



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO**

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COMPLAINT

EL ENVIRONMENTAL JUSTICE FOUNDATION VS. SCHRADER BRIDGEPORT INTERNAT

001C02658409

Instructions:

Please place this sheet on top of the document to be scanned.

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11 Attorneys for Plaintiff,
12 MATEEL ENVIRONMENTAL JUSTICE FOUNDATION

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
14 COUNTY OF SAN FRANCISCO
15 (Unlimited Jurisdiction)

16 MATEEL ENVIRONMENTAL
17 JUSTICE FOUNDATION,

CASE NO. 09-492160

18 Plaintiff,

19 v.

FIRST AMENDED COMPLAINT FOR
INJUNCTIVE RELIEF AND CIVIL
PENALTIES

20 SCHRADER BRIDGEPORT
21 INTERNATIONAL, INC.; and BALKAMP,
22 INC.,

23 Defendants.

TOXIC TORT/ENVIRONMENTAL

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 defendant SCHRADER BRIDGEPORT INTERNATIONAL, INC., and BALKAMP,
28 INC., (hereinafter "Defendants"), to give clear and reasonable warnings to those residents of

FILED
San Francisco County Superior Court

OCT 28 2009
GORDON W. PEARLI, Clerk
BY: *[Signature]*
Deputy Clerk

1 California, who handle and use products that are made of, or incorporate parts made of brass
2 and/or bronze (hereinafter referred to as “Brass Products”), that handling and use of these
3 products causes those residents to be exposed to lead and lead compounds, lead acetate, lead
4 phosphate, and lead subacetate (hereinafter, collectively, “lead”). Lead is known to the State of
5 California to cause cancer, birth defects and male and female reproductive toxicity. Defendants
6 manufacture, distribute, and/or market Brass Products. These products cause exposures to lead
7 and lead compounds, which are chemicals known to the State of California to cause cancer, birth
8 defects and other reproductive harm.

9 2. Defendants are businesses that manufacture, market, and/or distribute Brass
10 Products. Defendants intend that residents of California handle and use Brass Products that
11 Defendants manufacture, market, and/or distribute. When these products are handled and used in
12 their normally intended manner, they expose people to lead. In spite of knowing that residents of
13 California were and are being exposed to lead when they handle and use Brass Products,
14 Defendants did not and do not provide clear and reasonable warnings that these products cause
15 exposure to chemicals known to cause cancer, birth defects and other reproductive harm. The
16 Brass Products to which this Complaint pertains are those referenced in the Products List that
17 accompanied the 60 Day Notice Letter, which is appended to and incorporated by reference in
18 this Complaint.

19 3. Plaintiff seeks injunctive relief pursuant to Health & Safety Code Section 25249.7
20 to compel Defendant to bring its business practices into compliance with section 25249.5 et seq.
21 by providing a clear and reasonable warning to each individual who has been and who in the
22 future may be exposed to the above mentioned toxic chemicals from the use of Defendants’
23 products.

24 4. In addition to injunctive relief, plaintiff seeks civil penalties to remedy the failure
25 of Defendants to provide clear and reasonable warnings regarding exposure to chemicals known
26 to cause cancer, birth defects and other reproductive harm. Plaintiff also seeks an order that
27 defendants identify and locate each individual person who in the past has purchased a brass
28 product and to provide to each such purchaser a clear and reasonable warning that the brass

1 product will cause exposures to chemicals known to cause birth defects.

2
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 Brass Products manufactured,
11 distributed or marketed by Defendant and are so exposed without a clear and reasonable
12 Proposition 65 warning.

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

19 7. Plaintiff brings this enforcement action against Defendants pursuant to Health &
20 Safety Code Section 25249.7(d). Attached hereto and incorporated by reference are copies of
21 60-day Notice letters, dated March 26, 2009 and May 21, 2009 which Mateel sent to California's
22 Attorney General. Letters identical in substance were sent to every District Attorney in the state,
23 and to the City Attorneys of every California city with a population greater than 750,000. On the
24 same dates, Mateel sent identical 60 Day Notice letters to Defendants. Attached to the 60-Day
25 Notice Letters sent to the Defendants was a summary of Proposition 65 that was prepared by
26 California's Office of Environmental Health Hazard Assessment. In addition, both 60-Day
27 Notice Letters plaintiff sent were accompanied by a Certificate of Service attesting to the service
28 of the 60-Day Notice Letters on each entity which received it. Pursuant to California Health &

1 Safety Code Section 25249.7(d), a Certificate of Merit attesting to the reasonable and meritorious
2 basis for the action was also sent with both 60-Day Notice Letters. Factual information sufficient
3 to establish the basis of the Certificate of Merit was enclosed with the 60-Day Notice letters
4 Mateel sent to the Attorney General.

