

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  
ELLEN B. GOLDSMITH  
SCOTT A. KRONLAND  
DANIELLE E. LEONARD  
STACEY M. LEYTON  
MATTHEW J. MURRAY  
PETER D. NUSSBAUM  
P. CASEY PITTS  
DANIEL T. PURTELL  
MICHAEL RUBIN  
PEDER J. THOREN  
LAURA S. TRICE  
JONATHAN WEISSGLASS

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*

April 15, 2014

Dollar Tree Distribution, Inc.  
c/o CT Corporation  
818 West Seventh Street  
Los Angeles, CA 90017

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

To Whom It May Concern:

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 Dollar Tree Distribution, 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 Dollar Tree Distribution, Inc.

Listed Chemicals: These violations involve exposures to *p*-dichlorobenzene (also referred to as 1,4-dichlorobenzene or *para*-dichlorobenzene) from the product listed below. On January 1, 1989, the State of California officially listed *p*-dichlorobenzene as a chemical known to the State to cause cancer.

Consumer Product: The product that is the subject of this notice is IMS Moth Balls.

Violations: The alleged violator knowingly and intentionally has exposed and continues knowingly and intentionally to expose consumers within the State of California to *p*-dichlorobenzene at levels that, upon reasonable use of the product, exceed the No Significant Risk Level without providing clear and reasonable warning of this exposure. In particular, the product does not warn that it contains chemicals known to the State of California to cause cancer.

Route of Exposure: Use of the product identified in this notice results in human exposures to *p*-dichlorobenzene. The routes of exposure include: inhalation when consumers breathe near the product; and absorption through skin, including but not limited to through handling of the product.

Duration of Violations: Each of these ongoing violations has occurred on every day since at least April 15, 2013; as well as every day since the product was introduced in the California marketplace and following the one-year anniversary date of the listing at issue; and will continue every day until clear and reasonable warnings are provided to product purchasers and users or until this known toxic chemical is removed from the product.

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

Dollar Tree Distribution, Inc.

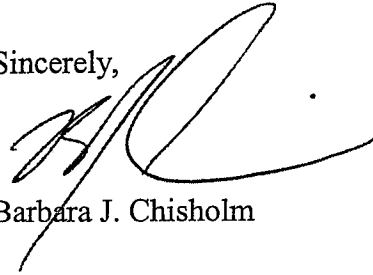
April 15, 2014

Page 3

Facsimile: 415-362-8064

E-mail: bchisholm@altber.com

Sincerely,

A handwritten signature in black ink, appearing to be 'B. Chisholm', written over a horizontal line.

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.

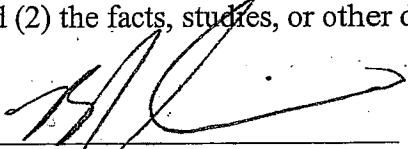
(2) I am the attorney for the noticing party, As You Sow.

(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: April 15, 2014

  
\_\_\_\_\_  
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 April 15, 2014, 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.

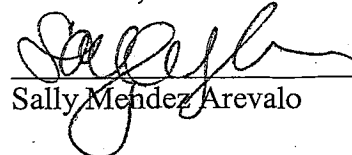
**ADDRESSEES**

Dollar Tree Distribution, Inc.  
c/o CT Corporation  
818 West Seventh Street  
Los Angeles, CA 90017

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 April 15, 2014, 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 Tom Hardy, District Attorney  
INYO COUNTY  
PO Box D  
Independence, CA 93526

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

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

The Honorable Bonnie Dumanis, District Attorney  
SAN DIEGO COUNTY  
330 W. Broadway, Suite 1300  
San Diego, CA 92101

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

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

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

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

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

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

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

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

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

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

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

The Honorable Jordan Funk, Interim District Attorney  
MODOC COUNTY  
204 S. Court Street, Room 202  
Alturas, CA 96101

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

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

The Honorable Gregory Totten, District Attorney  
VENTURA COUNTY  
800 South Victoria Avenue, Suite 314  
Ventura, CA 93009

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

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

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

The Honorable Tim Kendall, District Attorney  
MONO COUNTY  
PO BOX 2053  
Mammoth Lakes, CA 93546

The Honorable Gerald Shea, District Attorney  
SAN LUIS OBISPO COUNTY  
1035 Palm Street  
San Luis Obispo, CA 93408

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

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

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

The Honorable James Willett, District Attorney  
SAN JOAQUIN COUNTY  
PO BOX 990  
Stockton, CA 95202

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

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

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

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

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

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

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

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

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

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

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

The Honorable Michael Harper, District Attorney  
TRINITY COUNTY  
PO Box 310  
Weaverville, CA 96093



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

The Honorable Michael Ramsey, District Attorney  
BUTTE COUNTY  
25 County Center Drive - Administration Building  
Oroville, CA 95965

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

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

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

The Honorable Tim Ward, District Attorney  
TULARE COUNTY  
221 South Mooney Blvd., Suite 224  
Visalia, CA 93291

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

The Honorable Thomas K Cooke, District Attorney  
MARIPOSA COUNTY  
5101 Jones St., P.O. Box 730  
Mariposa, CA 95338

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

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

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

The Honorable Mike Feuer, City Attorney  
City of Los Angeles  
800 City Hall East, 200 North Main Street  
Los Angeles, CA 90012

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

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

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

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

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

The Honorable Todd Riebe, District Attorney  
AMADOR COUNTY  
708 Court Street #202  
Jackson, CA 95642

The Honorable Tony Rackauckas, District Attorney  
ORANGE COUNTY  
401 Civic Center Drive West  
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