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State of California
DEPARTMENT OF JUSTICE



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April 13, 2012

By electronic transmission and U.S. mail
Stanley W. Landfair, Esq.
McKenna Long & Aldridge
101 California Street, 41st Floor
San Francisco, CA 94111

RE: Proposition 65 Warning Requirements for Wood Dust

Dear Mr. Landfair:

This is to confirm the position of the Attorney General's Office that the term "dust," defined in the Consent Judgment in *People of the State of California v. Ace Hardware Corporation, et al.* (Superior Court of San Francisco, No. 995895) at Paragraph 1.4.b., entered on September 29, 2000 (Consent Judgment), includes the substance known as "wood dust," which was designated as a "chemical known to the State to cause cancer" for purposes of Proposition 65 on December 18, 2009. Thus, compliance by the Settling Defendants with the terms of the Consent Judgment constitutes compliance with Proposition 65 as to any exposure to "wood dust" associated with Covered Products to the same extent as provided in the Consent Judgment in Sections 6.1 and 10.

It is further our position that, if a Settling Defendant chooses to add the term "wood dust" to the list of examples of "dust" provided for in the warning statements in Exhibit C or E of the Consent Judgment, such warning would be consistent with the Consent Judgment and in compliance with Proposition 65.

Apart from stating the Attorney General's understanding of the term "dust" in the Consent Judgment, nothing in this letter is intended in any way to affect or change any of the terms of the Consent Judgment.

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Please call me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan S. Fiering". The signature is fluid and cursive, with a long horizontal stroke at the end.

SUSAN S. FIERING
Supervising Deputy Attorney General

For KAMALA D. HARRIS
Attorney General

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