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8 Attorneys for Plaintiff,  
9 MATEEL ENVIRONMENTAL JUSTICE FOUNDATION

ENDORSED  
FILED  
San Francisco County Superior Court

AUG - 8 2006

GORDON PARK-LI, Clerk  
BY: PARAM NATT  
Deputy Clerk

CASE MANAGEMENT CONFERENCE SET

JAN - 5 2007 - 9<sup>00</sup> AM

10 DEPARTMENT 212  
11 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
12 COUNTY OF SAN FRANCISCO  
(Unlimited Jurisdiction)

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

CASE NO. CGC - 06 - 454917

COMPLAINT FOR INJUNCTIVE RELIEF  
AND CIVIL PENALTIES

17 BELL SPORTS, INC.; CYCLE EUROPE  
18 U.S.A., INC.; CANNONDALE BICYCLE  
CORPORATION; G. JOANNOU CYCLE  
19 CO.; DYNACRAFT BSC, INC.; ELECTRA  
BICYCLE COMPANY, INC.; FUJI  
20 AMERICAN ADVANCED SPORTS, INC.;  
K2, INC.; PACIFIC CYCLE, INC.;  
RALEIGH AMERICA; RECREATIONAL  
21 EQUIPMENT, INC.; SCOTT USA;  
SPECIALIZED BICYCLE COMPONENTS,  
22 INC.; TREK BICYCLE CORP.; AMERICAN  
BICYCLE GROUP, L.L.C.; COLUMBIA  
23 MANUFACTURING, INC.; GIANT  
BICYCLE, INC.; GROUPE PROCYCLE,  
24 INC.; ROCKY MOUNTAIN BICYCLES;  
IRON HORSE BICYCLE, INC.; KUNG  
25 HSUE SHE, INC., and DOES 1 through 100  
inclusive,

TOXIC TORT/ENVIRONMENTAL

26 Defendants.  
27 \_\_\_\_\_ /  
28

1 MATEEL ENVIRONMENTAL JUSTICE FOUNDATION alleges as follows:

2 INTRODUCTION

3 1. This Complaint seeks civil penalties and an injunction to remedy the continuing  
4 failure of defendants BELL SPORTS, INC.; CYCLE EUROPE U.S.A., INC.; CANNONDALE  
5 BICYCLE CORPORATION; G. JOANNOU CYCLE CO.; DYNACRAFT BSC, INC.;  
6 ELECTRA BICYCLE COMPANY, INC.; FUJI AMERICAN ADVANCED SPORTS, INC.; K2,  
7 INC.; PACIFIC CYCLE, INC.; RALEIGH AMERICA; RECREATIONAL EQUIPMENT, INC.;  
8 SCOTT USA; SPECIALIZED BICYCLE COMPONENTS, INC.; TREK BICYCLE CORP.;  
9 AMERICAN BICYCLE GROUP, L.L.C.; COLUMBIA MANUFACTURING, INC.; GIANT  
10 BICYCLE, INC.; GROUPE PROCYCLE, INC.; ROCKY MOUNTAIN BICYCLES; IRON  
11 HORSE BICYCLE, INC.; KUNG HSUE SHE, INC., and DOES 1 through 100 inclusive  
12 (hereinafter "Defendants"), to give clear and reasonable warnings to those residents of California,  
13 who come into contact with leaded plastic that houses brake and derailleur cables, or the leaded  
14 plastic from which bicycle and tricycle handlebar grips are made, (hereinafter referred to as  
15 "leaded cables and grips"), that handling these leaded cables and grips causes those residents to  
16 be exposed to lead and lead compounds, lead acetate, lead phosphate, and lead subacetate  
17 (hereinafter, collectively, "lead"). Defendants market leaded cables and grips either as after-  
18 market "parts" or incorporated into bicycles and tricycles defendants market. Lead is known to  
19 the State of California to cause cancer, birth defects and male and female reproductive toxicity.  
20 These products defendants market cause exposures to lead and lead compounds, which are  
21 chemicals known to the State of California to cause cancer, birth defects and other reproductive  
22 harm.

