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Attorneys for Plaintiff,  
9 MATEEL ENVIRONMENTAL JUSTICE FOUNDATION

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

13 MATEEL ENVIRONMENTAL  
14 JUSTICE FOUNDATION,

15 Plaintiff,

16 v.

17 ENERCO GROUP, INC.; FIESTA GAS  
18 GRILLS, LLC.; MANCHESTER TANK &  
EQUIPMENT CO.; SEARS, ROEBUCK  
19 AND CO; W.C. BRADLEY CO.; WEBER-  
STEPHEN PRODUCTS CO.; WOLFEDALE  
20 ENGINEERING LIMITED,  
WORTHINGTON CYLINDER  
21 CORPORATION and DOES 1 through 100  
inclusive,

22 Defendants.  
23 \_\_\_\_\_ /

24 MATEEL ENVIRONMENTAL JUSTICE FOUNDATION alleges as follows:

25 INTRODUCTION

26 1. This Complaint seeks civil penalties and an injunction to remedy the continuing  
27 failure of defendants ENERCO GROUP, INC.; FIESTA GAS GRILLS, LLC.; MANCHESTER  
28 TANK & EQUIPMENT CO.; SEARS, ROEBUCK AND CO.; W.C. BRADLEY CO.;

**ENDORSED  
FILED**  
San Francisco County Superior Court

NOV 03 2006

**GORDON PAIK-LI, Clerk**  
BY WESLEY RAMIREZ  
Deputy Clerk



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

9         6. Defendants are each a person doing business within the meaning of Health &  
10 Safety Code Section 25249.11. Defendants are businesses that manufacture, distribute, and/or  
11 market Propane Tanks in California, including the City and County of San Francisco.  
12 Manufacture, distribution and/or marketing of these products in the City and County of San  
13 Francisco and/or to people who live in San Francisco, causes people to be exposed to lead and  
14 lead compounds while they are physically present in the City and County of San Francisco.

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

19         8. Plaintiff brings this enforcement action against Defendants pursuant to Health &  
20 Safety Code Section 25249.7(d). Attached hereto and incorporated by reference is a copy of a  
21 60-day Notice letter, dated July 27, 2006 which Mateel sent to California's Attorney General.  
22 Substantially identical letters were sent to every District Attorney in the state, and to the City  
23 Attorneys of every California city with a population greater than 750,000. On the same date,  
24 Mateel sent to each Defendant a letter substantively identical to the Notice letter it sent on that  
25 date to the Attorney General. Attached to the 60-Day Notice Letters sent to each defendant was a  
26 summary of Proposition 65 that was prepared by California's Office of Environmental Health  
27 Hazard Assessment. In addition, each 60-Day Notice Letter plaintiff sent was accompanied by a  
28 Certificate of Service attesting to the service of the 60-Day Notice Letter on each entity which

1 received it. Pursuant to California Health & Safety Code Section 25249.7(d), a Certificate of  
2 Merit attesting to the reasonable and meritorious basis for the action was also sent with each 60-  
3 Day Notice Letter. Factual information sufficient to establish the basis of the Certificate of Merit  
4 was enclosed with the 60-Day Notice letters Mateel sent to the Attorney General on the two  
5 dates.

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

7 JURISDICTION

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

13 11. This Court also has jurisdiction over Defendants because they are businesses that  
14 have sufficient minimum contacts in California and within the City and County of San Francisco.  
15 Defendants intentionally availed themselves of the California and San Francisco County markets  
16 for Propane Tanks. It is thus consistent with traditional notions of fair play and substantial  
17 justice for the San Francisco Superior Court to exercise jurisdiction over them.

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

23 FIRST CAUSE OF ACTION  
24 (Claim for Injunctive Relief)

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

27 14. The People of the State of California have declared by referendum under  
28 Proposition 65 (California Health & Safety Code § 25249.5 et seq.) their right "[t]o be informed

1 about exposures to chemicals that cause cancer, birth defects, and reproductive harm."

