

60 DAY NOTICE OF VIOLATION
SENT IN COMPLIANCE WITH CALIFORNIA HEALTH & SAFETY CODE §25249.7(d)

DATE: July 15, 2016
To: Oatey Company; Hercules Chemical Company; Airgas, Inc.; Airgas USA, LLC; Amazon.com, 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.

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:

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

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

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

Product	Retailer(s)	Manufacturer(s)/Distributor(s)
Anti-freeze / Coolant	Airgas USA, LLC	Airgas, Inc.
Leak Detector fluid	Amazon.com, Inc.	Oatey Company / Hercules Chemical Co

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

Product Category/Type	Specific Product	Listed Chemical
Cooling Fluid	Radnor Cooling Fluid; P/N: 64000246	Ethylene Glycol
Leak Detector	Oatey All Purpose Leak Detector; UPC: 038753302119	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 15, 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:

Oatey Company	Attn: CEO or President	4700 W. 160 th Street, Cleveland OH 44135
Hercules Chemical Company	Attn: CEO or President	4700 W. 160 th Street, Cleveland OH 44135
CT Corp.	c/o Oatey Company	1300 E. 9 th Street, Cleveland OH 44114
Airgas, Inc.	Attn: CEO or President	PO Box 6675 Radnor PA 19087
Airgas, Inc.	Attn: CEO or President	259 N. Radnor Chester Rd Ste 100, Radnor, PA 19087
Capitol Services, Inc.	c/o Airgas, Inc.	1675 S. State Street, Suite B, Dover DE 19901
Airgas USA, LLC	Attn: CEO or President	2355 Workman Mill Road, City of Industry CA 90601
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 15, 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 15, 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 15, 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 15, 2016

Nathan Ford

Date

Name



Signature

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

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ALPINE COUNTY
PO Box 248
Markleeville, CA 96120

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Colusa, CA 95932

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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 15, 2016

Date

Daniel N. Greenbaum

Name



Signature