

## NOTICE OF VIOLATION

### California Safe Drinking Water and Toxic Enforcement Act

December 27, 2019

This Notice of Violation (the "Notice") 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 ("Proposition 65"), please see the attached summary prepared by California's Office of Environmental Health Hazard Assessment.
- This Notice is provided by Maria Elizabeth Romero, a concerned citizen of the State of California and resident of Monterey County.

#### Description of Violation:

- Violators: LGC Standards, Inc.  
LGC North America, Inc.  
VHG Labs, Incorporated
- Time Period of Exposure: The violations have been occurring since at latest December 27, 2016, and are ongoing.
- Statutory Authority: This Notice is provided for failure to comply with the warning requirements of Proposition 65, found at California Health and Safety Code section 25249.6.
- Chemical Involved: The name of the chemical involved in these violations is Benzene. Exposures to Benzene result from use of the products identified in this Notice.
- Type of Product: The type of product for which notice is hereby given is chemical products which contain Benzene ("Covered Products"). Identified below are specific examples of Covered Product recently purchased and/or witnessed as being available for purchase and use in California (the "Exemplar Products"). The Exemplar Products are provided to assist the Violators in their investigation of allegations set forth in this Notice, and are not the only Covered Products for which violation is alleged.
- Description of Exposure: Foreseeable uses of the Covered Products in academic laboratories, *inter alia*, result in human exposures to Benzene. The primary routes of exposure include dermal contact, eye contact, inhalation, ingestion, and accidental injection. No clear and reasonable warning of Benzene's toxicity is provided in connection with the purchase or use of the Covered Products.

**Resolution of Noticed Claim:**

The purpose of Proposition 65 is to protect the citizens of the State of California from unwitting exposure to reproductive harm and carcinogenic substances. Within the next 60 days, California's Office of the Attorney General and other government attorneys may choose to bring an enforcement action against you in this matter. After this time, Mrs. Romero will file a citizen enforcement lawsuit against you unless you agree in a binding written settlement to: (1) provide Proposition 65-compliant warnings to California residents prior to sales of products containing Listed Chemicals; (2) provide Proposition 65-compliant warnings on the labels of Covered Products sold to California residents (to protect end users); and (3) require that any entity involved in resale of Covered Products also provide compliant warnings – or to cease all sales to residents of California. Any settlement agreement will also contain an enforcement mechanism providing for substantial penalties in case of non-compliance. Please note that final resolution of this matter will be subject to the oversight and approval of public prosecutors.

**Exemplar Products:**

Benzene, LGC Product Code DRE-C10535000  
Benzene 100 µg/mL in Methanol, LGC Product Code DRE-GA09011063ME  
Benzene 100 µg/mL in Methanol, LGC Product Code DRE-XA10535000ME  
Benzene 5000 µg/mL in Methanol, LGC Product Code DRE-GA09011070ME  
Aromatic Hydrocarbons Mix 11 2000 µg/mL in Methanol, Code DRE-YA04000100ME

**Contact Us:**

Please consider this a formal notice of anticipated litigation, and preserve all evidence related to the Covered Products, including physical and digital records. Any inquiries regarding this notice should be directed to Mrs. Romero's counsel, Benjamin D. Weston, with Agency D&L, 1968 South Coast Highway, Suite 1200, Laguna Beach, California 92651. Mr. Weston may be contacted by telephone at 650.250.5075, by facsimile at 650.206.9844 and by e-mail at [ben@agencydl.com](mailto:ben@agencydl.com).

*Enclosures:*

Appendix A (LGC/VHG copies only)  
Certificate of Merit  
Proof of Service  
Factual Information (A.G. copy only)

## **CERTIFICATE OF MERIT**

### **California Safe Drinking Water and Toxic Enforcement Act**

December 27, 2019  
(Romero v. LGC Standards, Inc., et al.)

I, Benjamin D. Weston, hereby declare:

1. This Certificate of Merit accompanies the attached 60-day notice in which it is alleged the parties identified in the notices have violated California Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.

