

VICTOR C. ROSE (1907-1972)  
ALFRED M. KLEIN (1913-2000)  
EUGENE MARIAS (1919-1982)

\*ROBERT B. STEINBERG  
\*HOWARD N. LEHMAN  
\*JASON A. GOTTLIEB  
\*HERBERT I. GALPERSON  
\*MARVIN N. SHAPIRO  
\*BARRY I. GOLDMAN  
\*G. RONALD FEENBERG  
\*DENNIS D. WELCH  
\*GREGORY STAMOS  
\*DENNIS J. SHERWIN  
\*STEVEN M. HOFFBERG  
\*ROBERT I. VINES  
\*MANUEL L. NUNES  
\*DAVID A. ROSEN  
\*RICHARD G. BARONE  
\*WILLIAM M. GREWE  
\*CHRISTOPHER P. RIDOUT  
\*TONI RAYKOVICH

\* DENOTES PROFESSIONAL CORPORATION  
† ADMITTED ONLY IN SWEDEN

LAW OFFICES OF  
**ROSE, KLEIN & MARIAS LLP**  
801 SOUTH GRAND AVENUE  
18TH FLOOR  
LOS ANGELES, CALIFORNIA 90017-4645  
FAX (213) 623-7755  
(213) 626-0571

WENDY HAYWARD-MARSHALL  
ANDREW J. SHORENSTEIN  
STEVEN C. ROBINSON  
BABETTE F. BEMEL  
LILIA BALLESTEROS  
ESTHER OZ  
DAVID S. GALPERSON  
ARLYN M. LATIN  
\*RONNY MARTINSSON  
\*HARRY H. SAMARGHACHIAN  
\*SCOTT M. RUBEL  
\*JANET U. KROPP  
\*ALAN P. RIFFEL  
\*JULIE A. CRABTREE  
\*JOAN L. COLLIER  
\*G. LAUREN BELGER  
\*ROSA E. SAHAGÚN  
\*CHRISTEL A. SCHOENFELDER  
\*MONICA D. BATANERO  
\*TRACY K. SMITH

June 29, 2005

**VIA CERTIFIED MAIL & U.S. MAIL**

James D. Sinegal  
President and Chief Executive Officer  
Costco Wholesale Corporation  
999 Lake Drive  
Issaquah, WA 98027

CC: *care of* Agent for Service of Process  
CT Corporation System  
818 West Seventh Street  
Los Angeles, CA 90017

Dear Mr. Sinegal:

The Environmental Law Foundation (“ELF”) is a California non-profit organization dedicated to the preservation and enhancement of human health and the environment. ELF has a long-standing interest in reducing health hazards to the public posed by toxic chemicals and protecting the public from harmful substances.

This letter constitutes notice that the entity listed below has violated and continues to violate provisions of the Safe Drinking Water and Toxic Enforcement Act of 1986, California Health and Safety Code §§ 25249.5 *et seq.* Specifically, this entity has violated and continues to violate the warning requirement at § 25249.6 of the California Health and Safety Code, which provides, “No person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the state to cause cancer or reproductive toxicity without first giving clear and reasonable warning to such individual...”

Alleged Violator: Costco Wholesale Corporation

Costco Wholesale Corporation is a retail distributor of numerous products to the California consumer market. Specifically, Costco Wholesale Corporation sells the snack products Pringles. These products are available in various types and flavors and may be readily purchased by consumers. Several of these varieties contain the chemical Acrylamide, known to the state to cause

401 E. OCEAN BOULEVARD, SUITE 300  
LONG BEACH, CALIFORNIA 90802-4965  
(562) 436-4696 • FAX (562) 436-6157

3633 E. INLAND EMPIRE BLVD., SUITE 400  
ONTARIO, CALIFORNIA 91764-4922  
(909) 944-1711 • FAX (909) 944-1722

15910 VENTURA BOULEVARD, 18TH FLOOR  
ENCINO, CALIFORNIA 91436-2819  
(818) 781-1420 • FAX (213) 623-7755

1290 CENTER COURT DRIVE  
COVINA, CALIFORNIA 91724  
(626) 967-1408 • FAX (909) 944-1722

333 SOUTH ANITA DRIVE, SUITE 700  
ORANGE, CALIFORNIA 92668-3320  
(714) 937-9205 • FAX (714) 937-9218

5740 RALSTON STREET, SUITE 301  
VENTURA, CALIFORNIA 93003-6043  
(805) 642-7101 • FAX (805) 642-9627

555 WEST BEECH STREET, SUITE 205  
SAN DIEGO, CALIFORNIA 92101-2938  
(619) 234-3621 • FAX (619) 234-0649

827 STATE STREET, SUITE 10  
SANTA BARBARA, CALIFORNIA 93101  
(805) 564-4226 • FAX (805) 642-9627



cancer. These varieties include, but are not limited to: Pringles Original Snack Stack. At all relevant times and continuing to the present time, this entity has exposed and continues to expose all consumers of these products, within the state of California, to high levels of Acrylamide, a carcinogen. Exposure has occurred through ingestion of the product by consumers.

