

MUSICK, PEELER & GARRETT LLP
ATTORNEYS AT LAW

ADAM D. WIEDER
a.wieder@mpglaw.com
(805) 418-3114

2801 TOWNSGATE ROAD, SUITE 200
WESTLAKE VILLAGE, CALIFORNIA 91361

TELEPHONE: (805) 418-3100
FACSIMILE: (805) 418-3101
WWW.MUSICKPEELER.COM

LOS ANGELES
ORANGE COUNTY
SAN DIEGO
SAN FRANCISCO
SANTA BARBARA
WESTLAKE VILLAGE

FILE NO. 47715.057

February 23, 2010

VIA CERTIFIED MAIL – RETURN RECEIPT

CRM Co., LLC
Attn: H. Barry Takallou
Registered Agent for Service of Process
15800 South Avalon Boulevard
Compton, California 90220

Re: 60-Day Notice of Violation of The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65)

To Whom It May Concern:

As counsel for the Los Angeles Unified School District (the "District"), I am hereby providing this letter as notification, pursuant to California Health and Safety Code Section 25249.7(d)(1), that the District intends to bring suit against CRM Co. LLC ("CRM") for, among other claims, violations of California Health and Safety Code Section 25249.6 (also known as "Proposition 65"). Section 25249.6 provides:

"No person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the state to cause cancer or reproductive toxicity without first giving clear and reasonable warning to such individual, except as provided in Section 25249.10."

The following discussion will provide you with a greater understanding regarding the location of the exposure, the type of exposure, the method of exposure, and the approximate length of time the District properties at issue have been exposed to Proposition 65 listed contaminants released from and present in crumb rubber infill present in artificial or synthetic turf product located at thirteen (13) schools owned and maintained by the District. The following is intended to provide you with facts sufficient to enable you to undertake a meaningful investigation of the crumb rubber infill component of the crumb rubber infill component of the synthetic turf product sold by CRM and installed at various District schools, as

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well as the District's exposed property, and hereafter participate in the remedy of any environmental contamination that may have occurred on the premises of the District.

I. LOCATION OF SOURCE OF EXPOSURE

The violation covered by this notice consists of the identified presence and potential release of and exposure to lead and carbon black from the crumb rubber infill that was provided by CRM and installed at 13 schools, including elementary, middle and high schools, owned and operated by the District (hereinafter the "Affected Schools"). The Affected Schools are located in the City of Los Angeles, County of Los Angeles, California, and are further described in "Exhibit A" attached hereto and incorporated herein by reference, which lists the school properties and the approximate square footage of the artificial turf product.

A material safety data sheet ("MSDS") obtained by the District shows that CRM supplied the crumb rubber used at the Affected Schools. Attached hereto as Exhibit "B" and incorporated herein by reference is a copy of the MSDS showing that CRM supplied the crumb rubber used at the Affected Schools. The term "crumb rubber" typically refers to a styrene butadiene rubber composed of granulated used tire rubber. Based on tests conducted by the District, the crumb rubber used in the artificial turf supplied by CRM contains lead. Further, the MSDS reflects that the crumb rubber also contains carbon black.

II. NATURE OF EXPOSURE

A Proposition 65 exposure risk is posed by the lead and carbon black contaminants contained in the crumb rubber infill present and used at the Affected Schools. Lead and carbon black are identified as chemicals known to cause cancer on the State of California's Proposition 65 list. Lead is further identified as a chemical known to cause reproductive and developmental toxicity. These contaminants of concern have been identified as originating in and being present in the crumb rubber infill used in conjunction with the artificial turf product.

The Federal Department of Health and Human Services, Centers for Disease Control and Prevention ("CDC") has issued an official CDC Health Advisory on June 18, 2008, relating to artificial or synthetic turf. The CDC Health Advisory states that as artificial turf ages and weathers, lead is released in dust that can be ingested or inhaled, which increases the risk of harmful exposure. The CDC Health Advisory further states that children under 6 years of age are more likely to be adversely affected by exposure to lead because of the increased air intake in relation to body size, they have increased contact with the surface of the fields and are more prone to engage in hand-to-mouth contact dust ingestion. Children also more readily transport

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lead and carbon black dust back to their homes on their clothing. Moreover, developing systems of children make them more susceptible to the adverse health effects of lead intake.

