



Klamath

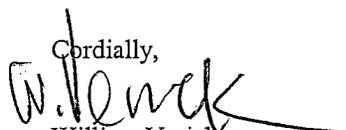
ENVIRONMENTAL
LAW CENTER

June 30, 2015

PROPOSITION 65 ENFORCEMENT REPORTING
ATTENTION: PROP 65 COORDINATOR
1515 CLAY STREET, SUITE 2000
P.O. BOX 70550
OAKLAND CA 94612-0550

Greetings:

This office and the Mateel Environmental Justice Foundation ("Mateel") give you notice that Cedar Fair Management, Inc. ("Cedar Fair") has been, is, will be and threatens to be in violation of Cal. Health & Safety Code § 25249.6. Both this office and Mateel are private enforcers of Proposition 65, both may be contacted at the below-listed address and telephone number, and I am a responsible individual at both Mateel and this office. The above referenced violations pertain to the areas in proximity to the go kart track and old car track at California Great America, located at 4701 Great America Parkway, Santa Clara, California. This go kart track is commonly known as Thunder Raceway and the old car track is commonly known as Barney Oldfield Speedway (collectively hereinafter "Thunder Raceway") (please see the areas circled in red on the attached map for Thunder Raceway's location within the California Great America amusement park). The areas at Thunder Raceway to which this notice pertains include inside the go karts themselves, the areas where people wait in line to take their turn driving the go karts, the areas where people wait for their friends or family members to disembark from the go karts, and where people stand to watch or photograph their friends and family members drive the go karts. These areas are hereinafter referred to collectively as "Thunder Raceway." The go karts at Thunder Raceway are powered by small gasoline engines. The gasoline engines from the Thunder Raceway go karts expose people at Thunder Raceway to gasoline engine exhaust (condensates/extracts), as well as many of the toxic components of gasoline engine exhaust. These toxic components are carbon monoxide, benzene, toluene, benzo(a)pyrene, formaldehyde, acetaldehyde, 1,3-butadiene, benz(a)anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene, benzo(j)fluoranthene, chrysene and indeno[1,2,3-cd] pyrene (collectively hereinafter "engine exhaust components"). Gasoline engine exhaust and the listed components are all chemicals known to the State to cause cancer and/or reproductive toxicity. Because the small gasoline-engine powered products expel these chemicals as exhaust into the air, the people operating these devices, and those standing nearby, inhale these chemicals. Their skin also comes into contact with these chemicals, and they ingest the chemicals. Exposure to these chemicals thus comes via the inhalation, dermal exposure and ingestion routes. Cedar Fair did not and does not provide people with clear and reasonable warnings before it exposes them to engine exhaust components. Exposures that are the subject of this notice do not occur off the property of Cedar Fair. These violations have occurred every day since July 1, 2012, and will continue every day until clear and reasonable warnings are provided to exposed people. The above-referenced violations are alleged for occupational exposures as well as for consumer and environmental exposures. This letter alleges environmental exposures that violate Section 25249.6. The common characteristic that all these sources of exposure share -- and which distinguishes these sources from other sources for which no violation is alleged -- is that the sources to which this letter pertains are the small gasoline-engines that power Thunder Raceway go karts and the operation of those go karts at Thunder Raceway.

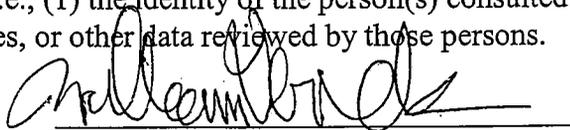
Cordially,

William Verick

424 First Street, Eureka, CA 95501 • 707.268.8900 (phone) 707.268.8901 (fax)

CERTIFICATE OF MERIT

I, William Verick, hereby declare: This Certificate of Merit accompanies the attached notice(s) of violation 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. I am the attorney for the noticing party. 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 exposure to the listed chemical that is the subject of the action. 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. 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 person(s) consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Dated: July 1, 2015



William Verick

This notice alleges the violation of Proposition 65 with respect to occupational exposures governed by the California State Plan for Occupational Safety and Health. The State Plan incorporates the provisions of Proposition 65, as approved by Federal OSHA on June 6, 1997. This approval specifically placed certain conditions on Proposition 65, including that it does not apply to the conduct of manufacturers occurring outside the State of California. The approval also provides that an employer may use the means of compliances in the general hazard communication requirements to comply with Proposition 65. It also requires that supplemental enforcement is subject to the supervision of the California Occupational Safety and Health Administration. Accordingly, any settlement, civil complaint, or substantive court orders in this matter must be submitted to the Attorney General.

