

State of California - Department of Justice - Attorney General's Office - Proposition 65 Enforcement Reporting

Attention: Prop 65 Coordinator, 1515 Clay Street, Suite 2000, Oakland, CA 94612

FORM JUS 1500  
(03-01)

PRIVATE ENFORCEMENT FILING - Health and Safety Code section 25249.7(e) and (f)

**REPORT OF CIVIL COMPLAINT FILING**

Please print or type required information  Original Filing  Supplemental Filing  Corrected Filing

<b>PARTIES TO THE ACTION</b>	PLAINTIFF(S)	Mateel Environmental Justice Foundation		
	DEFENDANT(S)	Oregon Scientific, Inc.; Sea Dog; Spectra Merchandising International, Inc.; and Tower Manufacturing Corp.		
<b>CASE INFO</b>	COURT DOCKET NUMBER	441008	COURT NAME	San Francisco Superior Court
	SHORT CASE NAME	Mateel v. Oregon Scientific		
<b>REPORT INFO</b>	TYPE OF CLAIM (Check All That Apply)		RELIEF SOUGHT (Check All That Apply)	
	<input type="checkbox"/> Proposition 65 Unlawful Discharge <input checked="" type="checkbox"/> Proposition 65 Failure to Warn <input type="checkbox"/> B&P Code section 17200 <input type="checkbox"/> Other _____		<input checked="" type="checkbox"/> Warning <input type="checkbox"/> Discharge Ban <input checked="" type="checkbox"/> Civil Penalty	
<b>COPY OF COMPLAINT MUST BE ATTACHED</b>				
<b>FILER INFO</b>	NAME OF CONTACT William Verick			
	ORGANIZATION Klamath Environmental Law Center			TELEPHONE NUMBER ((707)) 268-8900
	ADDRESS 424 First Street			FAX NUMBER ((707)) 268-8901
	CITY Eureka	STATE CA	ZIP 95501-0404	E-MAIL ADDRESS wverick@igc.org

**FILING INSTRUCTIONS:** This form can be completed online and printed. If electronic filing is not available, mail the completed form with a copy of the complaint to the attention of the Prop 65 Coordinator at the address shown above. If you need additional space to complete this form please use an attachment.

1 WILLIAM VERICK, SBN 140972  
Klamath Environmental Law Center  
2 FREDRIC EVENSON, SBN 198059  
424 First Street  
3 Eureka, CA 95501  
Telephone: (707) 268-8900  
4 Facsimile: (707) 268-8901

5 DAVID WILLIAMS, SBN 144479  
BRIAN ACREE, SBN 202505  
6 Public Interest Lawyers Group  
2070 Allston Way, Suite 300  
7 Berkeley, CA 94704  
Telephone: (510) 647-1900  
8 Facsimile: (510) 6471905

9 Attorneys for Plaintiff,  
MATEEL ENVIRONMENTAL JUSTICE FOUNDATION

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
12 COUNTY OF SAN FRANCISCO  
13 (Unlimited Jurisdiction)

14 MATEEL ENVIRONMENTAL  
JUSTICE FOUNDATION,  
15  
16 Plaintiff,  
17 v.

CASE NO. **05-441008**

COMPLAINT FOR INJUNCTIVE RELIEF  
AND CIVIL PENALTIES

18 OREGON SCIENTIFIC, INC., SEA-DOG,  
SPECTRA MERCHANDISING  
19 INTERNATIONAL, INC., TOWER  
MANUFACTURING CORP., and DOES 1  
20 through 100 inclusive,  
21 Defendants.

TOXIC TORT/ENVIRONMENTAL

22 MATEEL ENVIRONMENTAL JUSTICE FOUNDATION alleges as follows:

23 INTRODUCTION

24 1. This Complaint seeks civil penalties and an injunction to remedy the continuing  
25 failure of defendants OREGON SCIENTIFIC, INC., SEA-DOG, SPECTRA  
26 MERCHANDISING INTERNATIONAL, INC., TOWER MANUFACTURING CORP., and  
27 DOES 1 through 100 inclusive (hereinafter "Defendants"), to give clear and reasonable warnings  
28