23 2. Defendants are businesses that manufacture, market, and/or distribute leaded  
24 cables and grips either as after-market "parts" or incorporated into bicycles and tricycles  
25 defendants market. Defendants intend that residents of California handle and use bicycles and  
26 tricycles that have leaded cables and grips that Defendants manufacture, market, and/or  
27 distribute. When these products are handled and used in their normally intended manner, they  
28 expose people to lead. In spite of knowing that residents of California were and are being

1 exposed to these chemicals when they handle and use leaded cables and grips and/or bicycles and  
2 tricycles that have leaded cables and grips, Defendants did not and do not provide clear and  
3 reasonable warnings that these products cause exposure to chemicals known to cause cancer,  
4 birth defects and other reproductive harm.

5 3. Plaintiff seeks injunctive relief pursuant to Health & Safety Code Section 25249.7  
6 to compel Defendants to bring their business practices into compliance with section 25249.5 et  
7 seq. by providing a clear and reasonable warning to each individual who has been and who in the  
8 future may be exposed to the above mentioned toxic chemicals from the use of Defendants'  
9 products.

10 4. In addition to injunctive relief, plaintiff seeks civil penalties to remedy the failure  
11 of Defendants to provide clear and reasonable warnings regarding exposure to chemicals known  
12 to cause cancer, birth defects and other reproductive harm. Plaintiff also seeks an order that  
13 defendants identify and locate each individual person who in the past has purchased leaded  
14 cables and grips, or bicycles and tricycles that incorporate leaded cables and grips and to  
15 provide to each such purchaser a clear and reasonable warning that the leaded cables and grips  
16 themselves and bicycles and tricycles that incorporate leaded cables and grips and will cause  
17 exposures to chemicals known to cause birth defects.

#### 18 PARTIES

19 5. Plaintiff MATEEL ENVIRONMENTAL JUSTICE FOUNDATION ("Mateel")  
20 is a non-profit organization dedicated to, among other causes, the protection of the environment,  
21 promotion of human health, environmental education, and consumer rights. Mateel is based in  
22 Eureka, California, and is incorporated under the laws of the State of California. Mateel is a  
23 "person" pursuant to Health & Safety Code Section 25118. Mateel brings this enforcement  
24 action in the public interest pursuant to Health & Safety Code §25249.7(d). Residents of  
25 California are regularly exposed to lead and lead compounds from the leaded cables and grips  
26 themselves and bicycles and tricycles that incorporate leaded cables and grips that Defendants  
27 manufacture, distribute or market, and are so exposed without a clear and reasonable Proposition  
28 65 warning.

1           6.       Defendants are each a person doing business within the meaning of Health &  
2 Safety Code Section 25249.11. Defendants are businesses that manufacture, distribute, and/or  
3 market leaded cables and grips and/or bicycles and tricycles that have leaded cables and grips in  
4 California, including the City and County of San Francisco. Manufacture, distribution and/or  
5 marketing of these products in the City and County of San Francisco and/or to people who live in  
6 San Francisco, causes people to be exposed to lead and lead compounds while they are physically  
7 present in the City and County of San Francisco.

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

12           8.       Plaintiff brings this enforcement action against Defendants pursuant to Health &  
13 Safety Code Section 25249.7(d). Attached hereto and incorporated by reference are copies of  
14 60-day Notice letters dated October 17, 2005 and April 24, 2006, which Mateel sent to  
15 California's Attorney General. Substantially identical letters were sent to every District Attorney  
16 in the state, and to the City Attorneys of every California city with a population greater than  
17 750,000. On those same dates, Mateel sent identical 60-Day Notice letters to each defendant  
18 listed in the Certificate of Service attached to each respective letter. Attached to the 60-Day  
19 Notice Letters sent to each defendant was a summary of Proposition 65 that was prepared by  
20 California's Office of Environmental Health Hazard Assessment. In addition, each 60-Day  
21 Notice Letter plaintiff sent was accompanied by a Certificate of Service attesting to the service of  
22 the 60-Day Notice Letter on each entity which received it. Pursuant to California Health & Safety  
23 Code Section 25249.7(d), a Certificate of Merit attesting to the reasonable and meritorious basis  
24 for the action was also sent with each 60-Day Notice Letter. Factual information sufficient to  
25 establish the basis of the Certificate of Merit was enclosed with the 60-Day Notice letter Mateel  
26 sent to the Attorney General.



1 first provide a clear and reasonable warning to such individual prior to the exposure.