The State of New Jersey Department of Health and Senior Services (“NJDHSS”) has also issued a Health Release announcing that “laboratory testing has shown that lead can be dissolved from artificial turf fibers and turf field dust under conditions that simulate the human digestive process, leaving the lead available for the body to absorb.” The NJDHSS further stated, “We found that lead does dissolve from artificial turf fibers and turf dust under stomach acid conditions, and is available to be absorbed from the small intestine into the bloodstream.” As such, children playing on these artificial surfaces are at risk due to exposure to lead contained in the turf dust, which can be taken up through dust inhalation, dust ingestion, hand-to-mouth contact or dermal skin absorption.

III. EXTENT OF THE EXPOSURE

From early 2005, the District contracted with Forever Green Athletic Fields of the West to install artificial turf at the Affected Schools. Artificial turf containing crumb rubber that was manufactured and supplied by CRM was installed in the playgrounds and playing fields at the Affected Schools. These locations are used by students between the ages of three and six for several hours per day throughout the school year. These locations are outdoors and exposed to the intense California sunshine and summer temperatures that oftentimes exceed 100 degrees Fahrenheit. Sunlight and heat contribute to the break-down of both the artificial turf and crumb rubber infill, and result in increased dust generation.

IV. ROUTE OF EXPOSURE AND ITS POTENTIAL HEALTH RISKS

The presence of the crumb rubber infill, used in conjunction with the artificial turf product, at the Affected Schools has caused the release of chemicals known to the State of California to cause cancer and reproductive toxicity that is threatening children and the Affected Schools. Currently, the identified chemicals of concern are lead and carbon black. (However, as noted herein, additional testing may establish and confirm the presence of other chemicals of concern). The routes of exposure are dermal absorption, inhalation, and oral ingestion both at the Affected Schools and potentially at homes, as the children carry and transport the turf and/or rubber dust on their clothing. The potential health risks for lead are well known and documented in the medical literature. These risks include cancer, neurological toxicity, decreased IQ and reproductive and developmental toxicity.

Carbon black, which is identified as a “hazardous material” and human carcinogen by the State of California’s Office of Environmental Health Hazard Assessment (“OEHHA”), is produced by the incomplete combustion of heavy petroleum products. The

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scientific literature states that, in conjunction with PAHs, the carcinogenic potential of carbon black is enhanced. The International Agency for Research on Cancer ("IARC") has also identified carbon black as a possible human carcinogen.

V. TIME PERIOD DURING WHICH VIOLATION HAS OCCURRED

The contaminant exposures and potential soil releases have occurred since at least 2005 at each of the Affected Schools. The extent of any releases into the air and soil is not known at this time and may be the subject of future testing.

Moreover, during this time period, CRM has not provided potentially-exposed individuals with a clear and reasonable warning that the crumb rubber infill poses a risk of exposure to any chemical regulated under Proposition 65. Specifically, CRM has failed to provide proper notice or warning that the crumb rubber infill contains lead or carbon black.

VI. CONCLUSION

Based upon the foregoing, the District believes that the crumb rubber infill used in conjunction with the artificial turf product has exposed the students, faculty, staff and the property at the Affected Schools to lead and carbon black. Such exposure also poses a potential threat to future students, faculty and staff at the Affected Schools. Moreover, the use of the crumb rubber infill in conjunction with the artificial turf product may also have exposed the students, faculty, staff and the premises of the Affected Schools to a number of other suspected carcinogens and reproductive toxins that are subject to regulation under Proposition 65. It may be necessary at a later date to conduct additional sampling and testing for potential exposure to other Proposition 65 chemicals, depending upon the results of further investigation and the information provided by CRM as a result of this notice.

Attached please find a copy of "The Safe Drinking Water and Toxic Enforcement Act of 1986" (Proposition 65), prepared by OEHHA, the lead state agency for the implementation of the Act. ("Exhibit C").

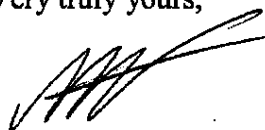
Please direct all questions concerning this notice of violation to the following addressees: Barry C. Groveman, Esq. or Ryan Hiete, Esq., Musick, Peeler & Garrett LLP, One Wilshire Boulevard, 624 South Grand Avenue, Suite 2100, Los Angeles, California 90017-3383, (213) 629-7615 or (213) 629-7718, respectively. Should you require more information regarding the Affected Schools and/or exposure risks, the District will provide you with any available reports.

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For general information concerning the provisions of Proposition 65, please contact OEHHA, Proposition 65 Implementation Office, at (916) 445-6900.

