

June 12, 2001

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Dorothy J. Moss, Registered Agent  
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Washington, DC, 20005

**RE : 60-Day Notice Under Proposition 65 for Failure to Warn About Chemicals  
Listed Pursuant to Health & Safety Code Section 25249.5 *et seq.***

Dear Sir/Madam:

This firm represents Kids Against Pollution (“KAP”), Dental Amalgam Mercury Syndrome, Inc. (“DAMS”), the American Academy of Biological Dentistry (“AABD”), and Debra Seltenreich. KAP is a non-profit organization of active youth throughout the United States. Its Director is Christine Shahin-Wood. Ms. Woods works out of KAP’s offices at 311 Main Street, 3<sup>rd</sup> Floor, Utica, New York, 13501, (315) 266-0185. DAMS is a non-profit organization and has been actively involved in dealing with issues regarding those injured by dental amalgam, and has members throughout the country and in California. Its president is Leo Cashman. DAMS’ national office is located at 3236 17th Ave S, #1 Minneapolis, MN 55407, (612) 721-1144. AABD is a non-profit organization active in the promotion of mercury-free dentistry. AABD’s director is Carol Arana. AABD’s offices are located at P.O. Box 856, Carmel Valley, CA, 93924, (831) 659-5385. Ms. Seltenreich is located at Debra Seltenreich, 6965 El Camino Real #490 Carlsbad, CA 92009, (760) 930-4380. However, please be advised that any communication, whether written, oral, electronic, or otherwise, must be directed to the attention of the undersigned at this office only.

This letter is to serve as notification that the American Dental Association (“ADA”) has violated, and continues to violate, the warning requirement Proposition 65 by exposing individuals, including, but not limited to, patients to mercury which is the major component of Dental Amalgam, used as dental fillings or for other dental treatments. The ADA’s relevant information as required under 22 Cal. Code of Regulations section 12903 is listed hereinabove.

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The ADA has been and is currently causing unwarned exposures of patients and other consumers, along with other individuals in California to Mercury, Methylmercury, and/or other Mercury Compounds which exposure occurs from dental amalgam fillings that contain mercury. Methylmercury Compounds have been listed as a Proposition 65 carcinogen since May 1, 1996. Mercury and Mercury Compounds (which include Methylmercury) have been listed as a Proposition 65 as a developmental toxin since July 1, 1990 (hereinafter, "Chemicals" shall refer to the foregoing chemicals collectively). As such, violations of Proposition 65 are ongoing and continuous.

The products that are the subject of this notice include Dental Amalgam which contains Mercury and/or other Mercury Compounds or otherwise causes exposures to these Chemicals.

The routes of exposure are ingestion, and inhalation. Patients and consumers are exposed continuously when they are treated with dental amalgam as in the case of having their cavities filled.<sup>1</sup> Exposures occur continuously and on a daily basis, through ingestion and inhalation. This is particularly alarming in the case of children and pregnant women.

As such, while in the course of doing business, the ADA has in the past, and continues to, knowingly and intentionally expose members of the public to the Chemicals without first giving clear and reasonable warning to such persons pursuant to Health & Safety Code §25249.6.

The unwarned and unlawful exposures to Mercury, Mercury Compounds, and Methylmercury Compounds have been occurring for many years and at least since these chemicals have been listed under Proposition 65 starting on or about July 1, 1987. Unwarned and unlawful exposures to Mercury, Mercury Compounds, Methylmercury, and Methylmercury Compounds began one year after each was identified under Proposition 65 as a "chemical known to the state to cause cancer or reproductive toxicity." Therefore, the duration of exposure to Mercury and Mercury Compounds is since its listing on July 1, 1990; the duration of exposure to Methylmercury Compounds is since their listing as a carcinogen on May 1, 1996 and separately, one year since its listing as a reproductive toxin on July 1, 1987. As such the violations are continuous and ongoing.

Proposition 65 requires that notice of intent to sue be given to a violator 60 days prior to the filing of the suit. This Notice covers all violations of Proposition 65 that are currently known to these noticing parties based on all the currently available information.

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<sup>1</sup>This is by no means an all-inclusive list of all of the exposure scenarios herein. It is meant to be an illustrative list.

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By copy of this letter, Notice is hereby given to to all 58 California county prosecutors, the California Attorney General, and City Attorneys of all California Cities with populations in excess of 750,000. For your convenience, I have enclosed a copy of The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary.

Should you have any comments or questions regarding this matter, please do not hesitate to contact our offices.

Very Truly Yours,

LAW OFFICES OF SHAWN KHORRAMI

By: \_\_\_\_\_  
SHAWN KHORRAMI

Enclosure

**PROOF OF SERVICE**

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to this action. My business address is 14550 Haynes Street, Third Floor, Van Nuys, California, 91411.

On June 12, 2001, I served the foregoing **60-Day Notice Under Proposition 65 for Failure to Warn.** on the interested parties below by enclosing a copy in a sealed envelope addressed as follows:

**[SEE ATTACHED SERVICE LIST]**

/ X / (MAIL) I placed the envelope for collection and mailing on the date shown above, at this office, in Van Nuys, California, following our ordinary business practices.

I am readily familiar with this office's practice of collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service in a sealed envelope with postage fully prepaid.

/ / (BY PERSONAL SERVICE) I delivered such envelope by hand to offices of addressee(s).

/X/ (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

/ / (FEDERAL) I declare under penalty of perjury that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on June 12, 2001, at Van Nuys, California.

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## Service List

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