

**ALTSHULER BERZON LLP**

ATTORNEYS AT LAW

177 POST STREET, SUITE 300  
SAN FRANCISCO, CALIFORNIA 94108

(415) 421-7151

FAX (415) 362-8064

www.altshulerberzon.com

FRED H. ALTSHULER  
FOUNDING PARTNER EMERITUS

RACHEL J. ZWILLINGER  
FELLOW

ANNE N. ARKUSH  
STEPHEN P. BERZON  
HAMILTON CANDEE  
EVE H. CERVANTEZ  
BARBARA J. CHISHOLM  
CAROLINE P. CINCOTTA  
JEFFREY B. DEMAIN  
JAMES M. FINBERG  
EILEEN B. GOLDSMITH  
SCOTT A. KRONLAND  
DANIELLE E. LEONARD  
STACEY M. LEYTON  
MATTHEW J. MURRAY  
PETER D. NUSSBAUM  
P. CASEY PITTS  
DANIEL T. PURTELL  
DIANA S. REDDY  
MICHAEL RUBIN  
JENNIFER SUNG  
PEDER J. THOREEN  
JONATHAN WEISSGLASS

*Via First Class Certified Mail  
Return Receipt Requested*

March 26, 2012

**ATTORNEY GENERAL COPY: CONTAINS OFFICIAL INFORMATION PER  
EVIDENCE CODE §1040**

**NOTICE OF VIOLATION OF  
CALIFORNIA HEALTH & SAFETY CODE §25249.5, *ET SEQ.***

Kamala D. Harris  
Attorney General for the State of California  
PO Box 944255  
Sacramento, CA 94244

Dear Attorney General Harris:

Altshuler Berzon LLP ("Firm") represents As You Sow, a 501(c)(3) non-profit corporation dedicated to, among other causes, the protection of the environment, toxics reduction, the promotion of and improvement of human health, the improvement of worker and consumer rights, environmental education, and corporate accountability. As You Sow is based in San Francisco, California and was incorporated in 1992 under the laws of the State of California.

As You Sow has documented violations of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65"), Cal. Health & Safety Code §25249.5 *et seq.*, by the entities listed below. This letter constitutes notice by As You Sow and the Firm to the public enforcement agencies of these violations. Specifically, the identified entities have violated and are violating Section 25249.6, which provides that "[n]o 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 providing a clear and reasonable warning to such individual . . . ."

Pursuant to Section 25249.7(d) of the statute, this Firm intends to bring an enforcement action on behalf of As You Sow sixty (60) days after effective service of this notice unless the public enforcement agencies have commenced and are diligently prosecuting an action to rectify the violations discussed in this letter.

As You Sow and this Firm are providing notice to the alleged violators listed below this same day, and copies of those notices are enclosed.

Alleged Violators: The Quikrete Companies, Inc.  
Quikrete International, Inc.

Listed Chemicals: These violations involve exposures to arsenic (inorganic compounds, including inorganic oxides) and chromium (hexavalent compounds) from the products listed below. On February 27, 1987, the State of California officially listed arsenic (inorganic arsenic compounds) as a chemical known to the State cause cancer; and on May 1, 1997, listed arsenic (inorganic oxides) as a chemical known to the State to cause reproductive toxicity. The State of California listed chromium (hexavalent compounds) as a chemical known to the State to cause cancer on February 27, 1987, and listed it as a chemical known to the State to cause reproductive toxicity on December 19, 2008.

Consumer Products: The products that are the subject of this notice are ready-mix dry Portland cement products, including Quickrete™ Ready to Use Concrete Mix and Quikrete™ Green Concrete Mix, which are produced, sold, and/or distributed by Quikrete International, Inc. and/or The Quikrete Companies, Inc. in California.

Violations: The alleged violators have knowingly and intentionally exposed and continue knowingly and intentionally to expose consumers within the State of California to arsenic (inorganic compounds, including inorganic oxides) and chromium (hexavalent compounds) at levels that exceed the No Significant Risk Level without providing clear and reasonable warning of this exposure. In particular, the products do not provide any warning of the reproductive hazards associated with the arsenic (inorganic oxides) and chromium (hexavalent compounds) contained in the products. Nor do the products provide a warning of the carcinogenic hazards associated with arsenic (inorganic compounds) and chromium (hexavalent compounds) in a manner that effectively will reach consumers before they are exposed.

