

**60 DAY NOTICE OF VIOLATION**

**SENT IN COMPLIANCE WITH CALIFORNIA HEALTH & SAFETY CODE §25249.7(d)**

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**DATE:** July 1, 2016  
**To:** Maxima Racing Oils; Prestone Products Corp.; Toyota Motor Sales, USA, Inc.; Ashland, Inc.; Amazon.com, Inc.; Autozone Parts, Inc.; Old World Industries LLC; CRP Industries, Inc.; California Attorney General’s Office; District Attorney’s Office for 58 Counties; and City Attorney’s Office for Los Angeles, San Diego, San Jose and San Francisco.

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**From:** SHEFA LMV, INC.

**I. INTRODUCTION**

We are a California non-profit corporation acting in the interest of the general public. We seek to promote awareness of exposures to toxic chemicals in products sold in California and, if possible, to improve public health and safety by reducing the hazardous substances contained in such items. This Notice is provided to the parties listed above pursuant to California Health & Safety Code §25249.6, et seq. (“Proposition 65”). The violations alleged by this Notice consist of product exposures, routes of exposures, and types of harm that may potentially result from exposures to the toxic chemical (“listed chemical”) identified below:

<b>Product Exposure:</b>	<b>See Section VII, Exhibit A</b>
<b>Listed Chemical:</b>	<b>Ethylene Glycol</b>
<b>CAS No.:</b>	<b>107-21-1</b>
<b>Listing Mechanism:</b>	<b>27 CCR section 25306</b>
<b>Routes of Exposure:</b>	<b>Ingestion</b>
<b>Types of Harm:</b>	<b>Developmental Toxicity</b>

**II. NATURE OF ALLEGED VIOLATION (PRODUCT EXPOSURE)**

The specific type of product that is causing consumer and professional exposures in violation of Proposition 65, and which is the subject of this Notice, is listed under “Product Category/Type” in Section VII below. All products within the type covered by this Notice shall be referred to hereinafter as the “products.” The sales of the products in California dating at least as far back as June 22, 2016 are subject to this Notice. As a result of these sales, exposures to the listed chemical have been occurring without clear and responsible warnings as required by Proposition 65. Without proper warnings regarding the toxic effects of exposures to the listed chemical, resulting from contact with the products, California citizenry lack the information necessary to make informed decisions on whether and how to eliminate (or reduce) the risk of exposure to the listed chemical from the reasonably foreseeable use of the products.

Through the act of buying, acquiring and using the products, citizens of California are exposed to the listed chemical in homes, workplaces and elsewhere throughout California. Exposure to consumers includes, but is not limited to, when handling the products the listed chemical comes off on the hands and is then ingested via hand to mouth contact, hand to food to mouth contact, or through hand to cigarette to mouth. Exposure may continue to occur for a significant period after the initial contact. These activities cause women, pregnant women, and women of child bearing age to be exposed directly through ingestion of the listed chemical from the products. People likely to be exposed are men and women; pregnant women and women of child bearing age may be exposed to the listed chemical from secondary contact with a male who was exposed directly.

### **III. CONTACT INFORMATION**

Please direct all questions concerning this notice to me through my counsel's offices at the following address:

Daniel N. Greenbaum, Esq.  
7120 Hayvenhurst Ave., Suite 320  
Van Nuys CA 91406  
Phone: (818) 809-2199  
Fax: (424) 243-7689  
Email: [dgreenbaum@greenbaumlawfirm.com](mailto:dgreenbaum@greenbaumlawfirm.com)

### **IV. PROPOSITION 65 INFORMATION**

For general information concerning the provisions of Proposition 65, please feel free to contact the Office of Environmental Health Hazard Assessment ("OEHHA") in the Proposition 65 Implementation Office at (916) 445-6900. For the alleged Violator(s), please see the attached copy of "Proposition 65 in Plain Language" which has been prepared by OEHHA.