ENDORSED  
FILED  
San Francisco County Superior Court

MAY 5 2005

GORDON PARK-LI, Clerk  
BY: CRISTINA E. BAUTISTA  
Deputy Clerk

CASE MANAGEMENT CONFERENCE SET  
PLAN 1 OCT 7 2005 9:00AM

DEPARTMENT 212

1 to those residents of California, who handle and use products that are or that incorporate  
2 thermoset/thermoplastic coated wires and cables in which the coating material contains lead  
3 (hereinafter referred to as "Leaded Wire or Cable Products"), that handling and use of these  
4 products causes those residents to be exposed to lead and lead compounds, lead acetate, lead  
5 phosphate, and lead subacetate (hereinafter, collectively, "lead"). The products to which this  
6 Complaint pertains are those listed in the Appendices A to the Proposition 65 60-Day Notice  
7 Letters attached to and incorporated by reference into this Complaint. Lead is known to the  
8 State of California to cause cancer, birth defects and male and female reproductive toxicity.  
9 Defendants manufacture, distribute, and/or market Leaded Wire or Cable Products. These  
10 products cause exposures to lead and lead compounds, which are chemicals known to the State  
11 of California to cause cancer, birth defects and other reproductive harm.

12 2. Defendants are businesses that manufacture, market, and/or distribute Leaded  
13 Wire or Cable Products. Defendants intend that residents of California handle and use Leaded  
14 Wire or Cable Products that Defendants manufacture, market, and/or distribute. When these  
15 products are handled and used in their normally intended manner, they expose people to lead. In  
16 spite of knowing that residents of California were and are being exposed to these chemicals  
17 when they handle and use Leaded Wire or Cable Products, Defendants did not and do not  
18 provide clear and reasonable warnings that these products cause exposure to chemicals known to  
19 cause cancer, birth defects and other reproductive harm.

20 3. Plaintiff seeks injunctive relief pursuant to Health & Safety Code Section 25249.7  
21 to compel Defendants to bring their business practices into compliance with section 25249.5 et  
22 seq. by providing a clear and reasonable warning to each individual who has been and who in the  
23 future may be exposed to the above mentioned toxic chemicals from the use of Defendants'  
24 products. Plaintiff seeks an order that defendants identify and locate each individual person who  
25 in the past has purchased Leaded Wire or Cable Products and to provide to each such purchaser a  
26 clear and reasonable warning that the Leaded Wire or Cable Products will cause exposures to  
27 chemicals known to cause birth defects.

28 4. In addition to injunctive relief, plaintiff seeks civil penalties to remedy the failure

1 of Defendants to provide clear and reasonable warnings regarding exposure to chemicals known  
2 to cause cancer, birth defects and other reproductive harm.

3 PARTIES

4 5. Plaintiff MATEEL ENVIRONMENTAL JUSTICE FOUNDATION ("Mateel")  
5 is a non-profit organization dedicated to, among other causes, the protection of the environment,  
6 promotion of human health, environmental education, and consumer rights. Mateel is based in  
7 Eureka, California, and is incorporated under the laws of the State of California. Mateel is a  
8 "person" pursuant to Health & Safety Code Section 25118. Mateel brings this enforcement  
9 action in the public interest pursuant to Health & Safety Code §25249.7(d). Residents of  
10 California are regularly exposed to lead and lead compounds from Leaded Wire or Cable  
11 Products manufactured, distributed or marketed by Defendants and are so exposed without a  
12 clear and reasonable Proposition 65 warning.

13 6. Defendants are each a person doing business within the meaning of Health &  
14 Safety Code Section 25249.11. Defendants are businesses that manufacture, distribute, and/or  
15 market Leaded Wire or Cable Products in California, including the City and County of San  
16 Francisco. Manufacture, distribution and/or marketing of these products in the City and County  
17 of San Francisco and/or to people who live in San Francisco, causes people to be exposed to lead  
18 and lead compounds while they are physically present in the City and County of San Francisco.

19 7. Mateel is unaware of the true names or capacities of the Defendants sued herein  
20 under the fictitious names DOES 1 through 100, inclusive. Defendants DOES 1 through 100  
21 inclusive are therefore sued herein pursuant to Cal. Code Civ. Proc. §474. When Mateel learns  
22 their identities, it will amend the complaint.

