

LAW OFFICE OF FREDRIC EVENSON

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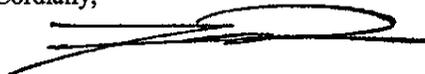
November 12, 2009

PROPOSITION 65 ENFORCEMENT REPORTING
ATTENTION: PROP 65 COORDINATOR
1515 CLAY STREET, SUITE 2000
P.O. BOX 70550
OAKLAND CA 94612-0550

Greetings:

This office and the Mateel Environmental Justice Foundation ("Mateel") give you notice that the private companies listed on the attached service list, have been, are, will be and threaten to be in violation of Cal. Health & Safety Code § 25249.6. Both this office and Mateel are private enforcers of Proposition 65, both may be contacted at the below listed address and telephone number, and I am a responsible individual for both Mateel and this office. The above referenced violations occur when California residents come into contact with used railroad ties the surfaces of which contain the following Proposition 65-listed chemicals: benzo[b]fluoranthene, benzo[k]fluoranthene, benzo[a]pyrene, chrysene, creosotes, dibenz[a,h]anthracene, hexachlorobenzene, indeno[1,2,3-cd]pyrene, naphthalene, pentachlorophenol, polychlorinated dibenzo-p-dioxins, polychlorinated dibenzofurans. Railroad ties are wooden timbers treated with creosote and/or pentachlorophenol. These timbers supported rails in the bed of a railroad track until they were salvaged and removed from the roadbed. These old railroad ties are sold by the listed companies mainly for gardening and landscaping purposes. The surfaces of these used railroad ties, which users of them contact, contain the above-listed Proposition 65-listed chemicals. When a user contacts these railroad ties, the chemicals are transferred from the railroad ties to the hands of the people contacting them. These chemicals come off on peoples' skin and then enter their bodies when the chemicals are absorbed directly through the skin, through mucous membranes, through wood splinters entering their bodies, or through cuts and/or abrasions and when they touch their hands to their mouths and other mucous membranes, or when they touch cigarettes or food and then smoke the cigarettes or ingest the food. These exposures thus occur via the dermal contact, dermal absorption, mucous membrane, subcutaneous, inhalation and ingestion routes. It is of note that most of these chemicals cause cancer from simple dermal contact. The listed companies did not and do not provide people with clear and reasonable warnings before they expose them to the above-referenced chemicals. The above referenced violations have occurred every day since at least November 12, 2006 and will continue every day until the warnings are given. These violations are alleged for occupational exposures as well as for consumer and environmental exposures. We do not, however, allege occupational exposure violations as to any of these products manufactured outside of California, except as to workplaces the businesses themselves maintain in California. Exposures constituting Proposition 65 environmental exposure violations occur both on and off the properties of the listed businesses and in each of California's 58 counties.

Cordially,

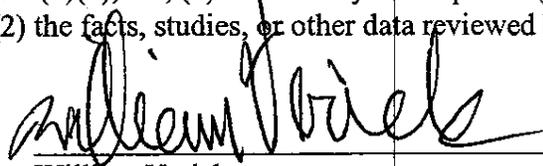


Fredric Evenson

CERTIFICATE OF MERIT

I, William Verick, hereby declare: This Certificate of Merit accompanies the attached sixty-day notice(s) in which it is alleged the parties identified in the notices have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings. I am the attorney for the noticing party. 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 that is the subject of the action. 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. 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 person(s) consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Dated: November 12, 2009

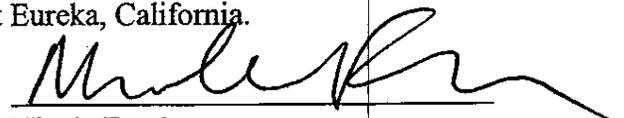

William Verick

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 on Proposition 65, including that it does not apply to the conduct of manufacturers occurring outside the State of California. The approval also provides that an employer may use the means of compliances in the general hazard communication requirements to comply with Proposition 65. It also requires that supplemental enforcement is subject to the supervision of the California Occupational Safety and Health Administration. Accordingly, any settlement, civil complaint, or substantive court orders in this matter must be submitted to the Attorney General.

CERTIFICATE OF SERVICE

I, Nicole Frank, declare:

If called, I could and would testify as follows: I am over eighteen. My business address is 424 First Street, Eureka, California, 95501. On November 12, 2009, I caused the attached 60-DAY NOTICE LETTER, or a letter identical in substance, to be served by U.S. Mail on those public enforcement agencies listed on the attached SERVICE LIST; in addition on the same date and by U.S. Mail I caused the attached 60-DAY NOTICE LETTER and PROPOSITION 65: A SUMMARY to be sent by Certified U.S. Mail to the private business entities also listed on the attached SERVICE LIST. I deposited copies of these documents in envelopes, postage pre-paid, with the U.S. Postal Service on the day on which the mail is collected. 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 November 12, 2009, at Eureka, California.


