

ANNE N. ARKUSH  
STEPHEN P. BERZON  
ERIC P. BROWN  
HAMILTON CANDEE  
EVE H. CERVANTEZ  
CONNIE K. CHAN  
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  
LAURA S. TRICE\*  
JONATHAN WEISSGLASS

\*ADMITTED IN NEW YORK ONLY

FRED H. ALTSHULER  
FOUNDING PARTNER EMERITUS

RACHEL J. ZWILLINGER  
FELLOW

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

*Via First Class Certified Mail  
Return Receipt Requested*

November 30, 2012

Edward Antonini  
Angelus Block Co., Inc.  
11374 Tuxford Street  
Sun Valley, CA 91352

Re: Notice of Violation of California Health & Safety Code §25249.5, *et seq.*

Dear Sir or Madam:

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 Oakland, 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 Angelus Block Co., Inc. (the "Company"). This letter constitutes notice by As You Sow and the Firm to the Company of these violations. Specifically, the Company has violated and is 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. The public enforcement agencies that have been served with copies of this notice of violations are identified in the attached Certificate of Service.

Alleged Violator: The name of the alleged violator covered by this notice is Angelus Block Co., 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 Sakrete-brand ready-mix dry cement mixes, including Sakrete® High Strength Concrete Mix, Sakrete® Crack Resistant Concrete Mix, Sakrete® Maximizer Multi-Project Concrete Mix, Sakrete® Fast Setting Ultra-High Strength Concrete Mix, and Sakrete® 5000 Plus High Strength Concrete Mix which are produced, sold, and/or distributed by Angelus Block Co., Inc.; and Sakrete® Surface Bonding Cement, which is produced, sold, and/or distributed by Angelus Block Co., Inc.

Violations: The alleged violator knowingly and intentionally has exposed and continues 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, upon reasonable use of the products, exceed the No Significant Risk Level without providing clear and reasonable warning of this exposure. In particular, the Sakrete® High Strength Concrete Mix, Sakrete® Crack Resistant Concrete Mix, Sakrete® Fast Setting Ultra-High Strength Concrete Mix, and Sakrete® 5000 Plus High Strength Concrete Mix products do not provide any warning of the carcinogenic and reproductive hazards associated with the arsenic (inorganic oxides) and chromium (hexavalent compounds) contained in the products; the Sakrete® Surface Bonding Cement product does not provide any warning of the carcinogenic and reproductive hazards associated with the chromium (hexavalent compounds) contained in the product; and the Sakrete® Maximizer Multi-Project Concrete Mix product does not provide an adequate or reasonable warning of the carcinogenic and reproductive hazards associated with the arsenic (inorganic oxides) and chromium (hexavalent compounds) contained in the product.

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; and ingestion, including but not limited to as a result of swallowing dust particles.

Duration of Violations: Each of these ongoing violations has occurred on every day since at least November 30, 2011; 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 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.

Angelus Block Co., Inc.

November 30, 2012

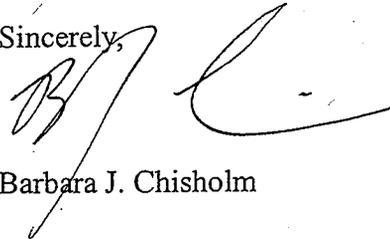
Page 3

Pursuant to Title 11, C.C.R. §3100, a certificate of merit is attached hereto. Pursuant to Title 27, C.C.R. §25903(b), a copy of "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary" is also enclosed.

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 Danielle Fugere, President and Chief Counsel, at: 1611 Telegraph Avenue, Suite 1450, Oakland, CA 94612, telephone: 510-735-8158. 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: Attorney General (without "Proposition 65: A Summary" attachment) (with additional confidential factual information supporting Certificate of Merit)

District Attorneys for California's 58 Counties (see list attached to Certificate of Service) (without "Proposition 65: A Summary" attachment)

City Attorneys for the Cities of Los Angeles, San Diego, San Francisco, and San Jose (see list attached to Certificate of Service) (without "Proposition 65: A Summary" attachment)

**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.

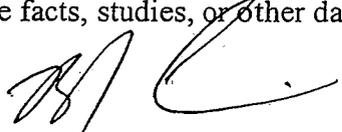
(2) I am the attorney for the noticing party, As You Sow.

(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: November 30, 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 November 30, 2012, I served the following document(s):

**Notice of Violation of California Health & Safety Code §25249.5, et seq., including attachment "Proposition 65: A Summary"; and Certificate of Merit.**

on the entity listed below and the individuals identified in the list attached hereto as Appendix A, by placing true copies thereof in sealed envelopes addressed as indicated below and 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.

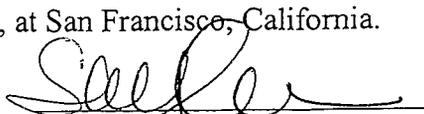
**ADDRESSEES**

Edward Antonini  
Angelus Block Co., Inc.  
11374 Tuxford Street  
Sun Valley, CA 91352

and

**Individuals identified in list attached as Appendix A (without attachment "Proposition 65: A Summary").**

I declare under penalty of perjury under laws of the State of California that the foregoing is true and correct. Executed November 30, 2012, at San Francisco, California.