Route of Exposure: Use of the products identified in this notice results in human exposures to arsenic (inorganic compounds, including inorganic oxides) and chromium (hexavalent compounds). The routes of exposure include: inhalation when consumers breathe near the product, including when the products are transferred from their packaging into containers and then mixed with water, and when the products are used by persons indoors and/or outdoors; dermal absorption during use of the products; and ingestion, including as a result of hand-to-mouth contact following dermal contact.

Duration of Violations: Each of these ongoing violations has occurred on every day since at least January 27, 2010; as well as every day since the products were introduced in the California marketplace and following the one-year anniversary dates of the listings at issue; and

The Hon. Kamala Harris, Attorney General

March 26, 2012

Page 3

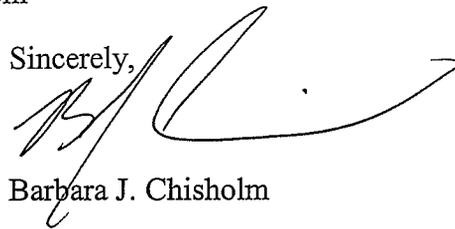
will continue every day until clear and reasonable warnings are provided to product purchasers and users or until these known toxic chemicals are removed from the products.

Pursuant to Title 11, C.C.R. §3100, a certificate of merit is attached hereto.

In keeping with its public interest mission and to rectify expeditiously these ongoing violations of California law, As You Sow is interested in seeking a constructive resolution of this matter without engaging in costly and protracted litigation. You may communicate directly with As You Sow by contacting Larry Fahn, President, at: 311 California Street, Suite 510, San Francisco, CA 94104, telephone: 415-391-3212. If you wish to contact me, my contact information is below:

Barbara J. Chisholm  
Altshuler Berzon LLP  
177 Post Street, Suite 300  
San Francisco, CA 94108  
Telephone: 415-421-7151  
Facsimile: 415-362-8064  
E-mail: bchisholm@altber.com

Sincerely,



Barbara J. Chisholm

Enclosures

cc: District Attorneys for California's 58 Counties (see list attached to Certificate of Service)  
(without confidential factual information supporting Certificate of Merit)

City Attorneys for the Cities of Los Angeles, San Diego, San Francisco, and San Jose  
(see list attached to Certificate of Service) (without confidential factual information  
supporting Certificate of Merit)

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

I, Barbara J. Chisholm, 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.

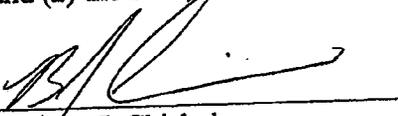
(2) I am the attorney for the noticing party, As You Sow.

(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 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.

(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: March 23, 2012

  
Barbara J. Chisholm  
Attorney for As You Sow

**CERTIFICATE OF SERVICE**

I am employed in the City and County of San Francisco, California. I am over the age of eighteen years and not a party to the within action; my business address is 177 Post Street, San Francisco, California 94108.

On March 26, 2012, I served the following document(s):

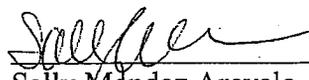
**Notice of Violation of California Health & Safety Code §25249.5, et seq.  
(regarding exposure to arsenic and chromium without adequate warning); and  
Certificate of Merit.**

on the individuals identified in the list attached hereto as Appendix A, by placing true copies thereof in sealed envelopes addressed as indicated in Appendix A for service by enclosing them in an envelope and placing the envelope for collection and mailing by United States Mail following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is planned for collection and mailing it is deposited in the ordinary course of business with the U.S. Postal Service in a sealed envelope with postage fully paid.

**ADDRESSEES**

**Individuals identified in list attached as Appendix A.**

I declare under penalty of perjury under laws of the State of California that the foregoing is true and correct. Executed March 26, 2012, at San Francisco, California.