CERTIFICATE OF SERVICE

I, Matt Lang, declare:

If called, I could and would testify as follows: I am over eighteen. My business address is 424 First Street, Eureka, California, 95501. On July 1, 2015, I caused the attached NOTICE OF VIOLATION LETTER, or a letter identical in substance, to be served by U.S. Mail on those public enforcement agencies listed on the attached SERVICE LIST; in addition on the same date and by U.S. Mail I caused the attached NOTICE OF VIOLATION and PROPOSITION 65: A SUMMARY to be sent by Certified U.S. Mail to the private business entities also listed on the attached SERVICE LIST. I deposited copies of these documents in envelopes, postage pre-paid, with the U.S. Postal Service on the day on which the mail is collected. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on July 1, 2015, at Eureka, California.



Matt Lang

SERVICE LIST

PROPOSITION 65 ENFORCEMENT REPORTING
ATTENTION: PROP 65 COORDINATOR
1515 CLAY STREET, SUITE 2000
POST OFFICE BOX 70550
OAKLAND, CA 94612-0550

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SANTA CLARA
70 W. HEDDING ST.
SAN JOSE, CA 95110

MATTHEW A OUIMET, CEO
CEDAR FAIR MANAGEMENT, INC.
ONE CEDAR POINT DR
SANDUSKY, OH 44870

OFFER TO SETTLE

Mateel is willing to settle this matter to the extent legally possible prior to the commencement of any enforcement action. Settlement terms would require that the unwarned exposures described in the accompanying 60 Day Notice Letter ("the Notice") be stopped. This would require that warnings be given to all future California Great America patrons about exposures to engine exhaust at Thunder Raceway and Barney Oldfield Speedway (collectively, "Thunder Raceway") Thunder Raceway, either by specifying Thunder Raceway by name or by posting warning signs in the "affected areas" in and around Thunder Raceway, warning patrons that they are (or will be) exposed to chemicals that cause cancer, birth defects or other reproductive harm. In the alternative, the go karts at Thunder Raceway could be changed from gas-powered to electric-powered, or, finally, Thunder Raceway could be closed permanently so that no gas-powered go karts would be operated there. Settlement terms would also require that Cedar Fair locate and provide a warning compliant with 27 Cal. Code Regs section 25601 to every person who is and who was subject to unwarned exposures described in the Notice to the extent those exposures are caused by being in (and breathing in) the affected areas around Thunder Raceway during the past three years. In addition, given the information available to Mateel at present, a term of any settlement will require that Cedar Fair pay a civil penalty of up to \$2,500 per person who has been subject to an unwarned exposure for each day on which such person has been exposed to engine exhaust and its components at Thunder Raceway during the past year. To determine what that penalty amount should actually be, Mateel will need to receive Thunder Raceway attendance data (to the extent there is any), relevant demographic data about the people who work at, ride go karts at and stand around at Thunder Raceway. Moreover, Mateel cannot actually settle this matter with Cedar Fair unless and until 70 days has elapsed since the sending of the accompanying Notice and unless no public enforcer has begun an enforcement action concerning the violations described in the Notice. Any settlement on behalf of the public interest must be approved by the California Superior Court on noticed motion with 45 days notice to the California Attorney General and the Attorney General may appear at any approval hearing and oppose a settlement if she believes the proposed settlement is not in the public interest. If you are interested in beginning settlement negotiations, please contact Mateel at the address and/or phone number provided in the Notice.