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

6 16. Since at least July 27, 2003, Defendants have engaged in conduct that violates  
7 Health and Safety Code Section 25249.6 et seq. This conduct includes knowingly and  
8 intentionally exposing to the above mentioned toxic chemicals, those California residents who  
9 handle and use Propane Tanks. The normally intended use of Propane Tanks causes exposure to  
10 lead and lead compounds, which are chemicals known to the State of California to cause cancer,  
11 birth defects and other reproductive harm. Defendants have not provided clear and reasonable  
12 warnings, within the meaning of Health & Safety Code Sections 25249.6 and 25249.11.

13 17. At all times relevant to this action, Defendants knew that the Propane Tanks they  
14 manufactured, distributed or marketed were causing exposures to lead and lead compounds.  
15 Defendants intended that residents of California handle and use Propane Tanks in such ways as  
16 would lead 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, to provide warnings to all present and future customers, and to provide warnings to their past  
20 customers who purchased defendants' 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 Second Cause of Action,  
24 as 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 without proper warning to lead and lead compounds from the handling or use  
28 of Defendants' Propane Tanks.

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PRAYER FOR RELIEF

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

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

2. Pursuant to the Second Cause of Action, that Defendants be assessed a civil penalty in an amount equal to \$2,500.00 per day per individual exposed, in violation of Section 25249.6 of the California Health & Safety Code, to lead and lead compounds as the result of Defendants' manufacturing, distributing or marketing of Propane Tanks;

3. That Defendants be ordered to identify and locate each individual who purchased Propane Tanks and provide a warning to each such person that the Propane Tanks the person purchased will expose that person to chemicals known to cause birth defects.


4. That, pursuant to Civil Procedure Code § 1021.5, Defendants be ordered to pay to Plaintiff the attorneys fees and costs it incurred in bringing this enforcement action.

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

Dated: November 3, 2006



David H. Williams  
Attorney for Plaintiff  
Mateel Environmental Justice Foundation



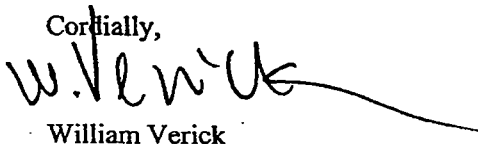
# Klamath

July 27, 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 have been, are, will be and threaten to be 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 at both Mateel and this office. The above referenced violations pertain to valves (including the valve handles) and connector hoses with brass fittings that are associated with propane (or other compressed flammable gas) tanks ("propane tanks"). These propane tanks are connected to, and serve as a fuel source for, appliances such as outdoor gas grills, burners or heaters. These connectors and valves are made from leaded-brass alloys. In the case of the valves, these valves are on the propane tank itself and are used to turn the gas off and on at the tank. A list of the types of products to which this notice pertains is provided in the attached products list. These products violate Health & Safety Code § 25249.6 when California residents handle the valves and connectors when connecting a propane tank to a gas appliance or when turning the gas on or off using the valve on the tank. Lead from the alloy comes off on their hands and is then absorbed through the skin, enters the body through cuts and abrasions, is ingested orally by being transferred from hands to food which is then eaten, or by hand-to-mouth (or other mucous membranes) behavior such as nail biting, or lead is transferred from hands to cigarettes and then inhaled when the cigarette is smoked. These lead exposures thus occur via the dermal absorption, subcutaneous, mucus membrane, ingestion and inhalation routes. The listed businesses did not and do not provide people with clear and reasonable warnings before they expose them to lead. These violations have occurred every day since July 27, 2003, and will continue every day until the lead is removed from the alloys used to make these valves. The above-referenced 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 leaded-brass valves made outside of California, except as to workplaces these businesses themselves maintain in California. Exposures constituting Proposition 65 environmental exposure violations occur both on and off these businesses' property and in each of California's 58 counties.