23 8. Plaintiff brings this enforcement action against Defendants pursuant to Health &  
24 Safety Code Section 25249.7(d). Attached hereto and incorporated by reference are copies of a  
25 60-day Notice letter dated January 31, 2005 which Mateel sent to California's Attorney General.  
26 Substantially identical letters were sent to every District Attorney in the state, and to the City  
27 Attorneys of every California city with a population greater than 750,000. On those same dates,  
28 Mateel sent identical 60-Day Notice letters to each defendant. Attached to the 60-Day Notice

1 Letters sent to each defendant was a summary of Proposition 65 that was prepared by  
2 California's Office of Environmental Health Hazard Assessment. In addition, each 60-Day  
3 Notice Letter plaintiff sent was accompanied by a Certificate of Service attesting to the service  
4 of the 60-Day Notice Letter on each entity which received it. Pursuant to California Health &  
5 Safety Code Section 25249.7(d), a Certificate of Merit attesting to the reasonable and  
6 meritorious basis for the action was also sent with each 60-Day Notice Letter. Factual  
7 information sufficient to establish the basis of the Certificate of Merit was enclosed with the 60-  
8 Day Notice letter Mateel sent to the Attorney General.

9 9. Defendants are all businesses that employ more than ten people.

10 JURISDICTION

11 10. The Court has jurisdiction over this action pursuant to California Health & Safety  
12 Code Section 25249.7. California Constitution Article VI, Section 10 grants the Superior Court  
13 "original jurisdiction in all causes except those given by statute to other trial courts." Chapter  
14 6.6 of the Health & Safety Code, which contains the statutes under which this action is brought,  
15 does not grant jurisdiction to any other trial court.

16 11. This Court also has jurisdiction over Defendants because they are businesses that  
17 have sufficient minimum contacts in California and within the City and County of San Francisco.  
18 Defendants intentionally availed themselves of the California and San Francisco County markets  
19 for Leaded Wire or Cable Products. It is thus consistent with traditional notions of fair play and  
20 substantial justice for the San Francisco Superior Court to exercise jurisdiction over them.

21 12. Venue is proper in this Court because Defendants market their products in and  
22 around San Francisco and thus cause people to be exposed to lead and lead compounds while  
23 those people are physically present in San Francisco. Liability for Plaintiff's causes of action, or  
24 some parts thereof, has accordingly arisen in San Francisco during the times relevant to this  
25 Complaint and Plaintiff seeks civil penalties imposed by statutes.

26  
27 /// /// ///

28 /// /// ///

FIRST CAUSE OF ACTION  
(Claim for Injunctive Relief)

1  
2           13. Plaintiff realleges and incorporates by reference into this First Cause of Action, as  
3 if specifically set forth herein, paragraphs 1 through 12, inclusive.

4           14. The People of the State of California have declared by referendum under  
5 Proposition 65 (California Health & Safety Code § 25249.5 et seq.) their right "[t]o be informed  
6 about exposures to chemicals that cause cancer, birth defects, and reproductive harm."

7           15. To effectuate this goal, Section 25249.6 of the Health and Safety Code mandates  
8 that persons who, in the course of doing business, knowingly and intentionally expose any  
9 individual to a chemical known to the State of California to cause cancer or birth defects must  
10 first provide a clear and reasonable warning to such individual prior to the exposure.

11           16. Since at least January 31, 2002, Defendants have engaged in conduct that violates  
12 Health and Safety Code Section 25249.6 et seq. This conduct includes knowingly and  
13 intentionally exposing to the above mentioned toxic chemicals, those California residents who  
14 handle and use Leaded Wire or Cable Products. The normally intended use of Leaded Wire or  
15 Cable Products causes exposure to lead and lead compounds, which are chemicals known to the  
16 State of California to cause cancer, birth defects and other reproductive harm. Defendants have  
17 not provided clear and reasonable warnings, within the meaning of Health & Safety Code  
18 Sections 25249.6 and 25249.11.

19           17. At all times relevant to this action, Defendants knew that the Leaded Wire or  
20 Cable Products they manufactured, distributed or marketed were causing exposures to lead and  
21 lead compounds. Defendants intended that residents of California handle and use Leaded Wire  
22 or Cable Products in such ways as would lead to significant exposures to these chemicals.