2 16. Since at least October 17, 2002, Defendants have engaged in conduct that violates  
3 Health and Safety Code Section 25249.6 et seq. This conduct includes knowingly and  
4 intentionally exposing to the above mentioned toxic chemicals, those California residents who  
5 handle and use leaded cables and grips and/or bicycles and tricycles that have leaded cables and  
6 grips. The normally intended use of leaded cables and grips and/or bicycles and tricycles that  
7 have leaded cables and grips causes exposure to lead and lead compounds, which are chemicals  
8 known to the State of California to cause cancer, birth defects and other reproductive harm.  
9 Defendants have not provided clear and reasonable warnings, within the meaning of Health &  
10 Safety Code Sections 25249.6 and 25249.11.

11 17. At all times relevant to this action, Defendants knew that the leaded cables and  
12 grips themselves and/or bicycles and tricycles that incorporate leaded cables and grips  
13 defendants manufactured, distributed or marketed were causing exposures to lead and lead  
14 compounds. Defendants intended that residents of California handle and use leaded cables and  
15 grips and/or bicycles and tricycles that have leaded cables and grips in such ways as would lead  
16 to significant exposures to these chemicals.

17 18. By the above described acts, Defendants have violated Cal. Health & Safety Code  
18 § 25249.6 and are therefore subject to an injunction ordering them to stop violating Proposition  
19 65 and requiring them to provide warnings to their past customers who purchased defendants'  
20 products without receiving a clear and reasonable warning.

21 SECOND CAUSE OF ACTION  
22 (Claim for Civil Penalties)

23 19. Plaintiff realleges and incorporates by reference into this First Claim for Relief, as  
24 if specifically set forth herein, paragraphs 1 through 18, inclusive.

25 20. By the above described acts, Defendants are liable and should be liable pursuant  
26 to Health & Safety Code § 25249.7(b), for a civil penalty of \$2,500.00 per day for each  
27 individual exposed to lead and lead compounds from the handling or use of Defendants' leaded  
28 cables and grips.

1 PRAYER FOR RELIEF

2 Wherefore, plaintiff prays for judgment against DEFENDANTS, as follows:

3 1. Pursuant to the First Cause of Action, that all Defendants be enjoined, restrained,  
4 and ordered to comply with the provisions of Section 25249.6 of the California Health & Safety  
5 Code;

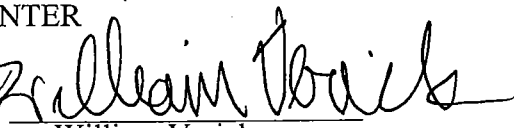
6 2. Pursuant to the Second Cause of Action, that Defendants be assessed a civil  
7 penalty in an amount equal to \$2,500.00 per day per individual exposed, in violation of Section  
8 25249.6 of the California Health & Safety Code, to lead and lead compounds as the result of  
9 Defendants' manufacturing, distributing or marketing of leaded cables and grips themselves  
10 and/or bicycles and tricycles that incorporate leaded cables and grips ;

11 3. That Defendants be ordered to identify and locate each individual who purchased  
12 leaded cables and grips themselves and/or bicycles and tricycles that incorporate leaded cables  
13 and grips and provide a warning to each such person that the leaded cables and grips themselves  
14 and bicycles and tricycles that incorporate leaded cables and grips the person purchased will  
15 expose that person to chemicals known to cause birth defects.

16 4. For such other relief as this court deems just and proper.

17 Dated: August 7, 2006

18 KLAMATH ENVIRONMENTAL LAW  
19 CENTER

20 BY 

21 William Verick  
22 Attorney for Plaintiff  
23 Mateel Environmental Justice Foundation  
24  
25  
26  
27  
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# Klamath

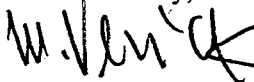
October 17, 2005

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

Greetings:

