Melvin B. Pearlston
Senior Counsel

Pacific Justice
CENTER

Of Counsel
Robert B. Hancock

March 10, 2015

**60-DAY NOTICE OF VIOLATIONS OF
CALIFORNIA HEALTH & SAFETY CODE SECTION 25249.5 *ET. SEQ.*
(PROPOSITION 65)**

Dear Alleged Violator and the Appropriate Public Enforcement Agencies:

I represent Erika McCartney in this matter. Ms. McCartney has identified violations of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65"), which is codified at California Heath & Safety Code §25249.5 *et. seq.*, with respect to the products identified below. These violations have occurred and continue to occur because the alleged Violator identified below failed to provide required clear and reasonable warnings with the identified products. This letter serves as a notice of these violations to the alleged Violator and the appropriate public enforcement agencies. Pursuant to Section 25249.7(d) of the statute, Ms. McCartney intends to file a private enforcement action in the public interest 60 days after effective service of the is notice unless the public enforcement agencies have commenced and are diligently prosecuting an action to rectify these violations.

General Information about Proposition 65. A copy of a summary of Proposition 65, prepared by the Office of Environmental Health Hazard Assessment, is an attachment with the copy of this letter served to the alleged Violator identified below.

Alleged Violator. The name of the companies covered by this notice that violated Proposition 65 (hereinafter "the Violators") are:

Weber-Stephen Products LLC
WSP Holdings Co.

Consumer Products and Listed Chemical. The products that are the subject of this notice and the chemical in those products identified as exceeding allowable levels are:

Weber Firespice Apple Wood Chips – Wood Dust
Weber Firespice Cherry Wood Chips – Wood Dust
Weber Firespice Hickory Wood Chips – Wood Dust
Weber Firespice Pecan Wood Chips – Wood Dust
Weber Firespice Apple Wood Chunks – Wood Dust
Weber Firespice Cherry Wood Chunks – Wood Dust
Weber Firespice Hickory Wood Chunks – Wood Dust
Weber Firespice Pecan Wood Chunks – Wood Dust
Weber Firespice Mesquite Wood Chunks – Wood Dust

On December 18, 2009, the State of California officially listed wood dust as a chemical known to cause cancer.

50 California Street, Suite 1500, San Francisco, California 94111

Telephone: (415) 310-1940 • Facsimile: (415) 354-3508

It should be noted that Ms. McCartney may continue to investigate other products that may reveal further violations and result in subsequent notices of violations.

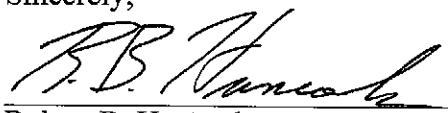
Route of Exposure. The consumer exposures that are the subject of this notice result from the purchase, acquisition, and recommended use of these products. Consequently, the primary route of exposure to these chemicals has been and continues to be through inhalation.

Approximate Time Period of Violations. Ongoing violations have occurred every day since at least March 10, 2014, as well as every day since the products were introduced into the California marketplace, and will continue every day until clear and reasonable warnings are provided to product purchasers and users or until these known toxic chemicals are either removed from or reduced to allowable levels in the products. Proposition 65 requires that a clear and reasonable warning be provided prior to exposure to the identified chemicals. The method of warning should be a warning that appears on the product label. The Violator violated Proposition 65 because it failed to provide persons using these products with appropriate warnings that they are being exposed to these chemicals.

Consistent with the public interest goals of Proposition 65 and a desire to have these ongoing violations of California law quickly rectified, Ms. McCartney is interested in seeking a constructive resolution of this matter that includes an enforceable written agreement by the Violator to: (1) recall any products already sold, or undertake best efforts to ensure that the requisite health hazard warnings are provided to those who have received such products; (2) reformulate the identified products so as to eliminate further exposures to the identified chemicals, or provide appropriate warnings on the labels of these products; and (3) pay an appropriate civil penalty. Such a resolution will prevent further unwarned consumer exposures to the identified chemicals, as well as expensive and time-consuming litigation. It should be noted that counsel cannot (1) finalize any settlement until after the 60-day notice period has expired; or (2) speak for the California Attorney General or any District or City Attorney who has received this notice. Therefore, while reaching an agreement may satisfy the claims alleged herein, such agreement may not be satisfactory to public prosecutors.