23           18. By the above described acts, Defendants have violated Cal. Health & Safety Code  
24 § 25249.6 and are therefore subject to an injunction ordering them to stop violating Proposition  
25 65 and requiring them to provide warnings to their past customers who purchased defendants'  
26 products without receiving a clear and reasonable warning.  
27  
28





# Klamath

January 31, 2005

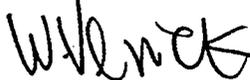
EDWARD G. WEIL  
DEPUTY ATTORNEY GENERAL  
OFFICE OF THE ATTORNEY GENERAL  
P.O. BOX 70550  
OAKLAND CA 94612-0550

**ATTORNEY GENERAL COPY  
CONTAINS OFFICIAL  
INFORMATION PURSUANT TO  
EVIDENCE CODE §1040**

Greetings:

This office and the Mateel Environmental Justice Foundation ("Mateel") hereby give you notice that the private businesses on the attached service list are in violation of Cal. Health & Safety Code § 25249.6. This office and Mateel are both private enforcers of Proposition 65, both organizations may be reached at the below listed address and telephone number, I may be considered a "responsible individual" at both organizations, and I may be contacted at the same address and telephone number. The above referenced violations occur when California residents come into contact with thermoset/thermoplastic-coated wires, cables, and/or cords/cord sets, including PVC-coated wires, cords/cord sets, plugs and connectors, and both SPT and HPN cords/cord sets (hereinafter collectively "Cords"). These businesses market products with, or that are themselves, Cords. Some examples of the products that incorporate Cords are those listed in the attached Product List. Handling of, and contact with, these Cords exposes people to acrylonitrile, antimony trioxide, arsenic, 1,3 butadiene, carbon tetrachloride, carbon black extracts, chlorinated paraffins, chloroform, ethyl acrylate, ethylene thiourea, nickel, toluene, cadmium, hexavalent chromium, vinyl chloride, lead and lead compounds, lead acetate, lead phosphate, lead subacetate, and di(2ethylhexyl) phthalate. Handling Cords causes these chemicals to come off the coating of the Cords and to be transferred to the skin of the person handling the Cords. These chemicals are then ingested through hand-to-mouth contact and hand-to-food-to-mouth and hand-to-cigarette-to-mouth behavior. These chemicals are also absorbed through the skin, through mucous membranes and enter the body through cuts, punctures and abrasions. Smokers also inhale those chemicals transferred from hands to cigarettes. People are thus exposed to these chemicals via the ingestion, inhalation, dermal absorption, mucous membrane absorption and subcutaneous routes. These exposures (and resulting violations) occur occupationally, environmentally, and as the result of the sale of consumer products and services. In occupational settings, the type of work that is done during which the above-referenced exposures occur is the handling of, and contact with, Cords, including during the manufacture, installation, maintenance, handling and/or use of electrical equipment to which these Cords are attached. As described above, the exposures that are the subject of this notice occur via the dermal absorption, inhalation, ingestion and subcutaneous routes. These violations have occurred every day since at least January 31, 2004 and will continue every day until reasonable warnings are given to those people exposed. Environmental exposure violations occur in every county of the State and occur both on and off the property of the aforementioned private businesses.