This office and the Mateel Environmental Justice Foundation ("Mateel") give you notice that the private businesses on the attached service list are in violation of Cal. Health & Safety Code § 25249.6. Both this office and Mateel are private enforcers of Proposition 65, both may be contacted at the below listed address and telephone number, and I am a responsible individual for both Mateel and this office. The above referenced violations occur when California residents, including children, come into contact with bicycles and tricycles that have brake cables and/or derailleur cables (hereinafter "cables") or when they come into contact with plastic handlebar grips. Some examples of the products that are or that incorporate cables and/or handlebar grips are those listed in the attached Product List. Though a specific model or SKU or product number is given as an example, this notice pertains to all variations of the specific type of product of which the named model is an example. The housing of these cables, and the handlebar grips themselves, is made from thermoplastic that contains lead and lead compounds ("lead") which are chemicals known to cause cancer, birth defects, and other reproductive harm. These businesses either make or market these bicycles and tricycles. In addition, one other company, Bell Sports, Inc., does not market bicycles or tricycles, but instead markets the cable housings themselves and also markets plastic handlebar grips for bicycles and tricycles. Children and adults are exposed to lead when they ride, walk, or work on these bicycles and tricycles and/or cables and handlebar grips. Their skin thus comes into contact with the plastic on the cable housings or the handlebar grips. Lead is transferred from the cable housings and handlebar grips to the hands of the users using these products. The lead then enters their bodies when it is absorbed directly through the skin, through mucous membranes, or through cuts and/or abrasions, or when they touch their hands to their mouths and other mucous membranes, or when they touch cigarettes or food and then smoke the cigarettes or ingest the food. These exposures thus occur via the dermal absorption, mucous membrane, subcutaneous, inhalation and ingestion routes. These businesses did not and do not provide people with clear and reasonable warnings before they expose them to lead. The above referenced violations have occurred every day since at least October 17, 2002 and will continue every day until the lead is taken out of these brake cable housings and handlebar grips, or until warnings are given. These violations are alleged for occupational exposures as well as for consumer and environmental exposures. We do not, however, allege occupational exposure violations as to any of these products the listed business makes outside of California, except as to workplaces the business itself maintains in California. Exposures constituting Proposition 65 environmental exposure violations occur both on and off the property of these private businesses and in each of California's 58 counties.

