

## NOTICE OF VIOLATION

### California Safe Drinking Water and Toxic Enforcement Act

#### Styrene Exposures Resulting From Plastics Processing

February 27, 2019

This Notice of Violation is provided to you pursuant to and in compliance with California Health and Safety Code Section 25249.7(d).

- For general information regarding the California Safe Drinking Water and Toxic Enforcement Act, see the attached summary provided by the California EPA (copies not provided to public enforcement agencies).
- This Notice of Violation is provided by the East Yard Communities for Environmental Justice ("EYCEJ"), 2317 S. Atlantic Blvd, Commerce, CA 90040. EYCEJ is an environmental health and justice non-profit organization working towards a safe and healthy environment for communities that are disproportionately suffering the negative impacts of industrial pollution. mark! Lopez is the Executive Director of and a responsible individual within EYCEJ.
- This Notice of Violation follows a similar Notice served by the Center for Environmental Health ("CEH") on October 1, 2018. EYCEJ intends to work together with CEH to enforce and/or resolve the violations alleged in this Notice.

#### Description of Violation:

- Violators: The name and address of each violator is:

**Custom Fibreglass Manufacturing Co.**  
1711 Harbor Avenue  
Long Beach, CA 90813

**Truck Accessories Group, LLC**  
28858 Ventura Drive  
Elkhart, IN 46517

**J.B. Poindexter & Co., Inc.**  
600 Travis Street, Suite 400  
Houston, TX 77002

- Time Period of Exposure: The violations have been occurring since at least April 22, 2017, and are continuing up through the present. There is a substantial threat of ongoing and future violations unless and until the alleged violators abate the threat of additional styrene exposures from ongoing and future operations.

- Provision of Proposition 65: This Notice of Violation covers the “warning provision” of Proposition 65, which is found at California Health and Safety Code Section 25249.6.
- Chemical Involved: The name of the listed chemical involved in these violations is styrene. Styrene is a chemical that is known to cause cancer. Exposures to styrene are occurring at the location described below.
- Location of the Exposures: The specific location of the exposures is the neighborhood surrounding Custom Fibreglass Manufacturing Co.’s facility located at 1711 Harbor Avenue, Long Beach, CA, 90813 (the “Facility”). The exposures occur at all locations within a 0.25 mile radius of the Facility.
- Description of Exposure: This Notice addresses environmental exposures to styrene. These exposures are caused by the Facility’s operations, which process and treat plastics using a variety of methods. The Facility’s operations release styrene into the air, exposing residents living and working within the Long Beach neighborhood described above to styrene. The primary route of exposure for the violations is inhalation when residents inhale the air that has been contaminated with the styrene released from the Facility operated by the alleged violators. No clear and reasonable warning is provided regarding the carcinogenic hazards of styrene.

#### **Resolution of Noticed Claims:**

Based on the allegations set forth in this Notice, EYCEJ intends to join in CEH’s citizen enforcement lawsuit pending against the alleged violators unless such violators agree in a binding written instrument to: (1) provide clear and reasonable warnings; (2) immediately abate the threat of additional styrene exposures; and (3) pay an appropriate civil penalty based on the factors enumerated in California Health and Safety Code Section 25249.7(b). If the alleged violators are interested in resolving this dispute without resort to expensive and time-consuming litigation, please feel free to contact EYCEJ through its counsel identified below.

#### **Preservation of Relevant Evidence:**

This Notice also serves as a demand that the alleged violators preserve and maintain all relevant evidence, including all electronic documents and data, pending resolution of this matter. Such relevant evidence includes but is not limited to all documents relating to styrene releases from the alleged violators’ operations, actual or potential exposures to styrene from the alleged violators’ operations, efforts to comply with Proposition 65, and communications with any person relating to actual or potential exposures to styrene from the alleged violators’ operations since April 22, 2016 through the date of any trial of the claims alleged in this Notice.

Please direct any inquiries regarding this Notice to EYCEJ’s counsel Mark N. Todzo at Lexington Law Group, 503 Divisadero Street, San Francisco, CA 94117, (415) 913-7800, [mtodzo@lexlawgroup.com](mailto:mtodzo@lexlawgroup.com).