Very truly yours,



Adam D. Wieder
MUSICK, PEELER & GARRETT LLP

Enclosures
ADW/lg

cc: Jay F. Goida, Esq., LAUSD
Barry C. Groveman, Esq., MPG
K. Ryan Hiete, Esq., MPG

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SERVICE LIST

CRM Co., LLC
Attn: H. Barry Takallou
Registered Agent for Service of Process
15800 South Avalon Boulevard
Compton, California 90220

Hamid Saebfar, Chief
School Program and Engineering/Geology
Support Division
Department of Toxic Substances Control
9211 Oakdale Avenue
Chatsworth, California 91311

Honorable Edmund G. Brown, Jr.
Attorney General
California Department of Justice
P.O. Box 944255
Sacramento, California 94244-2550

Wayne Nastri, Administrator
US EPA Region 9
75 Hawthorne Street
San Francisco, California 94105

Honorable Carmen Trutanich, City Attorney
City of Los Angeles
800 City Hall East, 8th Floor
200 North Main Street
Los Angeles, California 90012

Honorable Steve Cooley, District Attorney
County of Los Angeles
210 West Temple Street, Suite 18000
Los Angeles, California 90012-3210

William Jones, Division Chief
Health Hazardous Materials Division
Los Angeles County Fire Department
5825 Rickenbacker Road
Commerce, California 90040

EXHIBIT A

FOREVER GREEN SCHOOLS

LOC. CODE	SCHOOL	TYPE	SIZE	MANUFACTURER
9592	CANOGA PARK	EEC	12 X 27	FOREVER GREEN
9530	LEMAY	EEC	8 X 21	FOREVER GREEN
9549	PINEWOOD	EEC	8 X 20 11 X 16	FOREVER GREEN
9572	VAUGHN	EEC	11 X 26	FOREVER GREEN
9565	SYLVAN PARK	EEC	11 X 25	FOREVER GREEN
9582	FAIR	EEC	14 X 20	FOREVER GREEN
9547	PACOIMA	EEC	22 X 22	FOREVER GREEN
9505	BELEVEDERE	EEC	11 X 11	FOREVER GREEN
9512	DACOTAH	EEC	11 X 17	FOREVER GREEN
9562	SOTO	EEC	9 X 11	FOREVER GREEN
9515	EASTMAN	EEC	10 X 26	FOREVER GREEN
9591	MIKES, WANDA	EEC	29 X 19 14 X 19	FOREVER GREEN
9561	66 TH STREET	EEC	18 X 26	FOREVER GREEN

EXHIBIT B

**CRUMB RUBBER
MATERIAL SAFETY DATA SHEET**

CRM Co., LLC
15800 South Avalon Boulevard
Rancho Dominguez, CA 90220

Emergency Phone Number (310) 538-2222

I. PRODUCT IDENTIFICATION/CHEMICAL & PHYSICAL CHARACTERISTICS

PRODUCT NAME: <i>Crumb Rubber</i>	Solubility in Water: <i>Insoluble</i>
APPEARANCE: <i>Black granular particles</i>	ODOR: <i>Smell of vulcanized rubber</i>
SPECIFIC GRAVITY: <i>1.1 to 1.2 g/cc</i>	MELTING POINT: <i>N/A</i>
VAPOR PRESSURE: <i>N/A</i>	VAPOR DENSITY: <i>N/A</i>
EVAPORATION RATE: <i>N/A</i>	BOILING POINT: <i>N/A</i>

II. HAZARDOUS INGREDIENTS

MATERIAL (CAS)	WT%	OSHA PEL	ACGIH TLV
Napthenic/Aromatic Oil (64742-04-07)	<i>Aprox. 22%</i>		<i>(5.0 mg/m³)</i>
Carbon Black (133-86-4)	<i>Aprox. 25%</i>	<i>3.5 mg/m³</i>	
Talc, respirable dust (14807-9-6)	<i>Less than 5%</i>	<i>2.0 mg/m³</i>	<i>(2.0 mg/m³)</i>
Zinc Oxide, fume (1314-12-2)	<i>Less than 3%</i>	<i>5.0 mg/m³</i>	<i>(10mg/m³)</i>
Zinc Oxide, total dust (1314-12-2)	<i>Less than 3%</i>	<i>10 mg/m³</i>	
Respirable fraction	<i>Less than 3%</i>		