Cordially,



William Verick



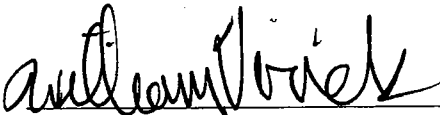
## SERVICE LIST

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	RIXHARD J. HACKMANN, CEO K2, INC. 2051 PALOMAR AIRPORT RD STE 100 CARLSBAD, CA 92009
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	RIXHARD J. HACKMANN, CEO K2, INC. 5818 EL CAMINO REAL CARLSBAD, CA 92008
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	CHRIS HORNUNG, CEO PACIFIC CYCLE, INC. 4902 HAMMERSLEY RD MADISON, WISCONSIN 53711
OFFICE OF THE CITY ATTORNEY CITY OF SACRAMENTO 980 9th Street, 10th 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 I ST. #200 MODESTO, CA 95354	CHRIS HORNUNG, CEO PACIFIC CYCLE, INC C/O MARGE BAJSEK 660 SEARS TOWER CHICAGO, IL 60606-6473
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 YUBA 1160 CIVIC CENTER BLVD. #A YUBA CITY, CA 95993	WILLIAM AUSTIN, PRESIDENT RALEIGH AMERICA 6004 S 190TH ST., STE. 101 KENT, WA 98032
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 RIVERSIDE 4075 MAIN ST. RIVERSIDE, CA 92501	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF TEHAMA P.O. BOX 519 REDBLUFF, CA 96080	SALLY JEWELL, PRESIDENT RECREATIONAL EQUIPMENT, INC. PO BOX 1938 SUMNER, WA 98390-0800
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 SACRAMENTO P.O. BOX 749 SACRAMENTO, CA 95804	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF TRINITY P.O. BOX 310 WEAVERVILLE, CA 96093	SALLY JEWELL, PRESIDENT RECREATIONAL EQUIPMENT, INC. 6750 S. 228th ST. KENT, WA 98032
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 SAN BENITO 419 4TH ST HOLLISTER, CA 95023	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF TULARE COURTHOUSE #224 VISALIA, CA 93291	LARRY MARTIN, PRESIDENT SCOTT USA PO BOX 2030, SUN VALLEY, ID 83353-2030
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF CALAVERAS GOVERNMENT CENTER 891 MOUNTAIN RANCH ROAD SAN ANDREAS, CA 95249	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 TUOLUMNE 2 S. GREEN ST. SONORA, CA 95370	MIKE SINYARD, PRESIDENT SPECIALIZED BICYCLE COMPONENTS, INC. 15130 CONCORD CIR. MORGAN HILL, CA 95037
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF BUTTE 25 COUNTY CENTER DR. OROVILLE, CA 95965	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MARIPOSA P.O. BOX 748 MARIPOSA, CA 95338	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SAN DIEGO 101 W. BROADWAY #1440 SAN DIEGO, CA 92101	VENTURA COUNTY DISTRICT ATTORNEY'S OFFICE c/o GREGORY BROSE D.D.A. 4245 MARKET ST. #205 VENTURA, CA 93003	JOHN BURKE, PRESIDENT TREK BICYCLE CORP 801 W. MADISON ST. WATERLOO, WI 53594
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 FRANCISCO 850 BRYANT ST #322 SAN FRANCISCO, CA 94103	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 DEL NORTE 450 H ST #171 CRESCENT CITY, CA 95531	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	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF YUBA 215 5TH ST. MARYSVILLE, CA 95901	BILL FRY, PRESIDENT BELL SPORTS, INC. 6225 N. ST. HWY 161 STE 300 IRVING, TX 75038
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF EL DORADO 515 MAIN ST. PLACERVILLE, CA 95667	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MARIPOSA P.O. BOX 748 MARIPOSA, CA 95338	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SAN LUIS OBISPO COUNTY GOVERNMENT CENTER #450 SAN LUIS OBISPO, CA 93408	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF YUBA 215 5TH ST. MARYSVILLE, CA 95901	RODNEY JEWETT, PRESIDENT CYCLEUROPE U.S.A., INC. 21325A CABOT BLVD HATWARD, CA 94545
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF FRESNO 2220 TULARE ST #1000 FRESNO, CA 93721	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MARIPOSA P.O. BOX 748 MARIPOSA, CA 95338	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SAN MATEO HALL OF JUSTICE AND RECORDS REDWOOD CITY, CA 94063	MATTHEW MANNELLY, PRESIDENT CANNONDALE BICYCLE CORPORATION 16 TROWBRIDGE DR BETHEL, CT 06801	MATTHEW MANNELLY, PRESIDENT CANNONDALE BICYCLE CORPORATION 16 TROWBRIDGE DR BETHEL, CT 06801
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF FRESNO 2220 TULARE ST #1000 FRESNO, CA 93721	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MARIPOSA P.O. BOX 748 MARIPOSA, CA 95338	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SANTA BARBARA 1105 SANTA BARBARA ST. SANTA BARBARA, CA 93101	CARINE JOANNOU, PRESIDENT G. JOANNOU CYCLE CO. 151 LUDLOW AVE NORTHVALE NJ 07647	CARINE JOANNOU, PRESIDENT G. JOANNOU CYCLE CO. 151 LUDLOW AVE NORTHVALE NJ 07647
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF FRESNO 2220 TULARE ST #1000 FRESNO, CA 93721	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MARIPOSA P.O. BOX 748 MARIPOSA, CA 95338	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SANTA CLARA 70 W. HEDDING ST. SAN JOSE, CA 95110	PHILIP TONG, PRESIDENT DYNACRAFT BSC, INC. 2550 KERNER BLVD SAN RAFAEL, CA 94901	PHILIP TONG, PRESIDENT DYNACRAFT BSC, INC. 2550 KERNER BLVD SAN RAFAEL, CA 94901
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF FRESNO 2220 TULARE ST #1000 FRESNO, CA 93721	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MARIPOSA P.O. BOX 748 MARIPOSA, CA 95338	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SANTA CRUZ 701 OCEAN ST. #200 SANTA CRUZ, CA 95060	BENNO BAENUGER, PRESIDENT ELECTRA BICYCLE COMPANY, INC. 2262 RUTHERFORD RD STE 104 CARLSBAD, CA 92008	BENNO BAENUGER, PRESIDENT ELECTRA BICYCLE COMPANY, INC. 2262 RUTHERFORD RD STE 104 CARLSBAD, CA 92008
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF FRESNO 2220 TULARE ST #1000 FRESNO, CA 93721	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MARIPOSA P.O. BOX 748 MARIPOSA, CA 95338	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SHASTA 1525 COURT ST. REDDING, CA 96001	PAT CUNNANE, PRESIDENT FUJI AMERICAN ANDVANDED SPORTS, INC. 118 BAUER DR. OAKLAND, NJ 07436	PAT CUNNANE, PRESIDENT FUJI AMERICAN ANDVANDED SPORTS, INC. 118 BAUER DR. OAKLAND, NJ 07436
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF FRESNO 2220 TULARE ST #1000 FRESNO, CA 93721	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MARIPOSA P.O. BOX 748 MARIPOSA, CA 95338	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: October 19, 2005