**CERTIFICATE OF MERIT**  
**Health & Safety Code § 25249.7(d)**

I, Mark N. Todzo, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged that the parties identified in the notice has violated Health & Safety Code § 25249.6 by failing to provide clear and reasonable warnings.
2. I am an attorney with the Lexington Law Group, and I represent the noticing party, East Yard Communities for Environmental Justice.
3. Members of my firm and 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 exposures to the listed chemical that is the subject of the action.
4. Based on the information obtained through those consultations, 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 the information did not prove that the alleged violators will be able to establish any of the affirmative defenses set forth in the statute.
5. The copy of the 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 & 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.

February 27, 2019



Mark N. Todzo  
Attorney for EAST YARD COMMUNITIES  
FOR ENVIRONMENTAL JUSTICE

1 **PROOF OF SERVICE**

2

3 I, Alexis Pearson, declare:

4 I am a citizen of the United States and employed in the County of San Francisco, State of  
5 California. I am over the age of eighteen (18) years and not a party to this action. My business  
6 address is 503 Divisadero Street, San Francisco, CA 94117 and my email address is  
apearson@lexlawgroup.com.

7 On February 27, 2019, I served the following document(s) on all interested parties in this  
8 action by placing a true copy thereof in the manner and at the addresses indicated below:

9 **NOTICE OF VIOLATION OF CALIFORNIA SAFE DRINKING WATER AND  
10 TOXIC ENFORCEMENT ACT;**

11 **CERTIFICATE OF MERIT; and**

12 **THE SAFE DRINKING AND TOXIC ENFORCEMENT ACT OF 1986**  
13 **(PROPOSITION 65): A SUMMARY** (only sent to those on service list marked with an  
14 asterisk).

15 ☒ **BY MAIL:** I am readily familiar with the firm's practice for collecting and processing mail  
16 with the United States Postal Service ("USPS"). Under that practice, mail would be deposited  
17 with USPS that same day with postage thereon fully prepaid at San Francisco, California in the  
18 ordinary course of business. On this date, I placed sealed envelopes containing the above  
19 mentioned documents for collection and mailing following my firm's ordinary business practices.

20 *Please see attached service list.*

21 ☐ **BY FACSIMILE:** I caused all pages of the document(s) listed above to be transmitted via  
22 facsimile to the fax number(s) as indicated and said transmission was reported as complete and  
23 without error.

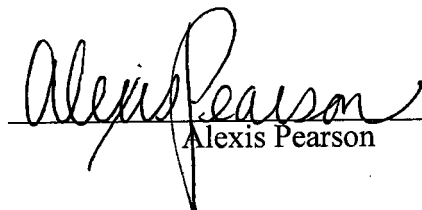
24 ☐ **BY ELECTRONIC MAIL:** I transmitted a PDF version of the document(s) listed above via  
25 email to the email address(es) indicated on the attached service list [or noted above] before 5 p.m.  
26 on the date executed.

27 ☐ **BY PERSONAL DELIVERY:** I placed all pages of the document(s) listed above in a sealed  
28 envelope addressed to the party(ies) listed above, and caused such envelope to be delivered by  
hand to the addressee(s) as indicated.

☐ **BY OVERNIGHT DELIVERY:** I deposited such document(s) in a box or other facility  
regularly maintained by FedEx, or delivered such document(s) to a courier or driver authorized by  
FedEx, with delivery fees paid or provided for, and addressed to the person(s) being served.

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

Executed on February 27, 2019 at San Francisco, California.

  
Alexis Pearson

### **SERVICE LIST**

District Attorney of Los Angeles County  
Hall of Justice  
211 W. Temple Street, Ste. 1200  
Los Angeles, CA 90012-3210

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

California Attorney General's Office  
Attention: Proposition 65 Coordinator and Robert  
Thomas  
1515 Clay Street, Ste. 2000  
P.O. Box 70550  
Oakland, CA 94612-0550

Hartmut Schoeder, CEO\*  
Custom Fibreglass Manufacturing Co.  
1711 Harbor Avenue  
Long Beach, CA 90813

John B. Poindexter, Manager\*  
Truck Accessories Group, LLC  
28858 Ventura Drive  
Elkhart, IN 46517

John B. Poindexter, CEO\*  
J.B. Poindexter & Co., Inc.  
600 Travis Street, Suite 400  
Houston, TX 77002