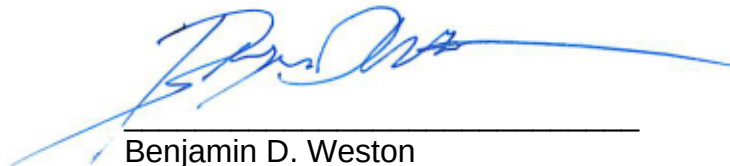
2. I am the attorney for the noticing party.

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 exposures to the listed chemicals that are 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 plaintiff's 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.

Respectfully submitted,



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Benjamin D. Weston  
Cal. Bar No. 240641

## **Certificate of Service**

I, Chris Johnson, hereby declare:

1. I am, and was at the time of service hereinafter mentioned, a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is 498 Calle Principal, Monterey, California 93940.
2. On December 27, 2019, I served the following documents:
  - 60-Day Notice of Violation
  - Certificate of Merit

on each of the parties on the service list attached hereto by the method described below.

**BY MAIL:** I deposited such envelope in the mail at Monterey, California, with postage thereon fully prepaid. I am readily familiar with my company's practice of preparing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that service is presumed invalid if the postal cancellation date or postage meter date is more than one (1) day after date of my signature below.

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

Dated: December 27, 2019

\_\_\_\_\_  
Chris Johnson

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I, Benjamin D. Weston, hereby declare:

1. I am, and was at the time of service hereinafter mentioned, a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is 1968 South Coast Highway, Suite 1200, Laguna Beach, CA 92651.
  2. On December 27, 2019, I served the following documents:
    - 60-Day Notice of Violation
    - Certificate of Merit
- on the following persons by causing a true and correct .PDF copy thereof to be sent via electronic mail to the parties listed below, pursuant to Cal. Code Regs., title. 27, § 25903(c)(l):

Alameda County District Attorney <a href="mailto:CEPDProp65@acgov.org">CEPDProp65@acgov.org</a>	Calaveras County District Attorney <a href="mailto:Prop65Env@co.calaveras.ca.us">Prop65Env@co.calaveras.ca.us</a>
Contra Costa County District Attorney <a href="mailto:sgrassini@contracostada.org">sgrassini@contracostada.org</a>	Inyo County District Attorney <a href="mailto:inyoda@inyocounty.us">inyoda@inyocounty.us</a>
Lassen County District Attorney <a href="mailto:mлатimer@co.lassen.ca.us">mлатimer@co.lassen.ca.us</a>	Monterey County District Attorney <a href="mailto:Prop65DA@co.monterey.ca.us">Prop65DA@co.monterey.ca.us</a>
Napa County District Attorney <a href="mailto:CEPD@countyofnapa.org">CEPD@countyofnapa.org</a>	Riverside County District Attorney <a href="mailto:Prop65@rivcoda.org">Prop65@rivcoda.org</a>
Sacramento County District Attorney <a href="mailto:Prop65@sacda.org">Prop65@sacda.org</a>	San Diego City Attorney <a href="mailto:CityAttyProp65@sandiego.gov">CityAttyProp65@sandiego.gov</a>
San Diego County District Attorney <a href="mailto:CityAttyCrimProp65@sandiego.gov">CityAttyCrimProp65@sandiego.gov</a>	San Francisco County District Attorney <a href="mailto:gregory.alker@sfgov.org">gregory.alker@sfgov.org</a>
San Francisco City Attorney <a href="mailto:Valerie.Lopez@sfcityattys.org">Valerie.Lopez@sfcityattys.org</a>	San Joaquin County District Attorney DA <a href="mailto:DAConsumer.Environmental@sjcda.org">DAConsumer.Environmental@sjcda.org</a>
San Luis Obispo County District Attorney <a href="mailto:edobroth@co.slo.ca.us">edobroth@co.slo.ca.us</a>	Santa Barbara County District Attorney <a href="mailto:DAProp65@co.santa-barbara.ca.us">DAProp65@co.santa-barbara.ca.us</a>
Santa Clara County District Attorney <a href="mailto:EPU@da.sccgov.org">EPU@da.sccgov.org</a>	Santa Cruz County District Attorney <a href="mailto:Prop65DA@santacruzcounty.us">Prop65DA@santacruzcounty.us</a>
Sonoma County District Attorney <a href="mailto:jbarnes@sonoma-county.org">jbarnes@sonoma-county.org</a>	Tulare County District Attorney <a href="mailto:Prop65@co.tulare.ca.us">Prop65@co.tulare.ca.us</a>
Ventura County District Attorney <a href="mailto:daspecialops@ventura.org">daspecialops@ventura.org</a>	Yolo County District Attorney <a href="mailto:cfepd@yolocounty.org">cfepd@yolocounty.org</a>