  
\_\_\_\_\_  
William Verick

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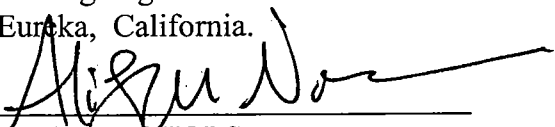
This notice alleges the violation of Proposition 65 with respect to occupational exposures governed by the California State Plan for Occupational Safety and Health. The State Plan incorporates the provisions of Proposition 65, as approved by Federal OSHA on June 6, 1997. This approval specifically placed 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 October 19, 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 October 19, 2005, at Eureka, California.

  
\_\_\_\_\_  
ALISON NICHOLS

## PRODUCT LIST

### **BELL SPORTS, INC.**

BELL BMXERS GRIPS # 109553, BELL BMX GRIPS #106427 and BIKE FIX BRAKE AND GEAR CABLE SET UPC #03501100022 This product description pertains not only to the specific model of the product listed, but also for all units of all models of bicycle cable housings and bicycle or tricycle handle bar grips.

### **CYCLEUROPE U.S.A., INC.**

BIANCHI 16" BOARDWALK This product description pertains not only to the specific model of the product listed, but also for all units of all models of bicycles that have brake or derailleur cables.

### **CANNONDALE BICYCLE CORPORATION**

CANNONDALE R500 50CM This product description pertains not only to the specific model of the product listed, but also for all units of all models of bicycles that have brake or derailleur cables.

### **G. JOANNOU CYCLE CO.**

JAMIS 19" EXILE This product description pertains not only to the specific model of the product listed, but also for all units of all models of bicycles that have brake or derailleur cables.

### **DYNACRAFT BSC, INC.**

NEXT 26" PLUSH MODEL #WM3-970, ITEM #766224 This product description pertains not only to the specific model of the product listed, but also for all units of all models of bicycles that have brake or derailleur cables.

### **ELECTRA BICYCLE COMPANY, INC.**

ELECTRA TOWNIE 3 This product description pertains not only to the specific model of the product listed, but also for all units of all models of bicycles that have brake or derailleur cables.

### **FUJI AMERICAN ADVANCED SPORTS, INC.**

FUJI 21" SAGRES This product description pertains not only to the specific model of the product listed, but also for all units of all models of bicycles that have brake or derailleur cables.

### **K2, INC.**

K2 SEASIDE LWB 18"-21" This product description pertains not only to the specific model of the product listed, but also for all units of all models of bicycles that have brake or derailleur cables.

### **PACIFIC CYCLE, INC.**

24" BOYS SLASH, SKN #374062, ITEM #200030TR This product description pertains not only to the specific model of the product listed, but also for all units of all models of bicycles that have brake or derailleur cables.

### **RALEIGH AMERICA**

SCHWINN 26" SX2000 This product description pertains not only to the specific model of the product listed, but also for all units of all models of bicycles that have brake or derailleur cables.

### **RECREATIONAL EQUIPMENT, INC.**

NOVARA PIEORA This product description pertains not only to the specific model of the product listed, but also for all units of all models of bicycles that have brake or derailleur cables.

### **SCOTT USA**

SCOTT SPEEDSTER S 54CM and SCOTT RACING 20 KIDS BIKE This product description pertains not only to the specific model or models of the product listed, but also for all units of all models of bicycles that have brake or derailleur cables.

### **SPECIALIZED BICYCLE COMPONENTS, INC.**

SPECIALIZED 19" ROCKHOPPER COMP DISC and SPECIALIZED 17" ROCKHOPPER COMP This product description pertains not only to the specific model or models of the product listed, but also for all units of all models of bicycles that have brake or derailleur cables.

### **TREK BICYCLE CORP**

LEMOND FILLMORE 55CM, TREK MT60 KIDS BIKE and TREK 6500 19.5" This product description pertains not only to the specific model or models of the product listed, but also for all units of all models of bicycles that have brake or derailleur cables.