Cordially,  
  
William Verick

424 First Street, Eureka, CA 95501 • 707.268.8900 (phone) 707.268.8901 (fax)

## SERVICE LIST

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

OFFICE OF THE CITY ATTORNEY  
CITY OF OAKLAND  
505 14TH ST 12TH FLOOR  
OAKLAND, CA 94612

OFFICE OF THE CITY ATTORNEY  
CITY OF SAN FRANCISCO  
CITY HALL ROOM 206  
400 VAN NESS  
SAN FRANCISCO, CA 94102

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 CITY ATTORNEY  
CITY OF SAN JOSE  
151 W. MISSION ST.  
SAN JOSE, CA 95110

OFFICE OF THE CITY ATTORNEY  
CITY OF LOS ANGELES  
200 N. MAIN ST.  
LOS ANGELES, CA 90012

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 ALAMEDA  
225 FALLON ST. #9  
OAKLAND, CA 94612

OFFICE OF THE DISTRICT  
ATTORNEY  
COUNTY OF ALPINE  
P.O. BOX 248  
MARKLEEVILLE, CA 96120

OFFICE OF THE DISTRICT  
ATTORNEY  
COUNTY OF AMADOR  
108 COURT ST. SUITE 202  
JACKSON, CA 95642

OFFICE OF THE DISTRICT  
ATTORNEY  
COUNTY OF BUTTE  
25 COUNTY CENTER DR.  
OROVILLE, CA 95965

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 COLUSA  
547 MARKET ST.  
COLUSA, CA 95932

OFFICE OF THE DISTRICT  
ATTORNEY  
COUNTY OF CONTRA COSTA  
P.O. BOX 670  
MARTINEZ, CA 94553

OFFICE OF THE DISTRICT  
ATTORNEY  
COUNTY OF DEL NORTE  
450 H ST #171  
CRESCENT CITY, CA 95531

OFFICE OF THE DISTRICT  
ATTORNEY  
COUNTY OF EL DORADO  
515 MAIN ST.  
PLACERVILLE, CA 95667

OFFICE OF THE DISTRICT  
ATTORNEY  
COUNTY OF FRESNO  
2220 TULARE ST #1000  
FRESNO, CA 93721

OFFICE OF THE DISTRICT  
ATTORNEY  
COUNTY OF GLENN  
P.O. BOX 430  
WILLOWS, CA 95988

OFFICE OF THE DISTRICT  
ATTORNEY  
COUNTY OF HUMBOLDT  
825 5TH ST.  
EUREKA, CA 95501

COUNTY OF IMPERIAL  
COURTHOUSE, FLOOR 2  
939 W. MAIN ST  
EL CENTRO, CA 92243

OFFICE OF THE DISTRICT  
ATTORNEY  
COUNTY OF INYO  
P.O. DRAWER D  
INDEPENDENCE, CA 93526

OFFICE OF THE DISTRICT  
ATTORNEY  
COUNTY OF KERN  
1215 TRUXTUN AVE. FLOOR 4  
BAKERSFIELD, CA 93301

OFFICE OF THE DISTRICT  
ATTORNEY  
COUNTY OF KINGS  
1400 W. LACEY BLVD.  
HANFORD, CA 93230

OFFICE OF THE DISTRICT  
ATTORNEY  
COUNTY OF LAKE  
255 N. FORBES ST # 424  
LAKEPORT, CA 95453

OFFICE OF THE DISTRICT  
ATTORNEY  
COUNTY OF LASSEN  
COUNTY ADMINISTRATION  
BUILDING  
707 NEVADA ST.  
SUSANVILLE, CA 96130

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 MADERA  
209 W. YOSEMITE AVE.  
MADERA, CA 93637