  
Sally Mendez Arevalo

**APPENDIX A  
SERVICE LIST**

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

The Honorable Bob Lee, District Attorney  
SANTA CRUZ COUNTY  
701 Ocean Street, Room 200  
Santa Cruz, CA 95060

The Honorable Candice Hooper-Mancino,  
District Attorney  
SAN BENITO COUNTY  
419 4th Street  
Hollister, CA 95023-3801

The Honorable Clifford Newell, District  
Attorney  
NEVADA COUNTY  
110 Union Street  
Nevada City, CA 95959

The Honorable Dennis J. Herrera, Office of  
the City Attorney  
SAN FRANCISCO COUNTY  
City Hall, Room 234, 1 Dr. Carlton B.  
Goodlett Place  
San Francisco, CA 94102

The Honorable Edward Berberian, District  
Attorney  
MARIN COUNTY  
3501 Civic Center Drive, Room 130  
San Rafael, CA 94903

The Honorable Michael R. Keitz, District  
Attorney  
MADERA COUNTY  
209 West Yosemite Avenue  
Madera, CA 93637

The Honorable George Booth, District  
Attorney  
MONO COUNTY  
PO BOX 2053  
Mammoth Lakes, CA 93546

The Honorable Gilbert G. Otero, District  
Attorney  
IMPERIAL COUNTY  
940 West Main Street, Ste. 102  
El Centro, CA 92243

The Honorable Stephen M. Wagstaffe,  
District Attorney  
SAN MATEO COUNTY  
400 County Center, Third Floor  
Redwood City, CA 94063

The Honorable Arthur Maillet, District  
Attorney  
INYO COUNTY  
PO Box D  
Independence, CA 93526

The Honorable Bonnie Dumanis, District  
Attorney  
SAN DIEGO COUNTY  
Hall of Justice, 330 W. Broadway  
San Diego, CA 92101

The Honorable Carl Adams, District  
Attorney  
SUTTER COUNTY  
446 2nd Street, Suite 102  
Yuba City, CA 95991

The Honorable Donald A. du Bain, District  
Attorney  
SOLANO COUNTY  
675 Texas Street, Ste. 4500  
Fairfield, CA 94533

The Honorable Jeffrey F. Rosen, District  
Attorney  
SANTA CLARA COUNTY  
70 West Hedding Street, West Wing  
San Jose, CA 95110

The Honorable Lisa Green, District  
Attorney  
KERN COUNTY  
1215 Truxtun Avenue  
Bakersfield, CA 93301

The Honorable Gary Lieberstein, District  
Attorney  
NAPA COUNTY  
PO BOX 720  
Napa, CA 94559

The Honorable Stephen Carlton, District  
Attorney  
SHASTA COUNTY  
1355 West Street  
Redding, CA 96001

The Honorable Gregg Cohen, District  
Attorney  
TEHAMA COUNTY  
444 Oak Street, Room L  
Red Bluff, CA 96080

The Honorable James Kirk Andrus, District  
Attorney  
SISKIYOU COUNTY  
PO BOX 986  
Yreka, CA 96097

The Honorable Birgit Fladager, District  
Attorney  
STANISLAUS COUNTY  
832 12th Street, Suite 300  
Modesto, CA 95354

The Honorable Ronald Scott Owens,  
District Attorney  
PLACER COUNTY  
10810 Justice Center Drive Suite #240  
Roseville, CA 95678

The Honorable Joyce E. Dudley, District  
Attorney  
SANTA BARBARA COUNTY  
1112 Santa Barbara Street  
Santa Barbara, CA 93101

The Honorable Dean Flippo, District  
Attorney  
MONTEREY COUNTY  
PO BOX 1131  
Salinas, CA 93902

The Honorable Michael Knowles, Acting  
District Attorney  
TUOLUMNE COUNTY  
423 No. Washington Street  
Sonora, CA 95370

The Honorable Elizabeth Egan, District  
Attorney  
FRESNO COUNTY  
2220 Tulare Street, Ste. 1000  
Fresno, CA 93721

The Honorable Christopher Brooke, District  
Attorney  
MODOC COUNTY  
204 S. Court Street, Suite 202  
Alturas, CA 96101

The Honorable Gerald T. Shea, District  
Attorney  
SAN LUIS OBISPO COUNTY  
1055 Monterrey Srt, County Government  
Cntr, 4th Floor  
San Luis Obispo, CA 93408

The Honorable Gregory D. Totten, District  
Attorney  
VENTURA COUNTY  
800 South Victoria Avenue  
Ventura, CA 93009

The Honorable James Willett, District  
Attorney  
SAN JOAQUIN COUNTY  
PO BOX 990  
Stockton, CA 95201

## APPENDIX A SERVICE LIST

The Honorable Jan Goldsmith, Office of the  
City Attorney  
1200 Third Ave., Suite 1620  
San Diego, CA 92101