5 8. Defendants are businesses that employ more than ten people.

6 JURISDICTION

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

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

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

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

24 12. Plaintiff realleges and incorporates by reference into this First Cause of Action, as
25 if specifically set forth herein, paragraphs 1 through 11, inclusive.

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

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

5 15. Since at least March 26, 2006 and May 21, 2009 Defendants have engaged in
6 conduct that violates Health and Safety Code Section 25249.6 et seq. This conduct includes
7 knowingly and intentionally exposing to the above mentioned toxic chemicals, those California
8 residents who handle and use Brass Products. The normally intended use of Brass Products
9 causes exposure to lead and lead compounds, which are chemicals known to the State of
10 California to cause cancer, birth defects and other reproductive harm. Defendants have not
11 provided clear and reasonable warnings, within the meaning of Health & Safety Code Sections
12 25249.6 and 25249.11.

13 16. At all times relevant to this action, Defendants knew that the Brass Products they
14 manufactured, distributed or marketed were causing exposures to lead and lead compounds.
15 Defendants intended that residents of California handle and use Brass Products in such ways as
16 would lead to significant exposures to these chemicals.

17 17. 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 18. Plaintiff realleges and incorporates by reference into this Second Cause of Action,
24 as if specifically set forth herein, paragraphs 1 through 17, inclusive.

25 19. 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' Brass Products.

1 PRAYER FOR RELIEF

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

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

6 B. 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 Brass Products;

10 C. That Defendants be ordered to identify and locate each individual who purchased
11 Brass Products and provide a warning to each such person that the Brass Products the person
12 purchased will expose that person to chemicals known to cause birth defects.

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

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

16 Dated: October 22, 2009

17 KLAMATH ENVIRONMENTAL LAW
18 CENTER

19 By 

20 William Verick
21 Attorney for Plaintiff
22 Mateel Environmental Justice Foundation
23
24
25
26
27
28



Klamath

ENVIRONMENTAL
LAW CENTER

March 26, 2009

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 occur when California residents come into contact with the brass air hose connectors these businesses market. A list of specific examples of the specific types of products at issue is attached. Though a specific model or UPC number may be given as an example, this notice pertains to all similar types of brass hose couplings. The brass air hose couplings that people handle are made from leaded brass, which contains lead and lead compounds ("lead"), which are chemicals known to cause cancer, birth defects and other reproductive harm. California residents are exposed to lead when they handle these couplers. Lead is transferred from the brass air hose couplers to peoples' hands and to other parts of their skin. This lead is then absorbed through the skin, taken into cuts and abrasions, absorbed through mucous membranes, and transferred from the skin to the mouth via oral contact either directly with the lead-contaminated skin, and when lead is transferred from contaminated skin to cigarettes and food and the contaminated cigarettes and food are smoked and/or eaten. These lead exposures thus occur via the dermal absorption, subcutaneous, mucous membrane, ingestion and inhalation routes. The listed companies 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 at least March 26, 2006, and will continue every day until the lead is removed from the brass air hose couplers, or until clear and reasonable warnings are given. 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 brass air hose couplers 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 the listed businesses' property and in each of California's 58 counties.

Cordially,

William Verick

SERVICE LIST

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DEPUTY ATTORNEY GENERAL
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GENERAL
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OAKLAND CA 94612-0550

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SAN FRANCISCO, CA 94102

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SACRAMENTO, CA 95812-1948

OFFICE OF THE CITY ATTORNEY
CITY OF SAN JOSE
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SAN JOSE, CA 95113

OFFICE OF THE CITY ATTORNEY
CITY OF LOS ANGELES
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LOS ANGELES, CA 90012

OFFICE OF THE CITY ATTORNEY
CITY OF SAN DIEGO CONSUMER &
ENVIRONMENTAL PROTECTION
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SAN DIEGO, CA 92101

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

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF AMADOR
708 COURT STREET
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, CA95249

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF COLUSA
547 MARKET STREET
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
220 SOUTH LASSEN ST. STE 8
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 730
MARIPOSA, CA 95338