Cordially,



William Verick

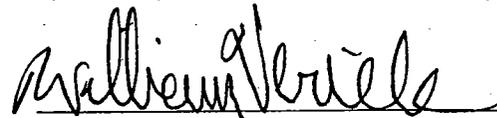
## SERVICE LIST

EDWARD G. WEIL DEPUTY ATTORNEY GENERAL OFFICE OF THE ATTORNEY GENERAL P.O. BOX 70550 OAKLAND CA 94612-0550	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF GLENN P.O. BOX 430 WILLOWS, CA 95988	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MONTEREY 240 CHURCH ST. P.O. BOX 180 SALINAS, CA 93902	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SISKIYOU P.O. BOX 986 YREKA, CA 96097	KEITH W. BENSON, PRESIDENT OREGON MANUFACTURING CO ONE FIRST ST STERLING IL 61081
OFFICE OF THE CITY ATTORNEY CITY OF OAKLAND 505 14TH ST 12TH FLOOR OAKLAND, CA 94612	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF HUMBOLDT 825 5TH ST. EUREKA, CA 95501	COUNTY OF NAPA 931 PARKWAY MALL P.O. BOX 720 NAPA, CA 94559-0720	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SOLANO 600 UNION AVE FAIRFIELD, CA 94533	PAUL ZIMMERMAN, PRESIDENT PACIFIC INDUSTRIAL, INC. 19861 SW 95TH PL TUALATIN, OR 97062
OFFICE OF THE CITY ATTORNEY CITY OF SAN FRANCISCO CITY HALL ROOM 206 400 VAN NESS SAN FRANCISCO, CA 94102	COUNTY OF IMPERIAL COURTHOUSE, FLOOR 2 939 W. MAIN ST EL CENTRO, CA 92243	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF NEVADA COURTHOUSE ANNEX NEVADA CITY, CA 95959	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SONOMA 600 ADMINISTRATION DR. #212J SANTA ROSA, CA 95403	DARLENE L GOSS, PRESIDENT PACIFIC INDUSTRIAL COMPONENTS INC. 2545 PRAIRIE RD EUGENE, OR 97402
OFFICE OF THE CITY ATTORNEY CITY OF SACRAMENTO 980 9 <sup>th</sup> Street, 10 <sup>th</sup> Floor SACRAMENTO, CA 95814	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF INYO P.O. DRAWER D INDEPENDENCE, CA 93526	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF ORANGE 400 CIVIC CENTER DR WEST SANTA ANA, CA 92701	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF STANISLAUS 1100 1ST. #200 MODESTO, CA 95354	BRADLEY M. NYSETER, PRESIDENT SEA-DOG 3402 SMITH AVE; PO BOX 479 EVERETT, WA 98201
OFFICE OF THE CITY ATTORNEY CITY OF SAN JOSE 151 W. MISSION ST. SAN JOSE, CA 95110	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF KERN 1215 TRUXTUN AVE. FLOOR 4 BAKERSFIELD, CA 93301	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF PLACER 11562 B AVE AUBURN, CA 95603-2687	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SUTTER 1160 CIVIC CENTER BLVD. #A YUBA CITY, CA 95993	FRANK FRENCH, PRESIDENT SHINN FU COMPANY OF AMERICA, 10939 N. POMONA AVE KANSAS CITY, MO 64153
OFFICE OF THE CITY ATTORNEY CITY OF LOS ANGELES 200 N. MAIN ST. LOS ANGELES, CA 90012	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF KINGS 1400 W. LACEY BLVD. HANFORD, CA 93230	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF PLUMAS P.O. BOX 10716 QUINCY, CA 95971	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF TEHAMA P.O. BOX 519 REDBLUFF, CA 96080	PATRICIA SCHOENBERG, PRESIDENT SPECTRA MERCHANDISING INTERNATIONAL, INC. 4230 NORMANDY CHICAGO, IL 60634
OFFICE OF THE CITY ATTORNEY CITY OF SAN DIEGO 202 C ST. FLOOR 3 SAN DIEGO, CA 92101	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF LAKE 255 N. FORBES ST # 424 LAKEPORT, CA 95453	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF RIVERSIDE 4075 MAIN ST. RIVERSIDE, CA 92501	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF TRINITY P.O. BOX 310 WEAVERVILLE, CA 96093	LOUIS J SHATKIN, PRESIDENT TOWER MANUFACTURING CORP. 25 RESERVOIR AVE PROVIDENCE, RI 02907
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF ALAMEDA 225 FALLON ST. #9 OAKLAND, CA 94612	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF LASSEN COUNTY ADMINISTRATION BUILDING 707 NEVADA ST. SUSANVILLE, CA 96130	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SACRAMENTO P.O. BOX 749 SACRAMENTO, CA 95804	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF TULARE COURTHOUSE #224 VISALIA, CA 93291	DENNIS JACOBSEN, PRESIDENT WMH TOOL GROUP 2420 VANTAGE RD ELGIN, IL 60123