III. FIRE AND EXPLOSION HAZARD DATA

FLASH POINT: Ignition temperature of dust cloud: 320°C (608°F) *Approximately*

LEL: *0.025 ounce/cubic foot*

UEL: *N/A*

EXTINGUISHING MEDIA: *Water, Foam, Dry Powder (DO NOT USE HIGH PRESSURE WATER)*

SPECIAL FIRE FIGHTING PROCEDURES: *Noxious gases may be formed under fire conditions, wear OSHA approved self-contained breathing apparatus.*

UNUSUAL FIRE AND EXPLOSION HAZARDS: *Dust may be explosive if mixed with air in critical proportions and in the presence of an ignition source. The hazard is similar to that of many organic solids*.*

**Estimate is based on data for 200 mesh synthetic and hard natural rubber.*

IV. REACTIVITY DATA

STABLE: *YES*

CONDITIONS TO AVOID: *Conditions that will cause ignition or burning.*

INCOMPATIBILITY (material to avoid): *Avoid strong oxidizing agents.*

HAZARDOUS DECOMPOSITION OR BY-PRODUCTS: *Thermal decomposition may produce carbon monoxide, carbon dioxide, fume dust, sulfur dioxide, zinc oxide, liquid and gaseous hydrocarbons.*

HAZARDOUS POLYMERIZATION: *Will not occur.*

CONDITIONS TO AVOID: *Do not store hot material in hoppers due to the possibility of spontaneous combustion.*

V. HEALTH HAZARD DATA

ROUTES OF ENTRY: *Inhalation*

HEALTH HAZARDS (Acute and Chronic): *The product contains fine particles and can contain fine fibers that may cause itching. Otherwise, no health hazards are known. This material is generally thought to be a nuisance dust.*

CARCINOGENICITY: *Rubber, synthetic or natural, is not listed as a carcinogen.*

MEDICAL CONDITIONS GENERALLY AGGRAVATED BY EXPOSURE: *None are known, however, it could potentially aggravate allergies to dust exposure or inhalation.*

EMERGENCY AND FIRST AID PROCEDURES: *Normal washing of skin with soap and water, ordinary means of personal hygiene are adequate.*

VI. PRECAUTIONS FOR SAFE HANDLING AND USE

STEPS TO BE TAKEN IN CASE MATERIAL IS RELEASED OR SPILLED: *Sweep or vacuum into disposal containers.*

WASTE DISPOSAL METHOD: *Product not defined as a hazardous waste. Dispose of in accordance with federal, state, and local regulations.*

PRECAUTIONS TO BE TAKEN IN HANDLING AND STORING: *Do not store near flame or ignition source. Do not store hot material in tubs or containers where spontaneous combustion could occur.*

OTHER PRECAUTIONS: *If material burns, oils will be released. These must be disposed of in accordance with federal, state, and local regulations.*

VII. CONTROL MEASURES

RESPIRATORY PROTECTION (Specify Type): Use any dust and mist respirator for up to 10 mg/m³.

VENTILATION: *Yes, if dusty conditions occur.*

SPECIAL: *None*

MECHANICAL: *Dust collectors and exhaust fans.*

PROTECTIVE GLOVES: *Recommended.*

EYE PROTECTION: *Use safety goggles to prevent dust entry.*

OTHER PROTECTIVE CLOTHING OR EQUIPMENT: *Enough fresh air should flow past the user to prevent exposure to airborne fibers and particles.*

WORK / HYGIENIC PRACTICES: *Good personal hygiene, frequent washing with soap and water of exposed areas, remove and clean soiled clothing.*

The information contained in this MSDS is consistent with the US Department of Labor OSHA form OMB No. 1218-0072. Consult OSHA Hazard Communication Standard 29 CFR 1910.1200 for additional information. To fully understand the use of any material the user should avail themselves to reference material and expert consultation in the fields of fire prevention, ventilation, and toxicology.

EXHIBIT C

CERTIFICATE OF MERIT

Health and Safety Code Section 25249.7(d)

I, Adam D. Wieder, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day (60) notice in which it is alleged that the parties identified in the notices have violated California Health and Safety Code Section 25249.6 by failing to provide clear and reasonable warnings.

2. I am the attorney for the noticing party, Los Angeles Unified School District (the "District").

3. 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 exposure to the listed chemical that is the subject of the action.

4. 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 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.

5. 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.

DATED: February 23, 2010

MUSICK, PEELER & GARRETT LLP

By: 

Adam D. Wieder
Attorneys for Los Angeles Unified School
District