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF MENDOCINO
PO BOX 1000
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
204 SOUTH COURT STREET
ALTURAS, CA 96101

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

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COUNTY OF MONTEREY
240 CHURCH STREET
P. O. BOX 1131
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
110 UNION STREET
NEVADA CITY, CA 95959

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

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF PLACER
10810 JUSTICE CENTER DR., STE 240
ROSEVILLE, CA 95678

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF PLUMAS
520 MAIN STREET #404
QUINCY, CA 95971

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

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COUNTY OF SACRAMENTO
901 G STREET
SACRAMENTO, CA 95814

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419 4TH ST
HOLLISTER, CA 95023

OFFICE OF THE DISTRICT ATTORNEY
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SAN BERNARDINO, CA 92415-0004

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COUNTY OF SAN DIEGO
330 W. BROADWAY
SAN DIEGO, CA 92101

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COUNTY OF SAN FRANCISCO
850 BRYANT ST #322
SAN FRANCISCO, CA 94103

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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

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COUNTY OF SANTA BARBARA
1112 SANTA BARBARA ST.
SANTA BARBARA, CA 93101

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
DOWNEVILLE, 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

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COUNTY OF STANISLAUS
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MODESTO, CA 95354

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COUNTY OF SUTTER
1160 CIVIC CENTER BLVD. #A
YUBA CITY, CA 95993

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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

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COUNTY OF TUOLUMNE
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SONORA, CA 95370

VENTURA COUNTY DISTRICT ATTORNEY'S
OFFICE
800 SOUTH VICTORIA AVE
VENTURA, CA 93009

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF YOLO
301 SECOND STREET
WOODLAND, CA 95695

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF YUBA
215 5TH ST.
MARYSVILLE, CA 95901

LARRY D. STONE, PRESIDENT
LOWE'S COMPANIES, INC
1000 LOWE'S BLVD.
MOORESVILLE, NC 28117

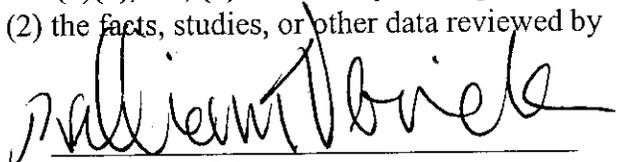
ALFRED STECKLEIN CEO
SCHRADER-BRIDGEPORT INTERNATIONAL, INC.
6450 POE AVE STE 109
DAYTON, OH 45414

JAMES TELLETIER, CEO
SCHRADER-BRIDGEPORT INTERNATIONAL, INC.
205 FRAZIER RD
ALTAVISTA, VA 24517

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: March 26, 2009


William Verick

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.

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 March 26, 2009, 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 March 26, 2009, at Eureka, California.


Nicole Frank

PRODUCTS LIST

LOWE'S COMPANIES, INC.

KOBALT 1/4" FIELD REPAIRABLE INDUSTRIAL COUPLER WITH CLAMP #127962 UPC CODE: 879686 001508; KOBALT 1/4" U COUPLING #129967 UPC CODE: 879686 001485; KOBALT 3/8" AUTOMOTIVE COUPLER PLUG KIT #177219 UPC CODE: 879686 001539; KOBALT 3/8" X 3/8" NPT COUPLING #002271 UPC CODE: 879686 001980; TASK FORCE 16PC PNEUMATIC ACCESSORY KIT ITEM# 193551 MODEL # SGY-KIT-F UPC CODE: 879686 000617 These product descriptions pertain not only to the specific models of the products listed, but also for all units of all models of brass couplers.

SCHRADER BRIDGEPORT INTERNATIONAL

1/4" FNPT AUTOMOTIVE STYLE COUPLING 90-600BR UPC CODE: 651001 060069 This product description pertains not only to the specific models of the products listed, but also for all units of all models of brass couplers.