### **V. RESOLUTION OF NOTICED CLAIMS**

Based on the allegations set forth in this Notice, we intend to file a citizen enforcement lawsuit against the alleged Violator(s), unless such Violator enters into a binding written agreement to: (1) recall products already sold or undertake best efforts to ensure that the requisite health hazard warnings are provided to those whom have received such products; and/or (2) provide clear and reasonable warnings for the products sold in the future; and/or (3) reformulate such products to eliminate the exposures to the listed chemical.

If an alleged Violator is interested in resolving this dispute without resorting to time-consuming and expensive litigation, please feel free to contact the counsel identified in **Section III**. Neither said counsel nor we can: (1) finalize any settlement until after the 60-day Notice period elapses; nor (2) speak for the Attorney General or any District Attorney or City Attorney who received this Notice. While a private settlement may resolve these claims, such an agreement may not satisfy public prosecutors.

## VI. PRODUCT INFORMATION

<b>Product</b>	<b>Retailer(s)</b>	<b>Manufacturer(s)/Distributor(s)</b>
Anti-freeze / Coolant	Amazon.com, Inc.	Maxima Racing Oils; Prestone Products Corp.; Toyota Motor Sales, USA, Inc.; Ashland, Inc.; Autozone Parts, Inc.; Old World Industries LLC; CRP Industries, Inc.

Identified above are specific examples of a product recently purchased as being available for purchase or use in California that is within the category or type of offending product covered by this Notice. Witnesses are available to testify to such sales in California. Based on publicly available information, the retailers, distributors and/or manufacturers of the example within the category or type of product are also provided below. Shefa believes and alleges that the sale of the products also has occurred without the requisite Proposition 65 “clear and reasonable warnings” at one or more locations and/or via other means including, but not limited to, transactions made over-the-counter, business to business, through the internet, and/or via catalog by the alleged Violator(s) and other distributors and retailers of the product.

## VII. EXEMPLAR PRODUCT

<b>Product Category/Type</b>	<b>Specific Product</b>	<b>Listed Chemical</b>
Anti-freeze / Coolant	Coolanol; UPC: 82964	Ethylene Glycol
Anti-freeze / Coolant	Prestone 50/50; UPC: 797496872531	Ethylene Glycol
Anti-freeze / Coolant	Toyota 50/50; UPC: 074804008678	Ethylene Glycol
Anti-freeze / Coolant	Valvoline Max Life; UPC: 028882719094	Ethylene Glycol
Anti-freeze / Coolant	Autozone Extended Life; UPC:052948202978	Ethylene Glycol
Anti-freeze / Coolant	Peak Full Strength Concentrate; UPC:074804009439	Ethylene Glycol
Anti-freeze / Coolant	Pentofrost NF; UPC:4008849400582	Ethylene Glycol

The specific example identified above is the type of product which is the subject of this Notice. We are identifying herein for all recipients’ benefit to assist in their investigation of, among other things, the magnitude of potential exposure to the listed chemical from other items within the product category/type listed in Section VII. It is important to note this example does not represent an exhaustive or comprehensive identification of any or all specific products of the type listed under “Product Category/Type” in Section VII. Further, it is Shefa’s position that the alleged Violator(s) are obligated to continue to conduct in good faith an investigation into other specific products within the type or category described above that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the alleged Violator(s)’ custody or control) during the relevant period so as to ensure that the requisite toxic warnings are provided to California citizens prior to purchase.

