

T 510.836.4200
F 510.836.4205

410 12th Street, Suite 250
Oakland, Ca 94607

www.iozeaudrury.com
richard@iozeaudrury.com

March 21, 2013

VIA CERTIFIED MAIL

Doug Johnston, President or
Current President
ColArt Americas Inc.
11 Constitution Avenue
Piscataway, NJ 08855-1396

David F. Daniel
Agent for Service of Process for
ColArt Americas Inc.
11 Constitution Avenue
Piscataway, NJ 08855

Office of the California Attorney General
Prop 65 Enforcement Reporting
1515 Clay Street, Suite 2000
P.O. Box 70550
Oakland, CA 94612-0550

VIA PRIORITY MAIL

District Attorneys of All California Counties
and Select City Attorneys
(See Attached Certificate of Service)

Re: Notice of Violations of California Health & Safety Code Section 25249.5 *et seq.*

Dear Addressees:

I represent As You Sow in connection with this Notice of Violations of California's Safe Drinking Water and Toxic Enforcement Act of 1986, which is codified at California Health & Safety Code Section 25249.5 *et seq.* and also referred to as Proposition 65.

As You Sow is a California non-profit corporation dedicated to, among other causes, helping safeguard the public from health hazards by bringing about a reduction in the use and misuse of hazardous and toxic chemicals, facilitating a safe environment for consumers and employees, and encouraging corporate responsibility.

The name of the Company covered by this notice that violated Proposition 65 (hereinafter "the Violator") is:

ColArt Americas Inc.

The products that are the subject of this notice and the chemicals in those products identified as exceeding allowable levels are:

Winsor & Newton All Purpose High Gloss Varnish for General Purpose Arts & Crafts – ethylbenzene;
Winsor & Newton All Purpose Matt Varnish for General Purpose Arts & Crafts ethylbenzene

On June 11, 2004, the State of California officially listed ethylbenzene as a chemical known to cause cancer.

This letter is a notice to the Violator and the appropriate governmental authorities of the Proposition 65 violations concerning the listed products. This notice covers all violations of Proposition 65 involving the Violator that are currently known to AS YOU SOW based on information now available to it. AS YOU SOW may continue to investigate other products that may reveal further violations. A summary of Proposition 65, prepared by the Office of Environmental Health Hazard Assessment, is enclosed with the copy of this letter to the Violator.

The Violator has manufactured, marketed, distributed, and/or sold the listed products, which have exposed and continue to expose individuals within California to the identified chemicals, without providing clear and reasonable warning. The consumer exposures that are the subject of this notice result from the purchase, acquisition, handling and/or use of these products by consumers. The primary route of exposure to these chemicals is through inhalation. Proposition 65 requires that a clear and reasonable warning be provided prior to exposure to the identified chemicals. In particular, the products do not provide any warnings of the carcinogenic hazards associated with the ethylbenzene contained in the products.

Each of these ongoing violations has occurred since March 21, 2012, and on every day since the products were introduced in the California marketplace (following the one year anniversary dates of the listing of the chemicals at issue); and will continue every day until clear and reasonable warnings are provided to product purchasers and users and/or the listed toxins are removed from the products.

Pursuant to Section 25249.7(d) of the statute, AS YOU SOW intends to file a citizen enforcement action sixty days after effective service of this notice. Consistent with the public interest goals of Proposition 65 and my client's objectives in pursuing this notice, AS YOU SOW seeks a speedy and constructive resolution to this matter. Such a resolution will avoid both further unwarned consumer exposures to the identified chemicals and expensive and time-consuming litigation. Toward that end, As You Sow is willing to discuss effective remedies for the violations noted in this letter during the notice period.

As You Sow's President and Chief Counsel is Danielle Fugere, and is located at 1611 Telegraph Avenue, Suite 1450, Oakland, CA 94612; Telephone: (510) 735-8158. As You Sow has retained me in connection with this matter. You may contact Ms. Fugere directly or call me at the

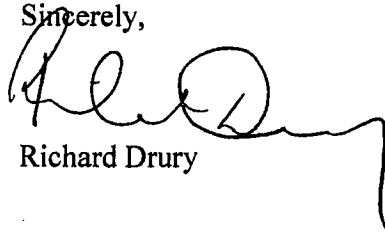
Notice of Violations of California Health & Safety Code §25249.5 *et seq.*

March 21, 2013

Page 3

above-listed law office address and telephone number.

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard Drury', with a long horizontal flourish extending to the right.