Erika McCartney has retained me as legal counsel in connection with this matter. Her address is 2124 Lincoln Avenue, #B, Alameda, California, 94501. Her telephone number is 707.502.8635. **Please direct all communications regarding this Notice of Violations to my attention at the law office address and telephone number indicated on the letterhead.**

Sincerely,



Robert B. Hancock

Attachments
- Certificate of Merit
- Certificate of Service
- OEHHA Summary (to Violators only)
- Additional Supporting Information for Certificate of Merit (to AG only)

CERTIFICATE OF MERIT

Re: Notice of Proposition 65 Violations

Robert B. Hancock declares:

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

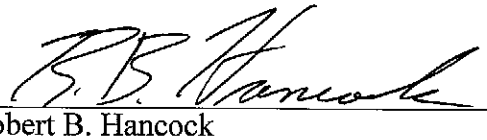
2. 1 am an attorney for the noticing party.

3. 1 have consulted with one or more persons with relevant and appropriate experience or expertise who have reviewed facts, studies, or other data regarding the exposures to the listed chemicals that are 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 10, 2015



Robert B. Hancock

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 action.

On March 10, 2015, 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 with the postage fully prepaid for delivery by Certified Mail:

Current Manager or Managing Member
Weber-Stephen Products LLC
200 E. Daniels Road
Palatine, IL 60067

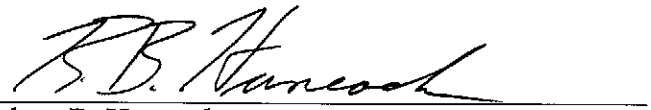
Current President or CEO
WSP Holdings Co.
200 E. Daniels Road
Palatine, IL 60067

On March 10, 2015, 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)(l)** on the following parties by uploading the foregoing documents at the webpage listed below:

Office of the California Attorney General
Prop 65 Enforcement Reporting
1515 Clay Street, Suite 2000
Post Office Box 70550
Oakland, CA 94612-0550
https://oag.ca.gov/prop65/add-60-day-notice

On March 10, 2015, 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 with the postage fully prepaid for delivery by Priority Mail.

Executed under penalty of perjury pursuant to the laws of the State of California this 10th day of March, 2015.



Robert B. Hancock

Service List

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

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

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

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

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

District Attorney,
Colusa County
547 Market Street
Colusa, CA 95932

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

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

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

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

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

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

District Attorney,
Imperial County
940 West Main Street, Ste. 102
El Centre, 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 N. Forbes Street
Lakeport, CA 95453

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

District Attorney,
Los Angeles County
210 W. Temple St., Ste. 1800
Los Angeles, CA 90012

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

District Attorney,
Marin County
3501 Civic Center Dr., Rm. 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
2222 M 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
Post Office Box 1131
Salinas, CA 93902

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

District Attorney,
Nevada County
201 Commercial St.
Nevada City, CA 95959

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

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

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

District Attorney,
Riverside County
3960 Orange Street
Riverside, CA 92502

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
316 N. Mountain View Avenue
San Bernardino, CA 92415

District Attorney,
San Diego County
330 W. 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 St. Room 450
San Luis Obispo, CA 93408

District Attorney,
San Mateo County
400 County Ctr., 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 West Hedding Street
San Jose, CA 95110

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

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

District Attorney,
Sierra County
PO Box 457
Downieville, CA 95936

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

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,
Stanislaus County
832 12th Street, Ste. 300
Modesto, CA 95353

District Attorney,
Sutter County
446 Second Street
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 Ave., Rm. 224
Visalia, CA 93291

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

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

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

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

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

Office of the City Attorney
City of Sacramento
915 I Street, 4th Floor
Sacramento, CA 95814

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

San Francisco City Attorney's
Office
City Hall, Room 234
1 Drive 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