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*ADMITTED IN NEW YORK ONLY

*Via First Class Certified Mail
Return Receipt Requested*

November 30, 2012

William G. Frenzel, III
E-Z Mix Inc.
11450 Tuxford Street
Sun Valley, CA 91352

E-Z Mix Inc.
3355 S. Industrial Dr.
Bloomington, CA 92316

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 E-Z Mix 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 E-Z Mix 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 E-Z Mix Inc.; and Sakrete® Surface Bonding Cement, which is produced, sold, and/or distributed by E-Z Mix 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

E-Z Mix Inc.
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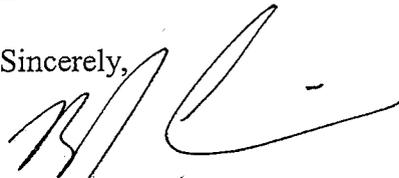
marketplace and following the one-year anniversary dates of the listings at issue; and will continue every day until clear and reasonable warnings are provided to product purchasers and users or until these known toxic chemicals are removed from the products.

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.

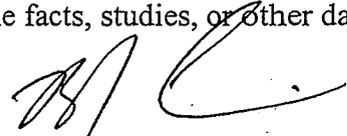
(2) I am the attorney for the noticing party, As You Sow.

(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

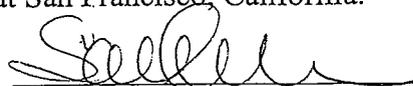
William G. Frenzel, III
E-Z Mix Inc.
11450 Tuxford Street
Sun Valley, CA 91352

E-Z Mix Inc.
3355 S. Industrial Dr.
Bloomington, CA 92316

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**

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**APPENDIX A
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