Because Acrylamide is a chemical listed in Proposition 65 as a cancer-causing chemical, pursuant to Health and Safety Code § 25249.6 this entity was, and is, required to provide clear and reasonable warnings to all consumers of its product. The warnings must state that products contain a chemical known by the State of California to cause cancer. Pursuant to Health and Safety Code § 25249.7(d), ELF intends to bring suit in the public interest against the above named entity sixty days hereafter to correct the violation occasioned by the failure to warn all consumers to the exposure of Acrylamide.

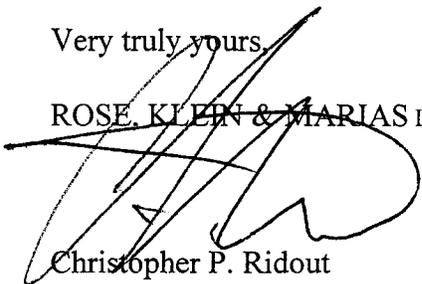
Pursuant to 22 California Code of Regulations § 12903(b)(1), attached is a copy of “The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary,” a summary of Proposition 65 prepared by the Office of Environmental Health Hazard Assessment of the California Environmental Protection Agency.

Pursuant to Health and Safety Code § 25249.7(d)(1), the undersigned hereby include the attached Certificate of Merit, to wit, that the undersigned have consulted with one or more persons with relevant and appropriate experience or expertise who has or have reviewed facts, studies, or other data regarding the exposure to the listed chemical that is the subject of this notice, and that, based on that information, the undersigned believe there is a reasonable and meritorious case. Factual information sufficient to establish the basis of this Certificate of Merit is included with the notice that is served on the Attorney General and is provided to that office in confidence and is not to be disclosed except according to law.

ELF is located at: 1736 Franklin, 9<sup>th</sup> Floor, Oakland, California 94612, telephone (510) 208-4555. ELF is represented in this matter by the law firm of Rose, Klein and Marias LLP: 801 S. Grand Ave., 18<sup>th</sup> Floor, Los Angeles, CA 90017-4645. All communications concerning this matter should be directed to Christopher P. Ridout.

Very truly yours,

ROSE, KLEIN & MARIAS LLP



Christopher P. Ridout

CPR:laa

cc: See attached list

**CERTIFICATE OF MERIT**  
Health and Safety Code Section 25249.7(d)

I, Christopher P. Ridout, hereby declare:

(1) This Certificate of Merit accompanies the attached sixty-day notice 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.

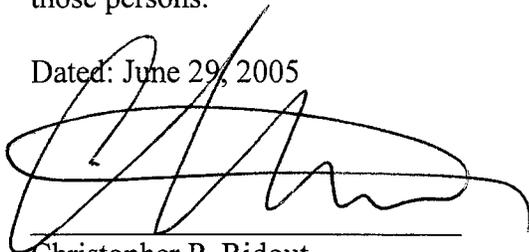
(2) I am an attorney for the Environmental Law Foundation.

(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.

Dated: June 29, 2005



Christopher P. Ridout  
Rose, Klein & Marias LLP.  
801 South Grand Avenue 18<sup>th</sup> Floor  
Los Angeles, CA 90017- 4645  
Attorney on behalf of the Environmental Law Foundation

The Honorable Thomas Orloff  
District Attorney  
ALAMEDA COUNTY  
1225 Fallon Street, Room 900  
Oakland, CA 94612

The Honorable William Richmond  
District Attorney  
ALPINE COUNTY  
P.O. Box 248  
Markleeville, CA 95120

The Honorable Todd Riebe  
District Attorney  
AMADOR COUNTY  
708 Court Street, #202  
Jackson, CA 95642

The Honorable Michael Ramsey  
District Attorney  
BUTTE COUNTY  
25 County Center Drive  
Oroville, CA 95965