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF ALPINE P.O. BOX 248 MARKLEEVILLE, CA 96120	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF LOS ANGELES 18000 CRIMINAL COURTS BUILDING 210 W. TEMPLE ST. LOS ANGELES, CA 90012	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SAN BENITO 419 4TH ST HOLLISTER, CA 95023	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF TUOLUMNE 2 S. GREEN ST. SONORA, CA 95370	VENTURA COUNTY DISTRICT ATTORNEY'S OFFICE c/o GREGORY BROSE D.D.A. 4245 MARKET ST. #205 VENTURA, CA 93003
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF AMADOR 108 COURT ST. SUITE 202 JACKSON, CA 95642	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF LOS ANGELES 18000 CRIMINAL COURTS BUILDING 210 W. TEMPLE ST. LOS ANGELES, CA 90012	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SAN BERNARDINO 316 MT. VIEW AVE. SAN BERNARDINO, CA 92415-0004	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF YOLO 204 4TH ST P.O. BOX 1247 WOODLAND, CA 95695	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF YUBA 215 5TH ST. MARYSVILLE, CA 95901
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF BUTTE 25 COUNTY CENTER DR. OROVILLE, CA 95965	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MADERA 209 W. YOSEMITE AVE. MADERA, CA 93637	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SAN FRANCISCO 850 BRYANT ST #322 SAN FRANCISCO, CA 94103	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF CALAVERAS GOVERNMENT CENTER 891 MOUNTAIN RANCH ROAD SAN ANDREAS, CA 95249	CUTHISIT PRAPAVAT, PRESIDENT A J WHOLESALE DISTRIBUTORS, INC. 6925 PARAMOUNT BLVD LONG BEACH, CA 90805
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF COLUSA 547 MARKET ST. COLUSA, CA 95932	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MARIPOSA P.O. BOX 748 MARIPOSA, CA 95338	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SAN JOAQUIN 222 E. WEBER AVE #202 STOCKTON, CA 95202	RICHARD KRONRAD, PRESIDENT ATICO INTERNATIONAL, USA, INC. 501 S. ANDREWS AVE. FT. LAUDERDALE, FL 33301	MARK COHEN, PRESIDENT ATLAS COPCO NORTH AMERICA, INC. 34 MAPLE AVE, POB 2028 PINE BROOK, NJ 07058
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF CONTRA COSTA P.O. BOX 670 MARTINEZ, CA 94553	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MENDOCINO 301 S. STATE ST. UKIAH, CA 95482	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SAN MATEO HALL OF JUSTICE AND RECORDS REDWOOD CITY, CA 94063	MARK COHEN, PRESIDENT ATLAS COPCO NORTH AMERICA, INC. 34 MAPLE AVE, POB 2028 PINE BROOK, NJ 07058	JIM CHASM, PRESIDENT CLORE AUTOMOTIVE, L.L.C. 8735 ROSEHILL RD., STE. 220 LENAXA, KS 66215
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF DEL NORTE 450 H ST #171 CRESCENT CITY, CA 95531	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MERCED 2222 M ST. MERCED, CA 95340	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SANTA BARBARA 1105 SANTA BARBARA ST. SANTA BARBARA, CA 93101	DANIEL G. FLAHERTY, PRESIDENT GEMMY INDUSTRIES CORPORATION 2111 WALNUT HILL LANE IRVING, TX 70538	DOUGLAS NEGRIN, PRESIDENT INTERDYNAMICS, INC. 80 39TH ST. BROOKLYN, NY 11232
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF EL DORADO 515 MAIN ST. PLACERVILLE, CA 95667	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MODOC P.O. BOX 1171 ALTURAS, CA 9610	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SANTA CLARA 70 W. HEDDING ST. SAN JOSE, CA 95110	J. MARTY O'DONOHUE, PRESIDENT MARINCO 2655 NAPA VALLEY CORPORATE DR NAPA, CA 94558-7453	PRESIDENT OR CEO MILWAUKEE ELECTRIC TOOL CORP. 13135 W. LISBON RD
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF FRESNO 2220 TULARE ST #1000 FRESNO, CA 93721	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MONO P.O. BOX 617 BRIDGEPORT, CA 93517	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SIERRA P.O. BOX 457 DOWNIEVILLE, CA 95936		