**PROOF OF SERVICE OF DOCUMENT**

I am over the age of 18 and not a party to this case or action. My business address is:

**7120 Hayvenhurst Ave., Suite 320, Van Nuys CA 91406**

A True and Correct copy of the documents entitled 60 DAY NOTICE OF VIOLATION; CERTIFICATE OF MERIT; THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY will be served or was served in the manner stated below:

I. **Interested Parties (Served via Certified Mail):** On July 1, 2016, I caused to be served the following persons and/or entities at the last known addresses by placing a true and correct copy thereof in a sealed envelope in the US Mail, postage prepaid, and addressed as follows:

Maxima Racing Oils	Attn: CEO or President	9266 Abraham Way, Santee CA 92071
South West Lubricants, Inc. d/b/a Maxima Racing Oils	Attn: Marco Garauallia	401 West A Street, Suite 2600, San Diego CA 92101
Prestone Products Corp.	Attn: CEO or President	39 Eagle Road, Danbury CT 06810
Prestone Products Corp.	Attn: CEO or President	1900 W. Field Court, Lake Forrest IL 60045
CORPORATION SERVICE COMPANY	c/o Prestone Products Corp.	818 West 7 <sup>th</sup> Street, Suite 930, Los Angeles CA 90017
Toyota Motor Sales USA, Inc.	Attn: CEO or President	1270 Ave. of the Americas, New York NY 10020
Toyota Motor Sales USA, Inc.	Attn: CEO or President	19001 S. Western Ave., Torrance CA 90501
CORPORATION SERVICE COMPANY	c/o Toyota Motor Sales, USA, Inc.	300 DESCHUTES WAY SW STE 304 , TUMWATER, WA 98501
Ashland, Inc.	Attn: CEO or President	50 E. Rivercenter Blvd., Covington KY 41011
Steven Spalding	c/o Ashland, Inc.	3475 Blazer Parkway, Lexington KY 40509
Autozone Parts, Inc.	Attn: CEO or President	123 S. Front Street, Memphis TN 38103
Old World Industries LLC	Attn: CEO or President	4065 Commercial Ave., Northbrook IL 60062
CORPORATION SERVICE COMPANY	c/o Old World Industries LLC	208 So. LaSalle St., Suite 814, Chicago IL 60604
CRP Industries, Inc.	Attn: CEO or President	35 Commerce Dr., Cranbury NJ 08512
Amazon.com, Inc.	Attn: CEO or President	410 Terry Ave N, Seattle, WA 98109
CORPORATION SERVICE COMPANY	c/o Amazon.com, Inc	300 DESCHUTES WAY SW STE 304 , TUMWATER, WA 98501

II. **California Attorney General (via website Portal):** On July 1, 2016, I uploaded a true and correct copy thereof as a PDF file via the California Attorney General's website.

III. **District and City Attorneys (via U.S. Mail):** On July 1, 2016, I caused to be served the following persons and/or entities at the last known addresses by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and addressed as follows: SEE ATTACHED FOR FULL SERVICE LIST

IV. **District and City Attorneys (via email):** On July 1, 2016, I served the following persons and/or entities at the last known electronic addresses via email. The transmission was reported as sent without error.

cfepd@yolocounty.org; sgrassini@contracosta.org; Prop65DA@co.monterey.ca.us; epu@da.sccgov.org; CEPD@countyofnapa.org; jbarnes@sonoma-county.org; Prop65@co.tulare.ca.us;

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct.

July 1, 2016

Nathan Ford

Date

Name



Signature

District Attorney  
ALAMEDA COUNTY  
1225 Fallon Street, Room 900  
Oakland, CA 94612

District Attorney  
ALPINE COUNTY  
PO Box 248  
Markleeville, CA 96120

District Attorney  
AMADOR COUNTY  
708 Court Street, #202  
Jackson, CA 95642

District Attorney  
BUTTE COUNTY  
25 County Center Drive —  
Administration Building  
Oroville, CA 95965

District Attorney  
CALAVERAS COUNTY  
891 Mountain Ranch Road  
San Andreas, CA 95249

District Attorney  
COLUSA COUNTY  
346 5th Street, Suite. 101  
Colusa, CA 95932

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DEL NORTE COUNTY  
450 H Street, Room 171  
Crescent City, CA 95531

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515 Main Street  
Placerville, CA 95667

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2220 Tulare Street, Suite. 1000  
Fresno, CA 93721

