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April 12, 2013

VIA HAND DELIVERY

Exide Technologies
c/o CT Corporation
818 W. 7th St.
Los Angeles, CA 90017

VIA CERTIFIED MAIL

James R. Bolch
President and Chief Executive Officer
Exide Technologies
13000 Deerfield Pkwy Bldg 200
Milton, GA 30004

Re: **Proposition 65 Notice of Violation**

Dear Exide Technologies:

I represent the California Communities Against Toxics ("CCAT"), a non-profit California association. The mission of CCAT is to prevent and reduce toxic hazards to human health and the environment. CCAT is located at P.O. Box 845, Rosamond, CA 93560, Tel: (661) 510-3412 and the primary contact is Executive Director Jane Williams.

This letter constitutes notification that Exide Technologies, located at 2700 South Indiana Street, Los Angeles, California 90023, has violated the warning requirement of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act (commencing with section 25249.5 of the Health and Safety Code). Exide Technologies lists CT Corporation Systems, 818 W. Seventh Street, Los Angeles CA 90017, as its agent for service of process with the California Secretary of State.

In particular, this company has exposed and continues to expose numerous individuals within the surrounding area from its Vernon facility to the following chemical subject to Proposition 65: 1,3-butadiene, listed as a carcinogen on April 1, 1988 and as a male and female developmental reproductive toxicant on April 16, 2004. There is a well-established link between the chemical and excess mortality from cancer of the lymphatic and hematopoietic systems. The time period of this violation commenced one year after the listed date. The route of exposure has been primarily through inhalation; however additional exposures may arise through dermal contact with, or ingestion of, this



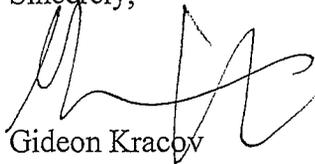
chemical. The general geographic location of the unlawful exposure to the residential community and occupational area lies within a radius of approximately 4 miles from the facility. Noticing party's analysis has concluded that thousands of persons residing and working in Southern California are exposed to 1,3-butadiene from this facility in excess of Proposition 65's no significant risk level. Noticing party is informed and believes that the chemical is emitted from Exide's lead smelting of batteries that contain plastic battery separators or that have hard rubber casings.

Proposition 65 requires that a clear and reasonable warning be provided prior to exposure to certain listed chemicals. Exide Technologies is in violation of Proposition 65 because it failed to provide a warning to persons residing and working in the area surrounding the facility that they have been and continue to be exposed to 1,3-butadiene. (22 C.C.R. section 12601.) While in the course of doing business, the company is knowingly and intentionally exposing people to this chemical, without first providing clear and reasonable warning. (Health and Safety Code section 25249.6.) Moreover, based on the exposure involved, we believe the method of warning should be "... a notice mailed or otherwise delivered to each occupant in the affected area. Such notice shall be provided at least once in any three-month period." (22 C.C.R. section 12601 (d) (1) (B)). Noticing parties are informed and believe that no prior Proposition 65 Notice or Consent Judgment includes 1-3 butadiene emissions from the facility, and that no compliant 1,3-butadiene Proposition 65 warnings are being given by the facility.

Proposition 65 requires that notice and intent to sue be given to a violator 60-days before the suit is filed. With this letter, CCAT gives notice of the alleged violation to the noticed party and the appropriate governmental authorities. CCAT is continuing its investigation that may reveal further violations. A summary of Proposition 65, prepared by the Office of Environmental Health Hazard Assessment, and referenced as Appendix A, has been provided to the noticed party.

If you have any questions, please contact me at your earliest convenience.

Sincerely,



Gideon Kracov

Attachs:
Cert. of Merit
OEHHA Appendix A
Proof of Service

(1) An action is deemed to have been "commenced more than sixty days after the person has given notice" where more than sixty days have elapsed from the date of service of the notice, as that date would be calculated for service of a document pursuant to the provisions of Code of Civil Procedure Section 1013.

(2) Where the sixtieth day after giving notice is a day identified as a "holiday" as defined in Code of Civil Procedure Section 12a, then the "sixtieth day" shall be extended to the next day which is not a "holiday".

(3) Determination of the first and last day shall be made in accordance with Section 12 of the Code of Civil Procedure.

NOTES: Authority cited: Sections 25249.12, Health and Safety Code. Reference: Sections 25249.7, Health and Safety Code.

HISTORY

- 1. New section and Appendix A filed 4-22-97; operative 4-22-97 pursuant to Government Code section 11345.4(d) (Register 97, No. 17).
- 2. Amendment of section and Appendix A filed 1-7-2003; operative 2-6-2003 (Register 2003, No. 2).

Appendix A

OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
THE SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 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 22 of the California Code of Regulations, Sections 12000 through 14000.

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 chemical listings have been included 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 times the level in question. In other words, the level of exposure must be below the "no observable effect level (NOEL)," divided by a 1,000-fold safety or uncertainty factor. The "no observable effect level" is the highest dose level which has not been associated with an observable adverse reproductive or developmental effect.