Richard Drury

Attachments

Certificate of Merit

Certificate of Service

OEHHA Summary (to ColArt Americas Inc. only)

Additional Supporting Information for Certificate of Merit (to AG only)

CERTIFICATE OF MERIT

Re: As You Sow's Notice of Proposition 65 Violations by ColArt Americas Inc.

I, Douglas Chermak, declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged the party identified in the notice violated California Health & Safety Code Section 25249.6 by failing to provide clear and reasonable warnings.

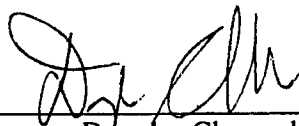
2. I am an attorney for the noticing party.

3. I have consulted with one or more persons with relevant and appropriate experience or expertise who have reviewed facts, studies, or other data regarding the exposure to the listed chemical that is the subject of the action.

4. Based on the information obtained through those consultants, and on 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 that 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. Along with the copy of this Certificate of Merit served on the Attorney General is attached additional factual information sufficient to establish the basis for this certificate, including the information identified in California Health & Safety Code §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 21, 2013



Douglas Chermak

CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury under the laws of the State of California that the following is true and correct:

I am a citizen of the United States, over the age of 18 years of age, and am not a party to the within- entitled action. My business address is 410 12th Street, Suite 250, Oakland, CA 94607.

On March 21, 2013, I served the following documents: **NOTICE OF VIOLATIONS OF CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT; "THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY"** on the following parties by placing a true and correct copy thereof in a sealed envelope, addressed to the party listed below and depositing it in a US Postal Service Office for delivery by Certified Mail:

Doug Johnston, President or
Current President
ColArt Americas Inc.
11 Constitution Avenue
Piscataway, NJ 08855-1396

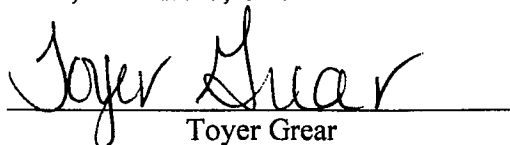
David F. Daniel
Agent for Service of Process for
ColArt Americas Inc.
11 Constitution Avenue
Piscataway, NJ 08855

On March 21, 2013, I served the following documents: **NOTICE OF VIOLATION, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT; ADDITIONAL SUPPORTING INFORMATION FOR CERTIFICATE OF MERIT AS REQUIRED BY CALIFORNIA HEALTH & SAFETY CODE §25249.7(d)(1)** on the following parties by placing a true and correct copy thereof in a sealed envelope, addressed to the party listed below and depositing it in a US Postal Service Office for delivery by Certified Mail:

Office of the California Attorney General
Prop 65 Enforcement Reporting
1515 Clay Street, Suite 2000
Post Office Box 70550
Oakland, CA 94612-0550

On March 21, 2013, I served the following documents: **NOTICE OF VIOLATION, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT** on each of the parties on the Service List attached hereto by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties **on the Service List attached hereto**, and depositing it with the U.S. Postal Service for delivery by Priority Mail.

Executed on March 21, 2013, in Oakland, CA.


Toyer Grear

Notice of Violations of California Health & Safety Code §25249.5 *et seq.*

March 21, 2013

Page 6

Service List

District Attorney, Alameda County
1225 Fallon Street, Room 900
Oakland, CA 94612

District Attorney, Alpine County
270 Laramie St. P.O. Box 248
Markleeville, CA 96120

District Attorney, Amador County
708 Court Street
Jackson, CA 95642

District Attorney, Butte County
25 County Center Drive, Suite 245
Oroville, CA 95965

District Attorney, Calaveras County
891 Mountain Ranch Road
San Andreas, CA 95249

District Attorney, Colusa County
346 Fifth Street, Suite 101
Colusa, CA 95932

District Attorney, Contra Costa County
900 Ward Street
Martinez, CA 94553

District Attorney, Del Norte County
450 H Street, Room 171
Crescent City, CA 95531

District Attorney, El Dorado County
515 Main Street
Placerville, CA 95667

District Attorney, Fresno County
2220 Tulare Street, Suite 1000
Fresno, CA 93721

District Attorney, Glenn County
Post Office Box 430
Willows, CA 95988

District Attorney, Humboldt County
825 5th Street
4th Floor
Eureka, CA 95501

District Attorney, Imperial County
County Administration Building
940 West Main Street, Suite 102
El Centro, CA 92243

