



ENVIRONMENTAL LAW FOUNDATION

1222 Preservation Park Way, Suite 200, Oakland, California 94612 • (510) 208-4555 • www.envirolaw.org

July 6, 2020

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California Attorney General
1515 Clay Street, Suite 2000
Oakland, CA 94612-1413

Jackie Lacey, District Attorney
Los Angeles County District Attorney Office
Hall of Justice
211 W. Temple Street, Suite 1200
Los Angeles, CA 90012

Stephen S Lee
Connell Processing, Inc.
3094 N Avon St
Burbank, CA 91504

**Re: Notice of Violation of The Safe Drinking Water and Toxic Enforcement Act of 1986
(Proposition 65)**

Dear Connell Processing, Inc. and the Appropriate Proposition 65 Public Enforcement Agencies:

We represent Environmental Law Foundation (“ELF”) whose primary mission is to prevent and reduce toxic hazards to human health and the environment. This letter constitutes notification that Connell Processing, Inc. (“Connell Processing”) located at 3094 N Avon Street, Burbank, California 91504 has violated the warning requirement of the Safe Drinking Water and Toxic Enforcement Act (“Proposition 65”) which is codified at Health & Safety Code § 25249.5 *et seq.*

In particular, Connell Processing has exposed and continues to expose numerous individuals within the surrounding area to chromium (hexavalent compounds) without providing a clear and reasonable warning to these persons. This letter serves as a notice of these violations to Connell Processing and the appropriate public enforcement agencies. Pursuant to Health and Safety Code section 25249.7, subdivision (d), ELF intends to file a private enforcement action in the public interest 60 days after effective service of this Notice of Violation unless the public enforcement agencies have commenced and are diligently prosecuting an action to rectify these violations.

General Information About Proposition 65: A copy of a summary of Proposition 65, prepared by the Office of Environmental Health Hazard Assessment, is enclosed with this letter served to Connell Processing.

Information Pertaining to Hexavalent Chromium and Proposition 65: On February 27, 1987, the State of California officially listed chromium (hexavalent compounds) as a

chemical known to cause cancer. On December 19, 2008, the State of California officially listed chromium (hexavalent compounds) as a chemical known to cause developmental toxicity, and male and female reproductive toxicity. OEHHA has established a no significant risk level for inhalation of chromium (hexavalent compounds) of 0.001 micrograms per day. (Cal. Code Regs., tit. 27, § 25705 (b)(1).)

Geographic Location of the Unlawful Exposure: The affected area is that of the facility and any commercial, industrial, residential, and school sites in the immediate vicinity. A map of the affected area is attached as Exhibit 1.

Route of Exposure: The exposures that are the subject of this Notice of Violation occur through inhalation. The alleged violator Connell Processing's operations involve processing and treating metals using various methods. These methods and operations release chromium (hexavalent compounds) into the air where it is inhaled by the surrounding communities.

Approximate Time Periods of Violations: Ongoing violations have occurred each day during the ordinary course of business operations since at least July 6, 2019 and will continue every day until clear and reasonable warnings are provided to those persons exposed to chromium (hexavalent compounds) or until the level of emissions from the facility is reduced to allowable levels.

Proposition 65 requires that a clear and reasonable warning be provided prior to exposure to the identified chemical. Certified Enameling is in violation of Proposition 65 because the company failed to provide a warning to those working, residing, attending school, or otherwise present in the affected area that they are exposed to chromium (hexavalent compounds). Based on the environmental exposure at issue, the method of warning should be one or more of the methods required in the California Code of Regulations, title 27, section 25604. ELF believes that the method of warning most likely to be seen, read, and understood by an ordinary individual in the course of normal daily activity would be "a warning provided in a notice mailed, sent electronically, or otherwise delivered to each occupant in the affected area." (Cal. Code Regs. tit 27, § 25604, subd. (a)(2).) As required by Section 25604, subdivision (a)(2)(A-D) the warning must clearly identify the source of the exposure, include a map that clearly identifies the affected area, be provided at least every three months, and be provided in English and in any other language ordinarily used by the person to communicate with the public.

Consistent with the public interest goals of Proposition 65 and a desire to have these ongoing violations of California law quickly rectified, ELF is interested in seeking a constructive resolution of this matter that includes an enforceable written agreement by Connell Processing to (1) take immediate measures to reduce the amount of chromium (hexavalent compounds) emitted from the facility so as to reduce or eliminate further exposures to this dangerous chemical; 2) provide clear and reasonable warnings compliant with Proposition 65 to all persons surrounding the facility; and 3) pay an appropriate civil penalty. Such a resolution will prevent further unwarranted exposures to the identified chemical, as well as expensive and time-consuming litigation.

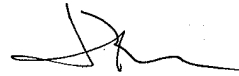
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Please direct all communications regarding this Notice of Violation to Environmental Law Foundation, 1222 Preservation Park Way, Suite 200, Oakland, CA 94612; Tel. (510) 208-4555.

Sincerely,



James R. Wheaton

Attorney for Environmental Law Foundation

Attachments:

Certificate of Merit

Exhibit 1: Map

OEHHA Summary (to Violator only)

Additional Supporting Information for Certificate of Merit (to Attorney General only)

CERTIFICATE OF MERIT - Health and Safety Code § 25249.7(d)

RE: Notice of Violation of The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65)

I, James R. Wheaton, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged that the party identified in the notice violated California Health and Safety Code section 25249.6 by exposing consumers to chemicals known to the state to cause cancer and reproductive toxicity without providing clear and reasonable warnings.

2. I am an attorney for the noticing party.

3. I have consulted with one or more persons with relevant and appropriate experience or expertise who have reviewed facts, studies, or other data regarding the exposures to the listed chemicals that are the subject of the Notice.

4. Based on the information obtained through those consultants, 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 information provides a credible basis that all elements of the plaintiff’s case can be established and that 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. Along with the copy of this Certificate of Merit served on the Attorney General is attached additional factual information sufficient to establish the basis for this certificate, including the information identified in Health and Safety Code section 25249.7, subdivision (h)(2), i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies, and other data reviewed by those persons.

Executed: July 6, 2020



James R. Wheaton

Exhibit 1