Klamath

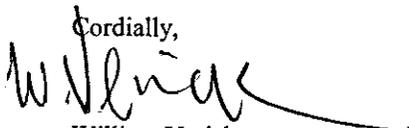
ENVIRONMENTAL
LAW CENTER

May 21, 2009

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 companies listed 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 occur when California residents come into contact with brass hose nozzles, brass quick connects, and other brass sprayer nozzles and air hose fittings, all of which are made from leaded-brass, (hereinafter "brass nozzles and fittings"). The listed businesses market these products. A list of specific examples of the specific models of the types of products at issue is attached. Though the products on the attached list are listed with a product number or SKU, this notice pertains to all products of the same specific type, not just to those products, the specific numbers for which are listed in the product list. The brass nozzles and fittings that people handle are made from leaded brass, which contains lead and lead compounds ("lead"), which are chemicals known to cause cancer, birth defects and other reproductive harm. California residents are exposed to lead when they handle brass nozzles and fittings. Lead is transferred from the brass nozzles and fittings to peoples' hands and to other parts of their skin. This lead is then absorbed through the skin, taken into cuts and abrasions, absorbed through mucous membranes, and transferred from the skin to the mouth via oral contact either directly with the lead-contaminated skin, and when lead is transferred from contaminated skin to cigarettes and food and the contaminated cigarettes and food are smoked and/or eaten. These lead exposures thus occur via the dermal absorption, subcutaneous, mucous membrane, ingestion and inhalation routes. The listed companies 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 at least May, 21, 2006, and will continue every day until the lead is removed from the brass nozzles and fittings, or until clear and reasonable warnings are given. 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 brass nozzles and fittings made outside of California, except as to workplaces the companies themselves maintain in California. Exposures constituting Proposition 65 environmental exposure violations occur both on and off the companies private business properties 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 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
PO BOX 1948
SACRAMENTO, CA 95812-1948

OFFICE OF THE CITY ATTORNEY
CITY OF SAN JOSE
200 EAST SANTA CLARA STREET
SAN JOSE, CA 95113

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 CONSUMER &
ENVIRONMENTAL PROTECTION
1200 THIRD AVENUE, SUITE 700
SAN DIEGO, CA 92101

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF ALAMEDA
1225 FALLON STREET ROOM 900
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
708 COURT STREET
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 STREET
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
220 SOUTH LASSEN ST. STE 8
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 730
MARIPOSA, CA 95338

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF MENDOCINO
PO BOX 1000
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
204 SOUTH COURT STREET
ALTURAS, CA 96101

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 STREET
P.O. BOX 1131
SALINAS, CA 93902

COUNTY OF NAPA
931 PARKWAY MALL
P.O. BOX 720
NAPA, CA 94459-0720

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF NEVADA
110 UNION STREET
NEVADA CITY, CA 95959

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

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF PLACER
10810 JUSTICE CENTER DR., STE 240
ROSEVILLE, CA 95678

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF PLUMAS
520 MAIN STREET #404
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
901 G STREET
SACRAMENTO, CA 95814

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
330 W. BROADWAY, SUITE 1100
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

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
DOWNEVILLE, 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
800 SOUTH VICTORIA AVE
VENTURA, CA 93009

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF YOLO
301 SECOND STREET
WOODLAND, CA 95695

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF YUBA
215 5TH ST.
MARYSVILLE, CA 95901

THOMAS PIENOK, PRESIDENT
APACHE HOSE & BELTING COMPANY, INC.
4805 BOWLING ST SW
PO BOX 1719
CEDAR RAPIDS, IA 52406

DONALD TOLLISON, PRESIDENT
BALKAMP, INC
2601 S. HOLT RD.
INDIANAPOLIS, IN 46241

TODD C HACK, PRESIDENT
CARQUEST PRODUCTS, INC.
PO BOX G
NEW CASTLE, IN 47362-0686

MASAYOSHI NAITO, CEO
DAISO CALIFORNIA LLC
533 AIRPORT BLVD #527
BURLINGAME, CA 94010

PRESIDENT OR CEO
GOLDEN STATE SUPPLY LLC
2635 MILLBROOK RD
RALEIGH, NC 27604

PRESIDENT OR CEO
S. M. ARNOLD, INC.
7901 MICHIGAN AVE
SAINT LOUIS, MO 63111

GEOFF EISENBERG, PRESIDENT
WEST MARINE, INC
500 WESTRIDGE DRIVE
WATSONVILLE, CA 95076

PRODUCT LIST

APACHE HOSE & BELTING COMPANY, INC.

PRECISEFIT PRO-SERIES PRESSURE WASHER GUN KIT #228440 UPC CODE 725559 656927;
PRECISE FIT 25' NON MARKING REPLACEMENT/EXTENSION HOSE #289039 UPC CODE:
725559 706295; PRECISE FIT EASY-LOCK QD REPLACEMENT WAND 4000 PSI #213762 UPC
CODE: 725559 656958 These product descriptions pertain not only to the specific models of the
products listed, but also for all units of all models of similar types of brass hose nozzles and accessories.

