

(212) 416-8460

April 2, 2003

**BY OVERNIGHT AND CERTIFIED MAIL, R.R.R.**

To: Dow AgroSciences LLC  
9330 Zionsville Road  
Indianapolis, IN 46268-1054

Attention: Guy A. Relford  
Global Legal Counsel  
Litigation

**NOTICE OF PROPOSED LITIGATION  
PURSUANT TO §§ 349 AND 350 OF THE GENERAL BUSINESS LAW**

Pursuant to the provisions of §§ 349(c) and 350-c of Article 22 of the General Business Law (GBL), Dow AgroSciences LLC (Dow) is hereby notified that it is the intention of the Attorney General of the State of New York to commence an action against Dow.

The action concerns Dow's publishing and broadcasting of advertising claims in print materials, video tapes, and over the Internet, Dow's purported program to ensure compliance with applicable legal standards, and other conduct that the Attorney General alleges concealed and misrepresented the hazards to human health and the environment posed by Dow pesticides. The advertising includes, without limitation, the claims set forth in Tables I, II, III, and IV attached to this Notice.

This intended action arises from Dow's alleged repeated and persistent fraudulent and illegal conduct in violation of GBL §§ 349-350 and § 33-1301(1) of the Environmental Conservation Law (ECL) and other related provisions of the ECL beginning in 1991 or earlier, and from Dow's violation of an Assurance of Discontinuance entered into by Dow in 1994. Dow's conduct constitutes repeated or persistent fraud or illegality within the meaning of

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Executive Law § 63(12). The intended action seeks civil penalties, injunctive relief, or both, and other monetary relief.

PLEASE TAKE NOTICE THAT pursuant to General Business Law § 349(c) you are hereby afforded the opportunity to show in writing within five (5) business days after receipt of this Notice why such proceedings should not be commenced. Please be further advised that pursuant to General Business Law § 350-c you are hereby afforded an opportunity to show orally or in writing after receipt of this notice why such proceedings should not be commenced.

Very truly yours,

Philip Bein  
Assistant Attorney General  
Environmental Protection Bureau

Attachments