# Klamath

April 24, 2006

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

Greetings:

This office and the Mateel Environmental Justice Foundation ("Mateel") give you notice that the private businesses on the attached service list are in violation of Cal. Health & Safety Code § 25249.6. Both this office and Mateel are private enforcers of Proposition 65, both may be contacted at the below listed address and telephone number, and I am a responsible individual for both Mateel and this office. The above referenced violations occur when California residents, including children, come into contact with bicycles and tricycles that have brake cables and/or derailleur cables (hereinafter "cables") and when they come into contact with plastic handlebar grips on these bicycles and tricycles. Some examples of the products that are or that incorporate cables and/or handlebar grips are those listed in the attached Product List. Though a specific model or SKU or product number is given as an example, this notice pertains to all variations of the specific type of product of which the named model is an example. The housing of these cables, and the handlebar grips themselves, is made from thermoplastic that contains lead and lead compounds ("lead") which are chemicals known to cause cancer, birth defects, and other reproductive harm. These businesses market these bicycles and tricycles. Children and adults are exposed to lead when they ride, walk, or work on these bicycles and tricycles and/or cables and handlebar grips and their skin comes into contact with the plastic on the cable housings or the handlebar grips. Lead is transferred from the cable housings and handlebar grips to the hands of those using these products. The lead then enters their bodies when it is absorbed directly through the skin, through mucous membranes, or through cuts and/or abrasions, or when they touch their hands to their mouths and other mucous membranes, or when they touch cigarettes or food and then smoke the cigarettes (inhaling the burned lead compounds) or ingest the food. These exposures thus occur via the dermal absorption, mucous membrane, subcutaneous, inhalation and ingestion routes. These businesses did not and do not provide people with clear and reasonable warnings before they expose them to lead. The above referenced violations have occurred every day since at least April 24, 2003 and will continue every day until the lead is taken out of these brake cable housings and handlebar grips, or until warnings are given. These violations are alleged for occupational exposures as well as for consumer and environmental exposures. We do not, however, allege occupational exposure violations as to any of these products the listed business make outside of California, except as to workplaces the business itself maintains in California. Exposures constituting Proposition 65 environmental exposure violations occur both on and off the property of these private businesses and in each of California's 58 counties.

Cordially,



William Verick

## **PRODUCT LIST**

### **AMERICAN BICYCLE GROUP**

#### **MARIN BOBCAT TRAIL 13" / 33CM:**

This product description pertains not only to the specific model of the product listed, but also for all units of all models of bicycles or tricycles that have brake or derailerur cables or handlebar grips.

### **DAHON BICYCLE, INC.**

#### **DAHON VITESSE:**

This product description pertains not only to the specific model of the product listed, but also for all units of all models of bicycles or tricycles that have brake or derailerur cables or handlebar grips.

### **COLUMBIA MANUFACTURING, INC.**

#### **COLUMBIA TRAILHEAD DX MOUNTAIN BIKE:**

This product description pertains not only to the specific model of the product listed, but also for all units of all models of bicycles or tricycles that have brake or derailerur cables or handlebar grips.

### **IRON HORSE BICYCLE, INC. & IRON HORSE BICYCLE, LLP**

#### **IRON HOURSE NORTH SHORE 24" MOUNTAIN BIKE:**

This product description pertains not only to the specific model of the product listed, but also for all units of all models of bicycles or tricycles that have brake or derailerur cables or handlebar grips.

### **GROUPE PROCYCLE INC. /ROCKY MOUNTAIN BICYCLES**

#### **ROCKY MOUNTAIN SOUL 20.5 & ROCKY MOUNTAIN SOLO 30:**

This product description pertains not only to the specific model of the product listed, but also for all units of all models of bicycles or tricycles that have brake or derailerur cables or handlebar grips.

### **GIANT BICYCLE, INC.**

#### **GIANT HALFWAY FOLDING BIKE:**

This product description pertains not only to the specific model of the product listed, but also for all units of all models of bicycles or tricycles that have brake or derailerur cables or handlebar grips.

### **KUNG HSUE SHE, INC.**

#### **K.H.S. F20-A FOLDING BIKE:**

This product description pertains not only to the specific model of the product listed, but also for all units of all models of bicycles or tricycles that have brake or derailerur cables or handlebar grips.