District Attorney, Inyo County
230 W. Line Street
Bishop, CA 93514

District Attorney, Kern County
1215 Truxtun Avenue
Bakersfield, CA 93301

District Attorney, Kings County
1400 West Lacey Boulevard
Hanford, CA 93230

District Attorney, Lake County
255 North Forbes Street
Lakeport, CA 95453

District Attorney, Lassen County
220 South Lassen Street, Ste. 8
Susanville, CA 96130

District Attorney, Los Angeles County
210 West Temple Street, Suite 18000
Los Angeles, CA 90012

District Attorney, Madera County
209 W. Yosemite Avenue
Madera, CA 93637

District Attorney, Marin County
3501 Civic Center Drive, Room 130
San Rafael, CA 94903

District Attorney, Mariposa County
Post Office Box 730
Mariposa, CA 95338

District Attorney, Mendocino County
Post Office Box 1000
Ukiah, CA 95482

District Attorney, Merced County
550 W. Main Street
Merced, CA 95340

District Attorney, Modoc County
204 S Court Street, Room 202
Alturas, CA 96101-4020

District Attorney, Mono County
Post Office Box 617
Bridgeport, CA 93517

District Attorney, Monterey County
230 Church Street, Bldg. 2 & 3
Salinas, CA 93901

District Attorney, Napa County
931 Parkway Mall
Napa, CA 94559

District Attorney, Nevada County
110 Union Street
Nevada City, CA 95959

District Attorney, Orange County
401 Civic Center Drive West
Santa Ana, CA 92701

District Attorney, Placer County
10810 Justice Center Drive, Suite 240
Roseville, CA 95678

District Attorney, Plumas County
520 Main Street, Room 404
Quincy, CA 95971

Notice of Violations of California Health & Safety Code §25249.5 *et seq.*

March 21, 2013

Page 7

District Attorney, Riverside County
3960 Orange Street
Riverside, CA 92501

District Attorney, Sacramento County
901 G Street
Sacramento, CA 95814

District Attorney, San Benito County
419 Fourth Street, 2nd Floor
Hollister, CA 95023

District Attorney, San Bernardino County
303 West 3rd Street, 6th Floor
San Bernardino, CA 92415-0004

District Attorney, San Diego County
330 West Broadway, Room 1300
San Diego, CA 92101

District Attorney, San Francisco County
850 Bryant Street, Room 322
San Francisco, CA 94103

District Attorney, San Joaquin County
Post Office Box 990
Stockton, CA 95201

District Attorney, San Luis Obispo County
1035 Palm Street, Room 450
San Luis Obispo, CA 93408

District Attorney, San Mateo County
400 County Center, 3rd Floor
Redwood City, CA 94063

District Attorney, Santa Barbara County
1112 Santa Barbara Street
Santa Barbara, CA 93101

District Attorney, Santa Clara County
70 W. Hedding Street, West Wing
San Jose, CA 95110

District Attorney, Santa Cruz County
701 Ocean Street, Rm. 200
Santa Cruz, CA 95060

District Attorney, Shasta County
1355 West Street
Redding, CA 96001-1632

District Attorney, Sierra County
Post Office Box 457
Downieville, CA 95936

District Attorney, Siskiyou County
Post Office Box 986
Yreka, CA 96097

District Attorney, Solano County
675 Texas Street, Suite 4500
Fairfield, CA 94533

District Attorney, Sonoma County
600 Administration Drive, Room 212 J
Santa Rosa, CA 95403

District Attorney, Stanislaus County
832 12th Street, Suite 300
Modesto, CA 95354

District Attorney, Sutter County
446 Second Street, Suite 102
Yuba City, CA 95991

District Attorney, Tehama County
Post Office Box 519
Red Bluff, CA 96080

District Attorney, Trinity County
Post Office Box 310
Weaverville, CA 96093

District Attorney, Tulare County
221 S. Mooney Blvd., Room 224
Visalia, CA 93291

District Attorney, Tuolumne County
423 N. Washington Street
Sonora, CA 95370

District Attorney, Ventura County
800 South Victoria Ave.
Ventura, CA 93009

District Attorney, Yolo County
301 Second Street
Woodland, CA 95695

District Attorney, Yuba County
215 5th St.
Marysville, CA 95901

Los Angeles City Attorney's Office
800 City Hall East
200 N. Main Street, Rm 800
Los Angeles, CA 90012

San Diego City Attorney's Office
City Center Plaza
1200 Third Ave., #1620
San Diego, CA 92101

San Francisco City Attorney's Office
City Hall, Room 234
1 Dr. Carlton B Goodlett Place
San Francisco, CA 94102

San Jose City Attorney's Office
200 E. Santa Clara St.
16th Floor
San Jose, CA 95113