The Honorable Jeffrey Tuttle  
District Attorney  
CALAVERAS COUNTY  
891 Mountain Ranch Road  
San Andreas, CA 95249

The Honorable John Poyner  
District Attorney  
COLUSA COUNTY  
547 Market Street  
Colusa, CA 95932

The Honorable Robert Kochly  
District Attorney  
CONTRA COSTA COUNTY  
PO Box 670  
Martinez, CA 94553

The Honorable Michael Riese  
District Attorney  
DEL NORTE COUNTY  
450 H Street  
Crescent City, CA 95531

The Honorable Gary Lacy  
District Attorney  
EL DORADO COUNTY  
515 Main Street  
Placerville, CA 95667

The Honorable Elizabeth Egan  
District Attorney  
FRESNO COUNTY  
2220 Tulare Street, #1000  
Fresno, CA 93721

The Honorable Robert Holzapfel  
District Attorney  
GLENN COUNTY  
P.O. Box 430  
Willows, CA 95988

The Honorable Paul Gallegos  
District Attorney  
HUMBOLDT COUNTY  
825 5th Street  
Eureka, CA 95501

The Honorable Gilbert Otero  
District Attorney  
IMPERIAL COUNTY  
939 West Main Street  
El Centro, CA 92243

The Honorable Arthur Maillet  
District Attorney  
INYO COUNTY  
P.O. Drawer D  
Independence, CA 93526

The Honorable Edward Jagels  
District Attorney  
KERN COUNTY  
1215 Truxtun Avenue  
Bakersfield, CA 93301

The Honorable Ronald Calhoun  
District Attorney  
KINGS COUNTY  
1400 West Lacey Blvd.  
Hanford, CA 93230

The Honorable Gerhard Luck  
District Attorney  
LAKE COUNTY  
255 N. Forbes Street  
Lakeport, CA 95453

The Honorable Robert Burns  
District Attorney  
LASSEN COUNTY  
220 S. Lassen Street, Ste. 8  
Susanville, CA 96130

The Honorable Steve Cooley  
District Attorney  
LOS ANGELES COUNTY  
210 West Temple Street, Ste. 18000  
Los Angeles, CA 90012

The Honorable Ernest LiCalsi  
District Attorney  
MADERA COUNTY  
209 West Yosemite Avenue  
Madera, CA 93637

The Honorable Edward Berberian  
District Attorney  
MARIN COUNTY  
3501 Civic Center Drive, Rm. 130  
San Rafael, CA 94903

The Honorable Robert Brown  
District Attorney  
MARIPOSA COUNTY  
P.O. BOX 730  
Mariposa, CA 95338

The Honorable Norman Vroman  
District Attorney  
MENDOCINO COUNTY  
P.O. BOX 1000  
Ukiah, CA 95482

The Honorable Gordon Spencer  
District Attorney  
MERCED COUNTY  
2222 M Street  
Merced, CA 95340

The Honorable Jordan Funk  
District Attorney  
MODOC COUNTY  
204 S. Court Street  
Alturas, CA 96101

The Honorable George Booth  
District Attorney  
MONO COUNTY  
P.O. BOX 617  
Bridgeport, CA 93517

The Honorable Dean Flippo  
District Attorney  
MONTEREY COUNTY  
240 Church Street, #101  
Salinas, CA 93901

The Honorable Gary Lieberstein  
District Attorney  
NAPA COUNTY  
931 Parkway Mall  
Napa, CA 94559

The Honorable Michael Ferguson  
District Attorney  
NEVADA COUNTY  
201 Church Street, Suite 8  
Nevada City, CA 95959

The Honorable Tony Rackauckas  
District Attorney  
ORANGE COUNTY  
401 Civic Center Drive  
Santa Ana, CA 92701

The Honorable Bradford Fenocechio  
District Attorney  
PLACER COUNTY  
11562 B Avenue  
Auburn, CA 95603

The Honorable Jeff Cunan  
District Attorney  
PLUMAS COUNTY  
520 Main Street, Room 404  
Quincy, CA 95971

The Honorable Grover Trask II  
District Attorney  
RIVERSIDE COUNTY  
4075 Main Street  
Riverside, CA 92501

The Honorable Jan Scully  
District Attorney  
SACRAMENTO COUNTY  
901 G Street  
Sacramento, CA 95814

The Honorable John Sarsfield  
District Attorney  
SAN BENITO COUNTY  
419 4th Street, Second Floor  
Hollister, CA 95023-3801