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GLENN COUNTY  
PO Box 430  
Willows, CA 95988

District Attorney  
HUMBOLDT COUNTY  
825 5th Street  
Eureka, CA 95501

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IMPERIAL COUNTY  
940 West Main Street, Suite. 102  
El Centro, CA 92243

District Attorney  
INYO COUNTY  
168 North Edwards  
Independence, CA 93526

District Attorney  
KERN COUNTY  
1215 Truxtun Avenue  
Bakersfield, CA 93301

District Attorney  
KINGS COUNTY  
1400 West Lacey Blvd.  
Hanford, CA 93230

District Attorney  
LAKE COUNTY  
255 N. Forbes Street  
Lakeport, CA 95453

District Attorney  
LASSEN COUNTY  
220 S. Lassen Street, Suite. 8  
Susanville, CA 96130

District Attorney  
LOS ANGELES COUNTY  
210 W. Temple Street  
Los Angeles, CA 90012

District Attorney  
MADERA COUNTY  
209 West Yosemite Avenue  
Madera, CA 93637

District Attorney  
MARIN COUNTY  
3501 Civic Center Drive, Room 130  
San Rafael, CA 94903

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PO BOX 730  
Mariposa, CA 95338

District Attorney  
MENDOCINO COUNTY  
PO BOX 1000  
Ukiah, CA 95482

District Attorney  
MERCED COUNTY  
550 West Main Street  
Merced, CA 95340

District Attorney  
MODOC COUNTY  
204 S. Court Street, Room 202  
Alturas, CA 96101

District Attorney  
MONO COUNTY  
PO BOX 2053  
Mammoth Lakes, CA 93546

District Attorney  
NEVADA COUNTY  
201 Commercial 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  
Roseville, CA 95678

District Attorney  
PLUMAS COUNTY  
520 Main Street, Room 404  
Quincy, CA 95971

District Attorney  
RIVERSIDE COUNTY  
3960 Orange Street  
Riverside, CA 92501

District Attorney  
SACRAMENTO COUNTY  
901 G Street  
Sacramento, CA 95812

District Attorney  
SAN BENITO COUNTY  
419 4th Street  
Hollister, CA 95023

District Attorney  
SAN BERNARDINO COUNTY  
303 W. Third Street  
San Bernardino, CA 92415

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

District Attorney  
SAN FRANCISCO COUNTY  
880 Bryant Street, Third Floor  
San Francisco, CA 94103

District Attorney  
SAN JOAQUIN COUNTY  
PO BOX 990  
Stockton, CA 95202

District Attorney  
SAN LUIS OBISPO COUNTY  
Courthouse Annex, 4th Floor  
San Luis Obispo, CA 93408

District Attorney  
SAN MATEO COUNTY  
400 County Center, Third 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, West Wing  
San Jose, CA 95110

District Attorney  
SHASTA COUNTY  
1355 West Street  
Redding, CA 96001

District Attorney  
SIERRA COUNTY  
100 Courthouse Square  
Downieville, CA 95936

District Attorney  
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PO BOX 986  
Yreka, CA 96097

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675 Texas Street, Suite 4500  
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600 Administration Drive, Room 212J  
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832 12th Street, Suite 300  
Modesto, CA 95353

District Attorney  
SUTTER COUNTY  
446 Second Street, Suite 102  
Yuba City, CA 95991

District Attorney  
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PO BOX 519  
Red Bluff, CA 96080

District Attorney  
TRINITY COUNTY  
PO BOX 310  
Weaverville, CA 96093

District Attorney  
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San Jose, CA 95113

Dennis J. Herrera  
City Attorney  
CITY OF SAN FRANCISCO  
City Hall, Room 234  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

## CERTIFICATE OF MERIT

I, Daniel N. Greenbaum, 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.

(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 chemical that is 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.

July 1, 2016

*Date*

Daniel N. Greenbaum

*Name*



*Signature*