  
\_\_\_\_\_  
Sally Mendez Arevalo

**APPENDIX A  
SERVICE LIST**

<p>The Honorable Kamala D. Harris Attorney General for the State of California PO Box 944255 Sacramento, CA 94244 (attached Certificate of Merit includes additional supporting information subject to Evidence Code §1040)</p>	<p>The Honorable Arthur Maillet, District Attorney INYO COUNTY PO Box D Independence, CA 93526</p>
<p>The Honorable Birgit Fladager, District Attorney STANISLAUS COUNTY 832 12th Street, Suite 300 Modesto, CA 95354</p>	<p>The Honorable Bob Lee, District Attorney SANTA CRUZ COUNTY 701 Ocean Street, Room 200 Santa Cruz, CA 95060</p>
<p>The Honorable Bonnie Dumanis, District Attorney SAN DIEGO COUNTY 330 W. Broadway, Suite 1300 San Diego, CA 92101</p>	<p>The Honorable Ronald Scott Owens, District Attorney PLACER COUNTY 10810 Justice Center Drive Suite #240 Roseville, CA 95678</p>
<p>The Honorable Candice Hooper-Mancino, District Attorney SAN BENITO COUNTY 419 4th Street Hollister, CA 95023-3801</p>	<p>The Honorable Carl Adams, District Attorney SUTTER COUNTY 446 2nd Street Yuba City, CA 95991</p>
<p>The Honorable Joyce E. Dudley, District Attorney SANTA BARBARA COUNTY 1112 Santa Barbara Street Santa Barbara, CA 93101</p>	<p>The Honorable Clifford Newell, District Attorney NEVADA COUNTY 110 Union Street Nevada City, CA 95959</p>
<p>The Honorable Donald A. du Bain, District Attorney SOLANO COUNTY 675 Texas Street, Ste. 4500 Fairfield, CA 94533</p>	<p>The Honorable Dean Flippo, District Attorney MONTEREY COUNTY PO BOX 1131 Salinas, CA 93902</p>
<p>The Honorable Dennis J. Herrera, Office of the City Attorney City Hall, Room 234 San Francisco, CA 94102</p>	<p>The Honorable Jeffrey F. Rosen, District Attorney SANTA CLARA COUNTY 70 West Hedding Street, West Wing San Jose, CA 95110</p>
<p>The Honorable Michael Knowles, Acting District Attorney TUOLUMNE COUNTY 423 No. Washington Street Sonora, CA 95370</p>	<p>The Honorable Edward Berberian, District Attorney MARIN COUNTY 3501 Civic Center Drive, Room 130 San Rafael, CA 94903</p>

<p>The Honorable Lisa Green, District Attorney  KERN COUNTY  1215 Truxtun Avenue  Bakersfield, CA 93301</p>	<p>The Honorable Elizabeth Egan, District Attorney  FRESNO COUNTY  2220 Tulare Street, Ste. 1000  Fresno, CA 93721</p>
<p>The Honorable Michael R. Keitz, District Attorney  MADERA COUNTY  209 West Yosemite Avenue  Madera, CA 93637</p>	<p>The Honorable Gary Lieberstein, District Attorney  NAPA COUNTY  PO BOX 720  Napa, CA 94559</p>
<p>The Honorable Christopher Brooke, District Attorney  MODOC COUNTY  204 S. Court Street, Room 202  Alturas, CA 96101</p>	<p>The Honorable George Booth, District Attorney  MONO COUNTY  PO BOX 2053  Mammoth Lakes, CA 93546</p>
<p>The Honorable Stephen Carlton, District Attorney  SHASTA COUNTY  1355 West Street  Redding, CA 96001</p>	<p>The Honorable Gerald Shea, District Attorney  SAN LUIS OBISPO COUNTY  1035 Palm Street  San Luis Obispo, CA 93408</p>
<p>The Honorable Gilbert Otero, District Attorney  IMPERIAL COUNTY  940 West Main Street, Ste. 102  El Centro, CA 92243</p>	<p>The Honorable Gregg Cohen, District Attorney  TEHAMA COUNTY  444 Oak Street, Room L  Red Bluff, CA 96080</p>
<p>The Honorable Gregory Totten, District Attorney  VENTURA COUNTY  800 South Victoria Avenue  Ventura, CA 93009</p>	<p>The Honorable Stephen M. Wagstaffe, District Attorney  SAN MATEO COUNTY  400 County Center, Third Floor  Redwood City, CA 94063</p>
<p>The Honorable James Kirk Andrus, District Attorney  SISKIYOU COUNTY  PO BOX 986  Yreka, CA 96097</p>	<p>The Honorable James Willett, District Attorney  SAN JOAQUIN COUNTY  PO BOX 990  Stockton, CA 95202</p>
<p>The Honorable Jan Goldsmith, Office of the City Attorney  1200 Third Ave., Suite 1620  San Diego, CA 92101</p>	<p>The Honorable Jan Scully, District Attorney  SACRAMENTO COUNTY  901 G Street  Sacramento, CA 95814</p>
<p>The Honorable David Hollister, District Attorney  PLUMAS COUNTY  520 Main Street, Room 404  Quincy, CA 95971</p>	<p>The Honorable Jeff Reisig, District Attorney  YOLO COUNTY  301 Second Street  Woodland, CA 95695</p>