Discharges that do not result in a "significant amount" of the listed chemical entering into any source of drinking water. The prohibition from discharges into drinking water does not apply if the discharger is able to demonstrate that a "significant amount" of the listed chemical has not, does not, or will not enter any drinking water source, and that the discharge complies with all other applicable laws, regulations, permits, requirements, or orders. A "significant amount" means any detectable amount, except an amount that would meet the "no significant risk" or "no observable effect" test if an individual were exposed to such an amount in drinking water.

HOW IS PROPOSITION 65 ENFORCED?

Enforcement is carried out through civil lawsuits. These lawsuits may be brought by the Attorney General, any district attorney, or certain city attorneys (those in cities with a population exceeding 750,000). Lawsuits may also be brought by private parties acting in the public interest, but only after providing notice of the alleged violation to the Attorney General, the appropriate district attorney and city attorney, and the business accused of the violation. The notice must provide adequate information to allow the recipient to assess the nature of the alleged violation. A notice must comply with the information and procedural requirements specified in regulations (Title 22, California Code of Regulations, Section 12903). A private party may not pursue an enforcement action directly under Proposition 65 if one of the governmental officials noted above initiates an action within sixty days of the notice.

A business found to be in violation of Proposition 65 is subject to civil penalties of up to \$2,500 per day for each violation. In addition, the business may be ordered by a court of law to stop committing the violation.

FOR FURTHER INFORMATION...

Contact the Office of Environmental Health Hazard Assessment's Proposition 65 Implementation Office at (916) 445-6900.

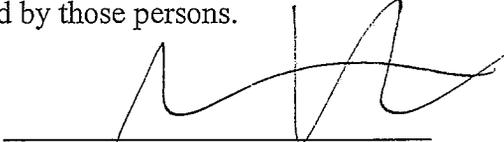
CERTIFICATE OF MERIT
Health and Safety Code Section 25249.7(d)

Re: CCAT's Notice of Proposition 65 Violation to Exide Technologies

I, Gideon Kracov, hereby 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 notice.
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. 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 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: April 12, 2013



Gideon Kracov, Attorney At Law

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 801 S. Grand Av., 11th Fl., Los Angeles, CA 90017.

On 4/12, 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", PROOF OF SERVICE on the following parties:

Via hand delivery:

Exide Technologies
c/o CT Corporation
818 W. 7th St.
Los Angeles, CA 90017

By placing a true and correct copy thereof in a sealed envelope, addressed to the party and depositing it at my business address for US Postal Service delivery by Certified Mail with the postage thereon fully prepaid:

James R. Bolch
President and Chief Executive Officer
Exide Technologies
13000 Deerfield Pkwy Bldg 200
Milton, GA 30004

On 4/12, 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, PROOF OF SERVICE on the following party by placing a true and correct copy thereof in a sealed envelope, addressed to the party and depositing it at my business address for US Postal Service delivery by Certified Mail with the postage thereon fully prepaid:

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

On 4/12, 2013, I served the following documents: NOTICE OF VIOLATION, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT, PROOF

Service List

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

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

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

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

District Attorney, Imperial County
940 West Main Street, Ste 102
El Centro, CA 92243

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

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

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

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

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

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

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

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

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

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

District Attorney, Sierra County
P.O. Box 457
Downieville, CA 95936

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

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

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

District Attorney, Glenn County
P.O. Box 430
Willows, CA 95988

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

District Attorney, Lake County
255 N. Forbes Street
Lakeport, CA 95453

District Attorney, Madera County
209 West Yosemite Avenue
Madera, CA 93637

District Attorney, Mendocino County
P.O. Box 1000
Ukiah, CA 95482

District Attorney, Mono County
P.O. Box 617
Bridgeport, CA 93517

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

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

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

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

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

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

District Attorney, Siskiyou County
P.O. Box 986
Yreka, CA 96097

District Attorney, Amador County
708 Court Street, Suite 202
Jackson, CA 95642

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

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

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

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

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

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

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

District Attorney, Monterey County
P.O. Box 1131
Salinas, CA 93902

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

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

District Attorney, San Bernardino County
316 N. Mountain View Avenue
San Bernardino, CA 92415-0004

District Attorney, San Joaquin County
P.O. Box 990
Stockton, CA 95201-0990

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

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

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

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

District Attorney, Tehama County
444 Oak Street, Room L
Red Bluff, CA 96080

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

District Attorney, Yuba County
215 Fifth Street, Suite 152
Marysville, CA 95901

San Francisco, City Attorney
City Hall, Room 234
1 Dr Carlton B Goodlett PL
San Francisco, CA 94102

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

District Attorney, Trinity County
P.O. Box 310
Weaverville, CA 96093

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

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

San Jose City Attorney's Office
200 East Santa Clara Street,
16th Floor
San Jose, CA 95113

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

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

District Attorney, Yolo County
301 2nd Street
Woodland, CA 95695

San Diego City Attorney's Office
1200 3rd Avenue, Ste 1620
San Diego, CA 92101