BALKAMP, INC

NAPA WATER NOZZLE HEAVY DUTY INSULATED (YELLOW) #715-1765 UPC CODE:664766.
194924 This product description pertains not only to the specific model of the product listed, but also for
all units of all models of similar types of brass hose nozzles and accessories.

CARQUEST PRODUCTS, INC.

GOLDEN STATE SUPPLY LLC

CARQUEST BRASS TWIST HOSE NOZZLE #50008 UPC: 796397 500086; CARQUEST FLEXIBLE
AIR HOSE NYLON-11 25' X 1/4" #31561 UPC:796397 315611;
CARQUEST INSULATED PROFESSIONAL HOSE NOZZLE #50010 UPC: 796397 500109;
CARQUEST 1/4" X 25' RUBBER AIR HOSE #31660 UPC: 796397 316601; CARQUEST 6"
ADJUSTABLE BRASS NOZZLE #50011 UPC: 796397 500116; CARQUEST DELUXE SPRAY
NOZZLE #50007 UPC:796397 500079; CARQUEST HEAVY DUTY INSULATED SPRAY NOZZLE
#50006 UPC: 796397 500062; SAFETY STRIPE 3/8" X 25' - 300 PSI AIR HOSE #27488 UPC: 072053
387247 These product descriptions pertain not only to the specific models of the products listed, but also
for all units of all models of similar types of brass hose nozzles and accessories.

DAISO CALIFORNIA LLC

PLASTIC SPRAYER WITH BRASS NOZZLE (BLUE) UPC CODE: 4947678 924398;
GARDEN HOSE NOZZLE (BLUE) K-290 UPC CODE: 4984343 319363; PLASTIC SPRAY BOTTLE
WITH BRASS NOZZLE UPC CODE: 4984343 257344; PLASTIC SPRAYER WITH BRASS NOZZLE
UPC CODE: 4984343 590236 These product descriptions pertain not only to the specific models of the
products listed, but also for all units of all models of similar types of brass hose nozzles and accessories.

S.M. ARNOLD, INC.

HEAVY DUTY HOSE NOZZLE #81-200 UPC CODE: 079038 812008
This product description pertains not only to the specific model of the product listed, but also for all units
of all models of similar types of brass hose nozzles and accessories.

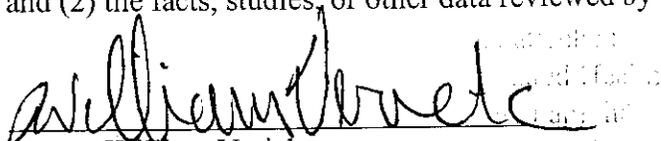
WEST MARINE, INC.

15' SELF-COILING HOSE 3/4" BRASS FITTINGS MODEL #2668648 UPC CODE: 025282 006496;
HOSE COIL WASHDOWN SYSTEMS VALUE PACKAGE 25' HOSE COIL + 7 PATTERN SPRAY
NOZZLE; HOSECOIL WASHDOWN SYSTEMS 20' COCKPIT WASHDOWN SYSTEM 3/4" BRASS
FITTINGS MODEL #HS2005U UPC CODE: 659988 101966; HOSECOIL WASHDOWN SYSTEMS
50' STANDARD SERIES (BLUE) MODEL #HS5004U UPC CODE: 659988 102239; HOSECOIL
WASHDOWN SYSTEMS 15 FT STANDARD SERIES (BLUE) MODEL HS1500U UPC CODE;
659988 101973; 15' SELF-COILING HOSE 3/4" BRASS FITTINGS MODEL #2668648 UPC CODE:
025282 006496 These product descriptions pertain not only to the specific models of the products listed,
but also for all units of all models of similar types of brass hose nozzles and accessories.

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: May 21, 2009

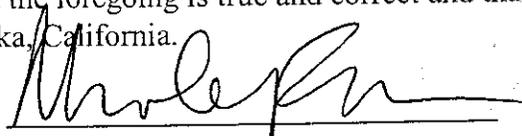

William Verick

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.

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 May 21, 2009, 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 May 21, 2009, at Eureka, California.


Nicole Frank