

**DR. RICHARD F. SOWINSKI**

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1457 Ramsay Circle  
Walnut Creek, CA 94597

Sixty Day Notice of Intent to Sue Canon U.S.A., Inc. and All of Its Operating  
Affiliates Under Health & Safety Code Sections 25249.6

Dr. Richard F. Sowinski (hereinafter the "Noticing Party") hereby provides this Notice of Intent to Sue Under Health & Safety Code Section 25249.5, *et seq* (the "Notice") to Yoroku Adachi, President and CEO of Canon U.S.A., Inc. and all of its operating affiliates (hereinafter referred to collectively as "CANON"), as well as the governmental entities on the attached proof of service. This Notice is intended to inform CANON 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. 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 and Michael J. Martin, of the law firm of Graham & Martin, LLP, at 3130 South Harbor Blvd., Suite 250, Santa Ana, CA 92704, Telephone: (714) 850-9390 and Facsimile: (714) 850-9392.

Pursuant to Health & Safety Code Section 25249.6:

"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."

Proposition 65 thus states that when a party, such as CANON, 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). CANON is knowingly and intentionally exposing its customers and users of certain of its products to a detectable level of a chemical designated by the State of California to cause cancer or reproductive toxicity and is failing to provide a "clear and reasonable" warning of the exposure to the potentially exposed persons.

CANON manufactures, distributes, sells and markets printers/copiers in California through retail outlets and through its internet website ([www.canon.com](http://www.canon.com)), which when operated or used emit detectable levels of a Designated Chemical. The printers/copiers relevant to this Notice are identified on Exhibit A hereto (hereinafter "the Consumer Products"). In the ordinary course of its business, CANON manufactures, distributes and offers for sale, both through retail outlets and through its internet website ([www.canon.com](http://www.canon.com)) in California those Consumer Products. It has been doing so for at least one year prior to the date of this Notice. CANON however has not placed on the any of the Consumer Products, their packaging or marketing materials, nor anywhere on its internet website, a clear and reasonable warning that use of such Consumer

# CANON EXHIBIT A

Model Number:

PIXMA MP210, PIXMA MP210, PIXMA MP140, PIXMA MP140, PIXMA MP160, PIXMA MP160, PIXMA MP470, PIXMA MP470, PIXMA MP520, PIXMA MP520, PIXMA MP610, PIXMA MP610, PIXMA MP970, PIXMA MP970

PIXMA MX7600, PIXMA MX7600, PIXMA MX850, PIXMA MX850, PIXMA MX300, PIXMA MX300, PIXMA MX31, PIXMA MX310, PIXMA MP530, PIXMA MP530, PIXMA MX700, PIXMA MX700, PIXMA MP83 PIXMA MP830

imageCLASS MF6540 imageCLASS MF6540, imageCLASS MF6590 imageCLASS MF6590, imageCLASS MF6595 imageCLASS MF6595, imageCLASS MF6595cx imageCLASS MF6595cx, imageCLASS MF7460 imageCLASS MF7460, imageCLASS MF7470 imageCLASS MF7470, imageCLASS MF7480 imageCLASS MF7480, imageCLASS MF3240 imageCLASS MF3240, imageCLASS D320 imageCLASS D320, imageCLASS MF4150 imageCLASS MF4150, imageCLASS D340 imageCLASS D340, imageCLASS MF4270 imageCLASS MF4270, imageCLASS MF5770 imageCLASS MF5770, imageCLASS MF4690 imageCLASS MF4690, imageCLASS MF6530 imageCLASS MF6530, imageCLASS MF6550 imageCLASS MF6550, imageCLASS MF6580, imageCLASS MF6580, Color imageCLASS 8180c, imageCLASS MF8180c

image RUNNER C5058, image RUNNER C5068, Color image RUNNER C5185, Color image RUNNER C5185i, Color image RUNNER C5180, Color image RUNNER C5180i, Color image RUNNER C4580, Color image RUNNER C4580i, Color image RUNNER C4080, Color image RUNNER C4080i, Color image RUNNER 3480, Color image RUNNER C3480i, Color image RUNNER C 3080, Color image RUNNER C 3080i, Color image RUNNER C3380, Color image RUNNER C3380i, Color image RUNNER C2880, Color image RUNNER C2880i, Color image RUNNER C2550, image RUNNER C6870U

image RUNNER C5058, Color image RUNNER C5185, Color image RUNNER C5185i, Color image RUNNER C5180, Color image RUNNER C5180i, Color image RUNNER C4580, Color image RUNNER C4580i, Color image RUNNER C4080, Color image RUNNER C4080i, Color image RUNNER C3480, Color image RUNNER C3480i, Color image RUNNER C3080, Color image RUNNER C3080i, Color image RUNNER C3380, Color image RUNNER C3380i, Color image RUNNER C2880, Color image RUNNER C2880i, Color image RUNNER C2550, image RUNNER C6870U