OFFICE OF THE DISTRICT  
ATTORNEY  
COUNTY OF MARIN  
HALL OF JUSTICE #183  
SAN RAFAEL, CA 94903

OFFICE OF THE DISTRICT  
ATTORNEY  
COUNTY OF MARIPOSA  
P.O. BOX 748  
MARIPOSA, CA 95338

OFFICE OF THE DISTRICT  
ATTORNEY  
COUNTY OF MENDOCINO  
301 S. STATE ST.  
UKIAH, CA 95482

OFFICE OF THE DISTRICT  
ATTORNEY  
COUNTY OF MERCED  
2222 M ST.  
MERCED, CA 95340

OFFICE OF THE DISTRICT  
ATTORNEY  
COUNTY OF MODOC  
P.O. BOX 1171  
ALTURAS, CA 9610

OFFICE OF THE DISTRICT  
ATTORNEY  
COUNTY OF MONO  
P.O. BOX 617  
BRIDGEPORT, CA 93517

OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF MONTEREY  
240 CHURCH ST.  
P.O. BOX 180  
SALINAS, CA 93902

COUNTY OF NAPA  
931 PARKWAY MALL  
P.O. BOX 720  
NAPA, CA 94559-0720

OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF NEVADA  
COURTHOUSE ANNEX  
NEVADA CITY, CA 95959

OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF ORANGE  
400 CIVIC CENTER DR. WEST  
SANTA ANA, CA 92701

OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF PLACER  
11562 B AVE  
AUBURN, CA 95603-2687

OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF PLUMAS  
P.O. BOX 10716  
QUINCY, CA 95971

OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF RIVERSIDE  
4075 MAIN ST.  
RIVERSIDE, CA 92501

OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF SACRAMENTO  
P.O. BOX 749  
SACRAMENTO, CA 95804

OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF SAN BENITO  
419 4TH ST  
HOLLISTER, CA 95023

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 SAN DIEGO  
101 W. BROADWAY #1300  
SAN DIEGO, CA 92101

OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF SAN FRANCISCO  
850 BRYANT ST #322  
SAN FRANCISCO, CA 94103

OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF SAN JOAQUIN  
222 E. WEBER AVE #202  
STOCKTON, CA 95202

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 SAN MATEO  
HALL OF JUSTICE AND RECORDS  
REDWOOD CITY, CA 94063

OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF SANTA BARBARA  
1112 SANTA BARBARA ST.  
SANTA BARBARA, CA 93101-2008

OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF SANTA CLARA  
70 W. HEDDING ST.  
SAN JOSE, CA 95110

OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF SANTA CRUZ  
701 OCEAN ST. #200  
SANTA CRUZ, CA 95060

OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF SHASTA  
1525 COURT ST.  
REDDING, CA 96001

OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF SIERRA  
P.O. BOX 457  
DOWNIEVILLE, CA 95936

OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF SISKIYOU  
P.O. BOX 986  
YREKA, CA 96097

OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF SOLANO  
600 UNION AVE  
FAIRFIELD, CA 94533

OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF SONOMA  
600 ADMINISTRATION DR. #212J  
SANTA ROSA, CA 95403

OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF STANISLAUS  
1100 1ST. #200  
MODESTO, CA 95354

OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF SUTTER  
1160 CIVIC CENTER BLVD. #A  
YUBA CITY, CA 95993

OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF TEHAMA  
P.O. BOX 519  
REDBLUFF, CA 96080

OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF TRINITY  
P.O. BOX 310  
WEAVERVILLE, CA 96093

OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF TULARE  
COURTHOUSE #224  
VISALIA, CA 93291

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 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