<p>The Honorable Barbara Yook, District Attorney  CALAVERAS COUNTY  891 Mountain Ranch Road  San Andreas, CA 95249</p>	<p>The Honorable John Poyner, District Attorney  COLUSA COUNTY  346 Fifth Street, Suite 101  Colusa, CA 95932</p>
<p>The Honorable Donald Anderson, District Attorney  LAKE COUNTY  255 N. Forbes Street  Lakeport, CA 95453</p>	<p>The Honorable George Gascón, District Attorney  SAN FRANCISCO COUNTY  850 Bryant Street, Room 325  San Francisco, CA 94103</p>
<p>The Honorable Larry Morse II, District Attorney  MERCED COUNTY  550 W. Main Street  Merced, CA 95340</p>	<p>The Honorable Lawrence Allen, District Attorney  SIERRA COUNTY  100 Courthouse Square, Second Floor,  Post Office Box 457  Downieville, CA 95936</p>
<p>The Honorable C. David Eyster, District Attorney  MENDOCINO COUNTY  PO BOX 1000  Ukiah,, CA 95482</p>	<p>The Honorable Michael Harper, District Attorney  TRINITY COUNTY  PO Box 310, 11 Court St.  Weaverville, CA 96093</p>
<p>The Honorable Michael Ramos, District Attorney  SAN BERNARDINO COUNTY  303 W. Third Street, 6th Floor  San Bernardino, CA 92415</p>	<p>The Honorable Michael Ramsey, District Attorney  BUTTE COUNTY  25 County Center Drive - Administration Building  Oroville, CA 95965</p>
<p>The Honorable Jon Alexander, District Attorney  DEL NORTE COUNTY  450 H Street, Room 171  Crescent City, CA 95531</p>	<p>The Honorable Patrick McGrath, District Attorney  YUBA COUNTY  215 Fifth Street, Ste. 152  Marysville, CA 95901</p>
<p>The Honorable Paul Gallegos, District Attorney  HUMBOLDT COUNTY  825 5th Street, 4th Floor  Eureka, CA 95501</p>	<p>The Honorable Phillip Cline, District Attorney  TULARE COUNTY  221 South Mooney Blvd., Suite 224  Visalia, CA 93291</p>
<p>The Honorable Richard Doyle, Office of the City Attorney  City of San Jose  200 East Santa Clara Street, 16th Floor  San Jose, CA 95113- 1905</p>	<p>The Honorable Robert Brown, District Attorney  MARIPOSA COUNTY  5101 Jones St., P.O. Box 730  Mariposa, CA 95338</p>

<p>The Honorable Robert Burns, District Attorney  LASSEN COUNTY  220 S. Lassen Street, Ste. 8  Susanville, CA 96130</p>	<p>The Honorable Robert J. Maloney, District Attorney  GLENN COUNTY  PO Box 430  Willows, CA 95988</p>
<p>The Honorable Mark A. Peterson, District Attorney  CONTRA COSTA COUNTY  900 Ward Street  Martinez, CA 94553</p>	<p>The Honorable Carmen A. Trutanich, City Attorney  800 City Hall East, 200 North Main Street  Los Angeles, CA 90012</p>
<p>The Honorable Paul Zellerback, District Attorney  RIVERSIDE COUNTY  3960 Orange Street  Riverside, CA 92501</p>	<p>The Honorable Greg Strickland, District Attorney  KINGS COUNTY  1400 West Lacey Blvd.  Hanford, CA 93230</p>
<p>The Honorable Jill Ravitch, District Attorney  SONOMA COUNTY  600 Administration Drive, Room 212J  Santa Rosa, CA 95403</p>	<p>The Honorable Steve Cooley, District Attorney's Office  LOS ANGELES COUNTY  210 West Temple Street, Suite 18000  Los Angeles, CA 90012-3210</p>
<p>The Honorable Nancy O'Malley, District Attorney  ALAMEDA COUNTY  1225 Fallon Street, Room 900  Oakland, CA 94612</p>	<p>The Honorable Todd Riebe, District Attorney  AMADOR COUNTY  708 Court Street #202  Jackson, CA 95642</p>
<p>The Honorable Tony Rackauckas, District Attorney  ORANGE COUNTY  401 Civic Center Drive West  Santa Ana, CA 92701</p>	<p>The Honorable Vernon Pierson, District Attorney  EL DORADO COUNTY  515 Main Street  Placerville, CA 95667</p>
<p>The Honorable Terese Drabec, District Attorney  ALPINE COUNTY  270 Laramie Street, P.O. Box 248  Markleeville, CA 96120</p>	