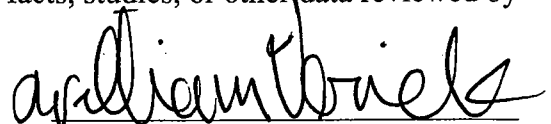
## SERVICE LIST

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	STEWART BARNETT, CEO IRON HORSE BICYCLE, INC. 85 M HOFFMAN LANE ISLANDIA, NY 11749-5007
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	CLIFFORD WELDBERG, PRESIDENT IRON HORSE BICYCLE, LLC 3155 E. PATRICK LANE, SUITE 1 LAS VEGAS, NV 89120-3481
OFFICE OF THE CITY ATTORNEY CITY OF SAN FRANCISCO CITY HALL ROOM 206 400 VAN NESS SAN FRANCISCO, CA 94102	OUNTY 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	CLIFFORD WELDBERG, PRESIDENT STEWART BARNETT, CEO IRON HORSE BICYCLE, LLC 6075 S. EASTERN AVENUE, SUITE 1 LAS VEGAS, NV 89119-3146
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 I ST. #200 MODESTO, CA 95354	WEN C. HSIEH, PRESIDENT KUNG HSUE SHE, INC 2840 E. HARCOURT STREET RANCHO DOMINGUES, CA 90221
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	
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	
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	
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 TUOLUMNE 2 S. GREEN ST. SONORA, CA 95370	
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	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 MADERA 209 W. YOSEMITE AVE. MADERA, CA 93637	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 BUTTE 25 CENTER CENTER DR. OROVILLE, CA 95965	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MARIPOSA P.O. BOX 748 MARIPOSA, CA 95338	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SAN DIEGO 101 W. BROADWAY #1300 SAN DIEGO, CA 92101	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF YUBA 215 5TH ST. MARYSVILLE, CA 95901	
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF CALAVERAS GOVERNMENT CENTER 891 MOUNTAIN RANCH ROAD SAN ANDREAS, CA 95249	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MARIN HALL OF JUSTICE #183 SAN RAFAEL, CA 94903	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SAN FRANCISCO 850 BRYANT ST #322 SAN FRANCISCO, CA 94103	MARK LYNSKEY, CEO AMERICAN BICYCLE GROUP, LLC BOX 22666 CHATANOOGA, TN 37422	
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	MARK LYNSKEY, CEO AMERICAN BICYCLE GROUP, LLC 9308 OOLTEWAH INDUSTRIAL OOLTEWAH, TN 37363	
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF CONTRA COSTA P.O. BOX 670 MARTINEZ, CA 94553	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MARIPOSA P.O. BOX 748 MARIPOSA, CA 95338	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SAN LUIS OBISPO COUNTY GOVERNMENT CENTER #450 SAN LUIS OBISPO, CA 93408	DON BIEKER, PRESIDENT COLUMBIA MANUFACTURING, INC. ONE CYCLE STREET WESTFIELD, MA 01085	
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF DEL NORTE 450 H ST #171 CRESCENT CITY, CA 95531	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	DAVID HON, PRESIDENT DAHON CALIFORNIA, INC. 833 MERIDIAN STREET DUARTE, CA 91010	
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF EL DORADO 515 MAIN ST. PLACERVILLE, CA 95667	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MERCED 2222 M ST. MERCED, CA 95340	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SANTA BARBARA 1112 SANTA BARBARA ST. SANTA BARBARA, CA 93101-2008	STANLEY C. HESS II, PRESIDENT GIANT BICYCLE, INC. 3587 OLD CONEJO ROAD NEWBURY PARK, CA 91320	
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF FRESNO 2220 TULARE ST #1000 FRESNO, CA 93721	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MODOC P.O. BOX 1171 ALTURAS, CA 96101	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SHASTA 1525 COURT ST. REDDING, CA 96001	PRESIDENT OR CEO GROUPE PROCYCLE INC. 1322 CLIVEDON AVE DELTA, BRITISH COLUMBIA V3M 6G4	
	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	PRESIDENT OR CEO ROCKY MOUNTAIN BICYCLES 1322 CLIVEDON AVE DELTA, BRITISH COLUMBIA V3M 6G4	

**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: April 24, 2006

  
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, Nicole Frank, 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 April 24, 2006 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 April 24, 2006, at Eureka, California.

  
Nicole Frank