MIKE BUTLER, PRESIDENT  
CHAR-BROIL, LLC  
PO BOX 140  
COLUMBUS, GA 31902-0140

THEODORE D. WARD, CEO  
ENERCO GROUP, INC.  
4560 W. 160TH STREET  
CLEVELAND, OH 44135-2628

PRESIDENT OR CEO  
FIESTA GAS GRILLS, LLC  
ONE FIESTA DRIVE  
DICKSON, TN 37055

G. RUFFNER PAGE, CEO  
MANCHESTER TANK & EQUIPMENT CO.  
1000 CORPORATE CENTRE DRIVE #300  
FRANKLIN, TN 37607-6206

AYLWIN B LEWIS, CEO  
SEARS, ROEBUCK AND CO.  
3333 BEVERLY ROAD  
HOFFMAN ESTATES, IL 60179

STEPHEN T. BUTLER, CEO  
W.C. BRADLEY CO.  
1017 FRONT AVE.  
COLUMBUS, GA 31901

JAMES C. STEPHEN, PRESIDENT  
WEBER-STEPHEN PRODUCTS CO.  
200 E. DANIELS ROAD  
PALATINE, IL 60067

PRESIDENT OR CEO  
WOLFEDALE ENGINEERING LIMITED  
3644 WOLFEDALE ROAD  
MISSISSAUGA, ON L5C 3E6

JOHN P MCCONNELL, CEO  
WORTHINGTON CYLINDER  
CORPORATION  
200 OLD WILSON BRIDGE ROAD D  
COLUMBUS, OH 43085



**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: July 27, 2006



William Verick

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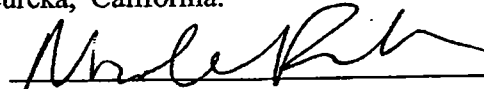
This notice alleges the violation of Proposition 65 with respect to occupational exposures governed by the California State Plan for Occupational Safety and Health. The State Plan incorporates the provisions of Proposition 65, as approved by Federal OSHA on June 6, 1997. This approval specifically placed 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 July 27, 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 July 27, 2006, at Eureka, California.



Nicole Frank

## PRODUCT LIST

### **CHAR-BROIL, LLC/ W.C. BRADLEY CO.**

#### **CHAR-BROIL 12' NATURAL GAS HOSE KIT MODEL 4615**

This product description pertains not only to the specific model of the products listed, but also for all units of all models of valves (including the valve handles) and connector hoses with brass fittings that are associated with propane (or other compressed flammable gas) tanks ("propane tanks")

### **ENERCO GROUP, INC.**

#### **MR HEATER PROPANE GRILL "QUICK CONNECT" F276334 UPC 089301763340**

This product description pertains not only to the specific model of the products listed, but also for all units of all models of valves (including the valve handles) and connector hoses with brass fittings that are associated with propane (or other compressed flammable gas) tanks ("propane tanks")

### **MANCHESTER TANK & EQUIPMENT CO.**

#### **MANCHESTER TANK PROPANE CYLINDER UPC: 013734 105026**

This product description pertains not only to the specific model of the products listed, but also for all units of all models of valves (including the valve handles) and connector hoses with brass fittings that are associated with propane (or other compressed flammable gas) tanks ("propane tanks")

### **SEARS ROEBUCK AND COMPANY**

#### **KENMORE 20-LB WITH QUICK CONNECT VALVE #7122960**

This product description pertains not only to the specific model of the products listed, but also for all units of all models of valves (including the valve handles) and connector hoses with brass fittings that are associated with propane (or other compressed flammable gas) tanks ("propane tanks")

### **WEBER-STEPHEN PRODUCTS CO.**

#### **WEBER ADAPTER HOSE 41455 UPC 077924 049422**

This product description pertains not only to the specific model of the products listed, but also for all units of all models of valves (including the valve handles) and connector hoses with brass fittings that are associated with propane (or other compressed flammable gas) tanks ("propane tanks")

### **WOLFDAL ENGINEERING LTD/FIESTA GAS GRILLS LLC**

#### **WOLFDAL ENGINEERING O.P.D. PROPANE CYLINDER #WP24-36, #GG20-27, MADE FOR FIESTA GAS GRILLS, L.L.C.**

This product description pertains not only to the specific model of the products listed, but also for all units of all models of valves (including the valve handles) and connector hoses with brass fittings that are associated with propane (or other compressed flammable gas) tanks ("propane tanks")

### **WORTHINGTON CYLINDER CORPORATION**

#### **PROPANE TANK #303957**

This product description pertains not only to the specific model of the products listed, but also for all units of all models of valves (including the valve handles) and connector hoses with brass fittings that are associated with propane (or other compressed flammable gas) tanks ("propane tanks")