Enclosures

EXHIBIT A

Robert Miller, CEO
Albertsons LLC
250 Parkcenter Blvd.
Boise, ID 83706

Gregory D. Wasson, President and COO
Walgreen Co.
200 Wilmot Rd.
Deerfield, IL 60015

Steven A. Burd
Chairman, President and CEO
Safeway Inc.
5918 Stoneridge Mall Rd.
Pleasanton, CA 94588-322

Thomas C. Keller, President
The Vons Companies, Inc.
618 Michillinda Ave.
Arcadia, CA 91007-6300

Francis S. Blake
Chairman and CEO
The Home Depot, Inc.
2455 Paces Ferry Rd. NW
Atlanta, GA 30339-4024

Gregg Steinhafel, President and CEO
Target Corporation
1000 Nicollet Mall
Minneapolis, MN 55403

James D. Sinegal, President and CEO
Costco Wholesale Corporation
999 Lake Dr.
Issaquah, WA 98027

Larry D. Stone, President and CEO
Lowe's Companies, Inc.
1000 Lowe's Blvd.
Mooresville, NC 28117

H. Lee Scott, Jr., President and CEO
Wal-Mart Stores, Inc.
702 SW 8th St.
Bentonville, AR 72716

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

I, Anthony G. Graham, hereby declare:

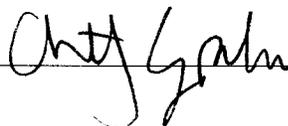
1. This Certificate of Merit accompanies the attached sixty-day notice(s) in which it is alleged the Violator has violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.

2. I have consulted with one or more persons with relevant and appropriate experience or expertise who have 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 July 14, 2009.



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.) Sixty Day Notice of Intent to Sue;
- 2.) Certificate of Merit
- 3.) Supporting Documents (sent only to AG)

by sending via US Mail to the person whose name and address and facsimile number is shown below:

Date of Mailing: July 16, 2009

Place of Mailing: Costa Mesa, California

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

California Attorney General
Office of Proposition 65 Enforcement
1515 Clay Street, 20th Floor, P.O. Box 70550
Oakland, CA 94612_0550

Robert Miller, CEO
Albertsons LLC
250 Parkcenter Blvd.
Boise, ID 83706

Gregory D. Wasson, President and COO
Walgreen Co.
200 Wilmot Rd.
Deerfield, IL 60015

Steven A. Burd
Chairman, President and CEO
Safeway Inc.
5918 Stoneridge Mall Rd.
Pleasanton, CA 94588-322

Thomas C. Keller, President
The Vons Companies, Inc.
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Issaquah, WA 98027

Harry D. Stone, President and CEO
Lowe's Companies, Inc.
1000 Lowe's Blvd.
 Mooresville, NC 28117

H. Lee Scott, Jr., President and CEO
Wal-Mart Stores, Inc.
702 SW 8th St.
Bentonville, AR 72716

All entities listed on Attachment to Proof of Service,

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

Dated: July 16, 2009

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

Kern County DA
2100 College Avenue
Bakersfield, CA 93305

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

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

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

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

Stanislaus County DA
300 Starr Avenue
Turlock, CA 95380

Butte County DA
25 County Center Drive
Oroville, CA 95695

District Attorney
14227 Road 28
Madera, CA 93638

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

Sutter County DA
446 Second Street
Yuba City, CA 95991

Solano County DA
321 Tuolumne Street
Valejo, CA 94590

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

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

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

Alameda County DA
1225 Fallon Street
Oakland, CA 94612

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

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

Merced County DA
445 I Street
Los Banos CA 93635

Santa Clara DA
2645 Zanker Rd
San Jose CA 95134

Monterey County DA
204 S Court Street
Atenas CA 96101

Solano County DA
321 Tuolumne St
Vallejo CA 94590

Glenn County DA
540 W Sycamore St
Willows CA 95988

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

Kings County DA
1400 W Lacey Blvd
Hanford CA 93230

Tulare County DA
425 E. Kern
Tulare, CA 93274

Riverside DA
82675 US Hwy 111 FL4
Indio CA 92201

Inyo County DA
PO Drawer D
Independence, CA 93526

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

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

Monterey County DA
240 Church St.
Salinas, CA 93902

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

Placer County DA
1562 B Avenue
Auburn, CA 95603

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

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

Dated: July 14, 2009