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

Dated: December 27, 2019

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Benjamin D. Weston

## List for Service by Mail

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

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

Butte County District Attorney  
25 County Center Drive, Suite 245  
Oroville, CA 95965

Colusa County District Attorney  
346 Fifth Street, Suite 101  
Colusa, CA 95932

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

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

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

Glenn County District Attorney  
P.O. Box 430  
Willows, CA 95988

Humboldt County District Attorney  
825 5th Street, 4th Floor  
Eureka, CA 95501

Imperial County District Attorney  
940 West Main Street, Suite 102  
El Centro, CA 92243

Kern County District Attorney  
1215 Truxtun Avenue, 4th Floor  
Bakersfield, CA 93301

Kings County District Attorney  
1400 West Lacey Boulevard  
Hanford, CA 93230

Lake County District Attorney  
255 North Forbes Street  
Lakeport, CA 95453

Los Angeles County District Attorney  
211 West Temple Street  
Suite 1200  
Los Angeles, CA 90012

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

Marin County District Attorney  
3501 Civic Center Drive, Room 130  
San Rafael, CA 94903

Mariposa County District Attorney  
5101 Jones Street, P.O. Box 730  
Mariposa, CA 95338

Mendocino County District Attorney  
100 North State Street, P.O. Box 1000  
Ukiah, CA 95482

Merced County District Attorney  
550 W. Main Street  
Merced, CA 95340

Modoc County District Attorney  
204 S. Court Street, Suite 202  
Alturas, CA 96101

Mono County District Attorney  
278 Main St  
Bridgeport, CA 93517

Nevada County District Attorney  
201 Commercial Street  
Nevada City, CA 95959

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

Placer County District Attorney  
10810 Justice Center Drive, Suite 240  
Roseville, CA 95678

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

San Benito County District Attorney  
419 4th Street, Second Floor  
Hollister, CA 95203

San Bernardino County District Attorney  
303 West 3rd Street, 6th Floor  
San Bernardino, CA 92415-0502

San Mateo County District Attorney  
400 County Center, Third Floor  
Redwood City, CA 94063

Shasta County District Attorney  
1355 West Street  
Redding, CA 96001

Sierra County District Attorney  
100 Courthouse Square  
Downieville, CA 95936

Siskiyou County District Attorney  
P.O. Box 986  
Yreka, CA 96097

Solano County District Attorney  
675 Texas Street, Suite 4500  
Fairfield, CA 94533

Stanislaus County District Attorney  
832 12th Street, Suite 300  
Modesto, CA 95354

Sutter County District Attorney  
466 Second Street, Suite 102  
Yuba City, CA 95991

Tehama County District Attorney  
444 Oak Street, Room L  
Red Bluff, CA 96080

Trinity County District Attorney  
P.O. Box 310  
Weaverville, CA 96093

Tuolumne County District Attorney  
423 North Washington Street  
Sonora, CA 95370

Yuba County District Attorney  
215 Fifth Street  
Marysville, CA 95901

Office of the City Attorney, Los Angeles  
City Hall East  
200 North Main Street  
Los Angeles, CA 90012

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

Office of the City Attorney, San Jose  
200 East Santa Clara Street, 16th Floor  
San Jose, CA 95113

**VHG Labs, Incorporated**  
**Attn: Chief Executive Officer**  
**276 Abby Road**  
**Manchester, NH 03103**

**Chief Executive Officer**  
**LGC Standards, Inc.**  
**276 Abby Road**  
**Manchester, NH 03103**

**Chief Executive Officer**  
**LGC North America, Inc.**  
**276 Abby Road**  
**Manchester, NH 03103**