The Honorable Michael Ramos  
District Attorney  
SAN BERNARDINO COUNTY  
316 N. Mountain View Avenue  
San Bernardino, CA 92415

The Honorable Bonnie Dumanis  
District Attorney  
SAN DIEGO COUNTY  
330 W. Broadway, Suite 1320  
San Diego, CA 92101

The Honorable Kamala Harris  
District Attorney  
SAN FRANCISCO COUNTY  
880 Bryant Street, Room 325  
San Francisco, CA 94103

The Honorable James Willett  
District Attorney  
SAN JOAQUIN COUNTY  
P.O. BOX 990  
Stockton, CA 95201

The Honorable Gerald Shea  
District Attorney  
SAN LUIS OBISPO COUNTY  
County Govt. Center  
Fourth Floor, Annex  
San Luis Obispo, CA 93408

The Honorable James Fox  
District Attorney  
SAN MATEO COUNTY  
400 County Center, Third Floor  
Redwood City, CA 94063

The Hon. Thomas Sneddon, Jr.  
District Attorney  
SANTA BARBARA COUNTY  
1105 Santa Barbara Street  
Santa Barbara, CA 93101

The Honorable George Kennedy  
District Attorney  
SANTA CLARA COUNTY  
70 West Hedding Street, West Wing  
San Jose, CA 95110

The Honorable Bob Lee  
District Attorney  
SANTA CRUZ COUNTY  
701 Ocean Street, Room 200  
Santa Cruz, CA 95060

The Honorable Gerald Benito  
District Attorney  
SHASTA COUNTY  
1525 Court Street, Third Floor  
Redding, CA 96001-1632

The Honorable Lawrence Allen  
District Attorney  
SIERRA COUNTY  
Courthouse  
P.O. BOX 457  
Downieville, CA 95936

The Honorable James Andrus  
District Attorney  
SISKIYOU COUNTY  
P.O. BOX 986  
Yreka, CA 96097

The Honorable David Paulson  
District Attorney  
SOLANO COUNTY  
675 Texas Street, Suite 4500  
Fairfield, CA 94533

The Honorable Stephan Passalacqua  
District Attorney  
SONOMA COUNTY  
600 Administration Drive, Rm. 212J  
Santa Rosa, CA 95403

The Honorable James Brazelton  
District Attorney  
STANISLAUS COUNTY  
800 11th Street, Room 200  
P.O. BOX 442  
Modesto, CA 95353

The Honorable Carl Adams  
District Attorney  
SUTTER COUNTY  
446 Second Street  
Yuba City, CA 95991

The Honorable Gregg Cohen  
District Attorney  
TEHAMA COUNTY  
P.O. BOX 519  
Red Bluff, CA 96080

The Honorable David Cross  
District Attorney  
TRINITY COUNTY  
P.O. BOX 1310  
Weaverville, CA 96093

The Honorable Phillip Cline  
District Attorney  
TULARE COUNTY  
221 South Mooney Blvd., Ste 224  
Visalia, CA 93291

The Hon. Donald Segerstrom, Jr.  
District Attorney  
TUOLUMNE COUNTY  
423 No. Washington Street  
Sonora, CA 95370

The Honorable Gregory Totten  
District Attorney  
VENTURA COUNTY  
800 South Victoria Avenue  
Ventura, CA 93009

The Honorable David Henderson  
District Attorney  
YOLO COUNTY  
301 Second Street  
Woodland, CA 95695

The Honorable Patrick McGrath  
District Attorney  
YUBA COUNTY  
215 Fifth Street  
Marysville, CA 95901

The Honorable Rockard Delgadillo  
City Attorney  
CITY OF LOS ANGELES  
200 N. Main Street  
Los Angeles, CA 90012

The Honorable Michael Aguirre  
City Attorney  
CITY OF SAN DIEGO  
1200 Third Avenue, 3rd Floor  
San Diego, CA 92101

The Honorable Dennis Herrera  
City Attorney  
CITY OF SAN FRANCISCO  
City Hall, Room 234  
San Francisco, CA 94102

The Honorable Richard Doyle  
City Attorney  
CITY OF SAN JOSE  
151 W. Mission St.  
San Jose, CA 95110

Attorney General of California  
Prop. 65 Enforcement Reporting  
Attention: Prop. 65 Coordinator  
1515 Clay Street, Suite 2000  
P.O. Box 70550  
Oakland, California 94612-0550