Nicole Frank

SERVICE LIST

EDWARD G. WEIL
DEPUTY ATTORNEY GENERAL
OFFICE OF THE ATTORNEY
GENERAL
P.O. BOX 70550
OAKLAND CA 94612-0550

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CITY OF OAKLAND
505 14TH ST 12TH FLOOR
OAKLAND, CA 94612

OFFICE OF THE CITY ATTORNEY
CITY OF SAN FRANCISCO
CITY HALL ROOM 206
400 VAN NESS
SAN FRANCISCO, CA 94102

OFFICE OF THE CITY ATTORNEY
CITY OF SACRAMENTO
PO BOX 1948
SACRAMENTO, CA 95812-1948

OFFICE OF THE CITY ATTORNEY
CITY OF SAN JOSE
200 EAST SANTA CLARA STREET
SAN JOSE, CA 95113

OFFICE OF THE CITY ATTORNEY
CITY OF LOS ANGELES
200 N. MAIN ST.
LOS ANGELES, CA 90012

OFFICE OF THE CITY ATTORNEY
CITY OF SAN DIEGO CONSUMER &
ENVIRONMENTAL PROTECTION
1200 THIRD AVENUE, SUITE 700
SAN DIEGO, CA 92101

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF ALAMEDA
1225 FALLON STREET ROOM 900
OAKLAND, CA 94612

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF ALPINE
P.O. BOX 248
MARKLEEVILLE, CA 96120

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF AMADOR
708 COURT STREET
JACKSON, CA 95642

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF BUTTE
25 COUNTY CENTER DR.
OROVILLE, CA 95965

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF CALAVERAS
GOVERNMENT CENTER
891 MOUNTAIN RANCH ROAD
SAN ANDREAS, CA 95249

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ATTORNEY
COUNTY OF COLUSA
547 MARKET STREET
COLUSA, CA 95932

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF CONTRA COSTA
P.O. BOX 670
MARTINEZ, CA 94553

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF DEL NORTE
450 H ST #171
CRESCENT CITY, CA 95531

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ATTORNEY
COUNTY OF EL DORADO
515 MAIN ST.
PLACERVILLE, CA 95667

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF FRESNO
2220 TULARE ST #1000
FRESNO, CA 93721

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF GLENN
P.O. BOX 430
WILLOWS, CA 95988

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825 5TH ST.
EUREKA, CA 95501

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939 W. MAIN ST
EL CENTRO, CA 92243

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COUNTY OF INYO
P.O. DRAWER D
INDEPENDENCE, CA 93526

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COUNTY OF KERN
1215 TRUXTON AVE. FLOOR 4
BAKERSFIELD, CA 93301

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF KINGS
1400 W. LACEY BLVD.
HANFORD, CA 93230

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF LAKE
255 N. FORBES ST # 424
LAKEPORT, CA 95453

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF LASSEN
220 SOUTH LASSEN ST. STE 8
SUSANVILLE, CA 96130

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF LOS ANGELES
18000 CRIMINAL COURTS
BUILDING
210 W. TEMPLE ST.
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COUNTY OF MADERA
209 W. YOSEMITE AVE.
MADERA, CA 93637

OFFICE OF THE DISTRICT
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HALL OF JUSTICE #183
SAN RAFAEL, CA 94903

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COUNTY OF MARIPOSA
P.O. BOX 730
MARIPOSA, CA 95338

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ATTORNEY
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PO BOX 1000
UKIAH, CA 95482

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ATTORNEY
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2222 M ST.
MERCED, CA 95340

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF MODOC
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ALTURAS, CA 96101

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931 PARKWAY MALL
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NEVADA CITY, CA 95959

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401 CIVIC CENTER DR WEST
SANTA ANA, CA 92701

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10810 JUSTICE CENTER DR., STE 240
ROSEVILLE, CA 95678

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520 MAIN STREET #404
QUINCY, CA 95971

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RIVERSIDE, CA 92501

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COUNTY OF SACRAMENTO
901 G STREET
SACRAMENTO, CA 95814

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HOLLISTER, CA 95023

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222 E. WEBER AVE #202
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COUNTY OF SAN LUIS OBISPO
COUNTY GOVERNMENT CENTER #450
SAN LUIS OBISPO, CA 93408

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SAN MATEO
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OFFICE OF THE DISTRICT ATTORNEY
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1112 SANTA BARBARA ST.
SANTA BARBARA, CA 93101

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SANTA CLARA
70 W. HEDDING ST.
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COUNTY OF SANTA CRUZ
701 OCEAN ST. #200
SANTA CRUZ, CA 95060

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1525 COURT ST.
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P.O. BOX 310
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800 SOUTH VICTORIA AVE
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301 SECOND STREET
WOODLAND, CA 95695

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF YUBA
215 5TH ST.
MARYSVILLE, CA 95901

SERVICE LIST (Cont.)

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SALT LAKE CITY, UT 84104

DAVID ANAWALT, CEO
ANAWALT LUMBER CO., INC.
11060 W PICO BLVD
LOS ANGELES, CA 90064

RICHARD SANTEE, CEO
APTOS LANDSCAPE SUPPLY, INC.
CABRILLO SAND & GRAVEL
5035 FREEDOM BLVD
APTOS, CA 95003

JEFFREY O HOGAN, CEO
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5818 MACANDREW
OAKLAND, CA 94611

FRANK MCCRARY, CEO
BIG CREEK LUMBER COMPANY
3564 HWY 1
DAVENPORT, CA 95017

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BROADMOOR LUMBER & PLYWOOD CO.
1350 EL CAMINO REAL
SOUTH SAN FRANCISCO, CA 94080

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BRUCE BAUER LUMBER COMPANY OF
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134 SAN ANTONIO CIR
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ATLANTA, GA 30339

FRANK BLAKE, CEO
HOME DEPOT U.S.A., INC
2455 PACES FERRY ROAD
ATLANTA, GA 30339

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ASSURED AGGREGATES
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DBA HULBERT LUMBER COMPANY
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DENVER, CO 80237

PRESIDENT OR CEO
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ROBERT H BOWERS, CEO
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DBA TRI-COUNTY LANDSCAPE SUPPLY
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SEPULVEDA BUILDING MATERIALS, INC.
28092 FORBES RD
LAGUNA NIGUEL, CA 92677

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C/O STOCK BUILDING SUPPLY INC
8020 ARCO CORPORATE
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RALEIGH, NC 27617-2011

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RALEIGH, NC 27617

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STEPHEN R SHORT, MANAGER
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