### CERTIFICATE OF MERIT

I, William Verick, hereby declare: This Certificate of Merit accompanies the attached sixty-day notice(s) 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. I am the attorney for the noticing party. 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 exposure to the listed chemical that is the subject of the action. 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. 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 person(s) consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Dated: January 31, 2005

  
William Verick

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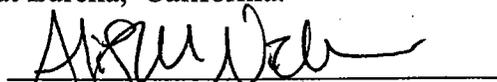
This notice alleges the violation of Proposition 65 with respect to occupational exposures governed by the California State Plan for Occupational Safety and Health. The State Plan incorporates the provisions of Proposition 65, as approved by Federal OSHA on June 6, 1997. This approval specifically placed certain conditions on Proposition 65, including that it does not apply to the conduct of manufacturers occurring outside the State of California. The approval also provides that an employer may use the means of compliances in the general hazard communication requirements to comply with Proposition 65. It also requires that supplemental enforcement is subject to the supervision of the California Occupational Safety and Health Administration. Accordingly, any settlement, civil complaint, or substantive court orders in this matter must be submitted to the Attorney General.

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### CERTIFICATE OF SERVICE

I, Alison Nichols, declare:

If called, I could and would testify as follows: I am over eighteen. My business address is 424 First Street, Eureka, California, 95501. On January 31, 2005, I caused the attached 60-DAY NOTICE LETTER, or a letter identical in substance, to be served by U.S. Mail on those public enforcement agencies listed on the attached SERVICE LIST; in addition on the same date and by U.S. Mail I caused the attached 60-DAY NOTICE LETTER and PROPOSITION 65: A SUMMARY to be sent by Certified U.S. Mail to the private business entities also listed on the attached SERVICE LIST. I deposited copies of these documents in envelopes, postage pre-paid, with the U.S. Postal Service on the day on which the mail is collected. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on January 31, 2005, at Eureka, California.

  
ALISON NICHOLS

## PRODUCT LIST

COMPANY NAME	PRODUCT
A J WHOLESALE DISTRIBUTORS, INC.	PIT BULL PIG TAIL MALE TWIST TO FEMALE GROUND ITEM #CHIE002
ATICO INTERNATIONAL USA, INC.	TDE SYSTEMS LAMINATOR MOPS#345540-116
CLORE AUTOMOTIVE, L.L.C.	SOLAR 1 AMP BATTERY CHARGER PART NO. 1001
GEMMY INDUSTRIES CORPORATION	TOTALLY GHOUL PUMPKIN LIGHT DEPT 09 9-4 CODE 0-579657-115
INTERDYNAMICS, INC.	INTERDYNAMICS POWERAIR AIR COMPRESSOR MODEL# PA-120 OR #PA-120T
MARINCO	MARINCO POWER CORD MARINE CORD SET 25FT PRODUCT #25PCM2
MILWAUKEE ELECTRIC TOOL CORP. / ATLAS COPCO NORTH AMERICA, INC.	MILWAUKEE SUPERCHARGER II #48-59-0192
NATIONAL MANUFACTURING CO	DYNAMAXX 40 WATT GLUE GUN #N315-820 OR #V5564
OREGON SCIENTIFIC, INC.	EMERGENCY ALERT WEATHER RADIO #WR106
	PICO 6-12 VOLT TEST LIGHT #0690PT
PACIFIC INDUSTRIAL COMPONENTS, INC.	PICO 30 INCH TEST LEADS #1575PT
SEA-DOG	SEA-DOG LINE POWER SOCKET WITH BATTERY CLIPS #426450-1
SHINN FU COMPANY OF AMERICA, INC.	ROAD X PEDITION CORDLESS SPOTLIGHT MODEL #I-5001
SPECTRA MERCHANDING INTERNATIONAL, INC.	SPECTRA DIGITAL AM/FM STEREO CASSETTE PLAYER #SCR-90
TOWER MANUFACTURING CORP	OVERLOAD GUARD EXTENSION CORD 40FT #C629166
WMH TOOL GROUP	TURTLE WAX 6INCH RANDOM ORBIT WAXER/POLISHER #65000TW