image RUNNER C5058, Color image RUNNER C5185, Color image RUNNER C5185i, Color image RUNNER C5180, Color image RUNNER C5180i, Color image RUNNER C4580, Color image RUNNER C4580i, Color image RUNNER C4080, Color image RUNNER C4080i, Color image RUNNER C3480, Color image RUNNER C3480i, 3080, Color image RUNNER C3080i, Color image RUNNER C3380, Color image RUNNER C3380i, Color image RUNNER C2880, Color image RUNNER C2880i, Color image RUNNER C2550, image RUNNER C6870U

## Appendix A

### OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

#### THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACTION 1986 (PROPOSITION 65): A SUMMARY

The following summary has been prepared by the Office of Environmental Health Hazard Assessment, the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly known as "Proposition 65"). A copy of this summary must be included as an attachment to any notice of violation served upon an alleged violator of the Act. The summary provides basic information about the provisions of the law, and is intended to serve only as a convenient source of general information. It is not intended to provide authoritative guidance on the meaning or application of the law. The reader is directed to the statute and its implementing regulations (see citations below) for further information.

Proposition 65 appears in California law as Health and Safety Code Sections 25249.5 through 25249.13. Regulations that provide more specific guidance on compliance, and that specify procedures to be followed by the State in carrying out certain aspects of the law, are found in Title 27 of the California Code of Regulations, Sections 25000 through 27000.

#### WHAT DOES PROPOSITION 65 REQUIRE?

**The "Governor's List."** Proposition 65 requires the Governor to publish a list of chemicals that are known to the State of California to cause cancer, or birth defects or other reproductive harm. This list must be updated at least once a year. Over 735 chemicals have been listed as of November 16, 2001. Only those chemicals that are on the list are regulated under this law. Businesses that produce, use, release, or otherwise engage in activities involving those chemicals must comply with the following:

**Clear and Reasonable Warnings.** A business is required to warn a person before "knowingly and intentionally" exposing that person to a listed chemical. The warning given must be "clear and reasonable." This means that the warning must: (1) clearly make known that the chemical involved is known to cause cancer, or birth defects or other reproductive harm; and (2) be given in such a way that it will effectively reach the person before he or she is

exposed. Exposures are exempt from the warning requirement if they occur less than twelve months after the date of listing of the chemical.

**Prohibition from discharges into drinking water.** A business must not knowingly discharge or release a listed chemical into water or onto land where it passes or probably will pass into a source of drinking water. Discharges are exempt from this requirement if they occur less than twenty months after the date of listing of the chemical.

#### DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?

Yes. The law exempts:

**Governmental agencies and public water utilities.** All agencies of the federal, State or local government, as well as entities operating public water systems, are exempt.

**Businesses with nine or fewer employees.** Neither the warning requirement nor the discharge prohibition applies to a business that employs a total of nine or fewer employees.

**Exposures that pose no significant risk of cancer.** For chemicals that are listed as known to the State to cause cancer ("carcinogens"), a warning is not required if the business can demonstrate that the exposure occurs at a level that poses "no significant risk." This means that the exposure is calculated to result in not more than one excess case of cancer in 100,000 individuals exposed over a 70-year lifetime. The Proposition 65 regulations identify specific "no significant risk" levels for more than 250 listed carcinogens.

**Exposures that will produce no observable reproductive effect at 1,000 times the level in question.** For chemicals known to the State to cause birth defects or other reproductive harm ("reproductive toxicants"), a warning is not required if the business can demonstrate that the exposure will produce no observable effect, even at 1,000

**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 parties identified in the notices have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.

2. I am member of the State Bar of California, a partner of the law firm of Graham & Martin, LLP, and attorney for noticing party Consumer Defense Group Action.

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 exposures to the listed chemicals that are 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 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.

**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 3, 2008  
Place of Mailing: Costa Mesa, California

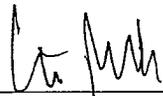
NAME AND ADDRESS OF EACH PERSON TO WHOM DOCUMENTS WERE MAILED:

Yoroku Adachi, President and CEO CANON U.S.A., Inc. 1 Canon Plaza Lake Success, NY 11042-1198	California Attorney General (Proposition 65 Enforcement Division) 1515 Clay Street, 20th Floor Oakland, CA
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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: June 21, 2010

  
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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

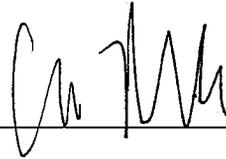
Inyo County DA  
PO Drawer D  
Independence, CA 93526

Mono 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: June 21, 2010



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