The Honorable Jeff W. Reisig, District  
Attorney  
YOLO COUNTY  
301 Second Street  
Woodland, CA 95695

The Honorable Donald A. Anderson,  
District Attorney  
LAKE COUNTY  
255 N. Forbes Street  
Lakeport, CA 95453

The Honorable Lawrence Allen, District  
Attorney  
SIERRA COUNTY  
100 Courthouse Square, Second Floor, Post  
Office Box 457  
Downieville, CA 95936

The Honorable Michael D. Ramos, District  
Attorney  
SAN BERNARDINO COUNTY  
303 W. Third Street, 6th Floor  
San Bernardino, CA 92415

The Honorable Patrick McGrath, District  
Attorney  
YUBA COUNTY  
215 Fifth Street, Ste. 152  
Marysville, CA 95901

The Honorable Richard Doyle, Office of  
the City Attorney  
City of San Jose  
200 East Santa Clara Street  
San Jose, CA 95113-1905

The Honorable Robert J. Maloney, District  
Attorney  
GLENN COUNTY  
PO Box 430  
Willows, CA 95988

The Honorable Paul Zellerbach, District  
Attorney  
RIVERSIDE COUNTY  
3960 Orange Street  
Riverside, CA 92501

The Honorable Steve Cooley, District  
Attorney's Office  
LOS ANGELES COUNTY  
210 West Temple Street, Suite 18000  
Los Angeles, CA 90012-3210

The Honorable Jan Scully, District  
Attorney  
SACRAMENTO COUNTY  
901 G Street  
Sacramento, CA 95814

The Honorable Barbara Yook, District  
Attorney  
CALAVERAS COUNTY  
891 Mountain Ranch Road  
San Andreas, CA 95249

The Honorable George Gascón, District  
Attorney  
SAN FRANCISCO COUNTY  
850 Bryant Street, Room 325  
San Francisco, CA 94103

The Honorable C. David Eyster, District  
Attorney  
MENDOCINO COUNTY  
PO BOX 1000  
Ukiah,, CA 95482

The Honorable Michael L. Ramsey, District  
Attorney  
BUTTE COUNTY  
25 County Center Drive , Suite 245  
Oroville, CA 95965

The Honorable Paul Gallegos, District  
Attorney  
HUMBOLDT COUNTY  
825 5th Street, 4th Floor  
Eureka, CA 95501

The Honorable Robert Brown, District  
Attorney  
MARIPOSA COUNTY  
5101 Jones St., P.O. Box 730  
Mariposa, CA 95338

The Honorable Mark A. Peterson, District  
Attorney  
CONTRA COSTA COUNTY  
900 Ward Street  
Martinez, CA 94553

The Honorable Gregory E. Strickland,  
District Attorney  
KINGS COUNTY  
1400 West Lacey Blvd.  
Hanford, CA 93230

The Honorable Nancy E. O'Malley, District  
Attorney  
ALAMEDA COUNTY  
1225 Fallon Street, Room 900  
Oakland, CA 94612

The Honorable David Hollister, District  
Attorney  
PLUMAS COUNTY  
520 Main Street, Room 404  
Quincy, CA 95971

The Honorable John R. Poyner, District  
Attorney  
COLUSA COUNTY  
346 Fifth Street, Suite 101  
Colusa, CA 95932

The Honorable Larry D. Morse II, District  
Attorney  
MERCED COUNTY  
550 W. Main Street  
Merced, CA 95340

The Honorable Michael B. Harper, District  
Attorney  
TRINITY COUNTY  
PO Box 310, 11 Court St.  
Weaverville, CA 96093

The Honorable Jon Alexander, District  
Attorney  
DEL NORTE COUNTY  
450 H Street, Room 171  
Crescent City, CA 95531

The Honorable Phillip Cline, District  
Attorney  
TULARE COUNTY  
221 South Mooney Blvd., Room 224  
Visalia, CA 93291

The Honorable Robert Burns, District  
Attorney  
LASSEN COUNTY  
220 S. Lassen Street, Ste. 8  
Susanville, CA 96130

The Honorable Carmen A. Trutanich, City  
Attorney  
200 North Main Street, 8th Floor  
Los Angeles, CA 90012

The Honorable Jill Ravitch, District  
Attorney  
SONOMA COUNTY  
600 Administration Drive, Room 212J  
Santa Rosa, CA 95403

The Honorable Todd Riebe, District  
Attorney  
AMADOR COUNTY  
708 Court Street  
Jackson, CA 95642

**APPENDIX A  
SERVICE LIST**

The Honorable Tony Rackauckas, District  
Attorney  
ORANGE COUNTY  
401 Civic Center Drive  
Santa Ana, CA 92701

The Honorable Vernon Pierson, District  
Attorney  
EL DORADO COUNTY  
515 Main Street  
Placerville, CA 95667

The Honorable Terese Drabec, District  
Attorney  
ALPINE COUNTY  
270 Laramie Street, P.O. Box 248  
Markleeville, CA 96120