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10 brianacree@earthlink.net

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,

18 Plaintiff,

19 v.

20 GATES CORPORATION; GENUINE
21 PARTS COMPANY and NATIONAL
AUTOMOTIVE PARTS ASSOCIATION,
22 INC.,

23 Defendants.

CASE NO. 1

COMPLAINT FOR INJUNCTIVE RELIEF
AND CIVIL PENALTIES

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 GATES CORPORATION; GENUINE PARTS COMPANY and
28 NATIONAL AUTOMOTIVE PARTS ASSOCIATION, INC., (hereinafter "Defendants"), to

FILED
Superior Court of California
County of San Francisco

JUL - 6 2010

CLERK OF THE COURT
BY: Karam Matt
Deputy Clerk

CASE MANAGEMENT CONFERENCE SET

DEC - 3 2010 9:00 AM

DEPARTMENT 212

CGC - 10 - 501271

1 give clear and reasonable warnings to those residents of California, who handle and use products
2 that are made of, or incorporate parts made of brass and/or bronze (hereinafter referred to as
3 “Brass Products”), that handling and use of these products causes those residents to be exposed
4 to lead and lead compounds, lead acetate, lead phosphate, and lead subacetate (hereinafter,
5 collectively, “lead”). Lead is known to the State of California to cause cancer, birth defects and
6 male and female reproductive toxicity. Defendants manufacture, distribute, and/or market Brass
7 Products. These products cause exposures 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 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 11, 2010 and August 27, 2009 which Mateel sent to
22 California's Attorney General. Letters identical in substance were sent to every District Attorney
23 in the state, and to the City Attorneys of every California city with a population greater than
24 750,000. On the same dates, Mateel sent identical 60 Day Notice letters to Defendants.
25 Attached to the 60-Day Notice Letters sent to the Defendants was a summary of Proposition 65
26 that was prepared by California's Office of Environmental Health Hazard Assessment. In
27 addition, each 60-Day Notice Letter that plaintiff sent was accompanied by a Certificate of
28 Service attesting to the service of the 60-Day Notice Letters on each entity which received it.

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

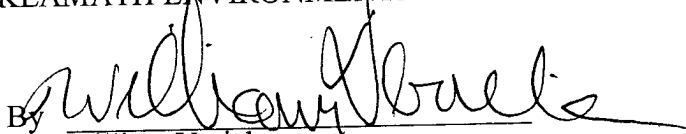
10 C. That Defendants be ordered to identify and locate each individual who purchased
11 Brass Products and provide a warning to each such person that the Brass Products the person
12 purchased will expose that person to chemicals known to cause birth defects.

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: June 22, 2010

KLAMATH ENVIRONMENTAL LAW CENTER

17
18 By 

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



March 11, 2010

PROPOSITION 65 ENFORCEMENT REPORTING
ATTENTION: PROP 65 COORDINATOR
1515 CLAY STREET, SUITE 2000
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 tools that have components made from leaded-brass that are marketed by these businesses. 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 tools that utilize leaded-brass components. The leaded-brass components from these tools 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 leaded-brass components on those tools while using the tools in their normally intended manner. Lead is transferred from the leaded-brass components 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 11, 2007, and will continue every day until the lead is removed from the components of these tools, 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 tools 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,

A handwritten signature in black ink, appearing to read "W. Verick", written in a cursive style.

William Verick

SERVICE LIST

PROPOSITION 65 ENFORCEMENT REPORTING
ATTENTION: PROP 65 COORDINATOR
1515 CLAY STREET, SUITE 2000
POST OFFICE 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 95637

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 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

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
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 I ST. #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 C GALLAGHER
GENUINE PARTS COMPANY
2999 CIR 75 PKWY
ATLANTA, GA 30339

MICK CHEFF, VICE PRESIDENT
JORE CORPORATION
34837 INNOVATION DRIVE
RONAN, MT 59864

BOB SUSOR, CEO
NATIONAL AUTOMOTIVE PARTS ASSOCIATION, INC.
2999 CIR 75 PKWY
ATLANTA, GA 30339

THOMAS ASHCROFT, PRESIDENT
PLASTAIR
DIVISION OF LUBECKI TECHNICAL HOLDINGS
435 ST. VALIER
GRANBY, QUEBEC
CANADA
J2G 8Y4

JOHNNY HUI, GENERAL MANAGER
SHINING GOLDEN YIDA WELDING AND CUTTING
MACHINERY MANUFACTURE LIMITED
UNIT 915, 9/F MIRAMAR TOWER
132 NATHAN ROAD
TSIMSHATSUI, HONG KONG

PRODUCT LIST

JORE CORPORATION

KOBALT # 8 DRILL AND DRIVER #280534 UPC CODE: 051667 800939 This product description pertains not only to the specific model of the product listed, but also for all units of all models of drill accessories or other similar tools made in whole or in part of brass.

NATIONAL AUTOMOTIVE PARTS ASSOCIATION, INC. AND GENUINE PARTS COMPANY

NAPA WATER NOZZLE PISTOL GRIP METAL #715-1721 UPC CODE: 664766 194863; NAPA WATER NOZZLE HEAVY DUTY INSULATED (YELLOW) #715-1765 UPC CODE: 664766 194924; NAPA SELF STORING AIR HOSE 1/4" IN X 12' - 1/4" MALE NPT 715-1510 UPC CODE: 664766 062605; SHOPWORKS HOSE NOZZLE - PISTOL GRIP 575-1075 UPC CODE: 664766 230356; NAPA TIRE HARDWARE 1/4" FNPT PUSH-TO-CONNECT COUPLER 90-639 UPC CODE: 651001 063909; NAPA TIRE HARDWARE 1/4" MNPT AUTOMOTIVE STYLE 90-610BR UPC CODE: 651001 061066; NAPA TIRE HARDWARE ANGLED PUSH-PULL DUAL FOOT AIR LINE CHUCK 90-528 UPC CODE: 651001 052804; NAPA TIRE HARDWARE BLOW GUN KIT 1/4" MNPT 90-481 UPC CODE: 651001 048104; NAPA TIRE HARDWARE CLIP-ON STRAIGHT AIR LINE CHUCK 90-536 UPC CODE: 651001 053603; NAPA TIRE HARDWARE D 1/4" FNPT INDUSTRIAL INTERCHANGE STYLE 90-670BR UPC CODE: 651001 067068; NAPA TIRE HARDWARE D 1/4" MNPT INDUSTRIAL INTERCHANGE STYLE 90-672BR UPC CODE: 651001 067266; NAPA TIRE HARDWARE FOOT AIR LINE CHUCK 1/4" FNPT NORMALLY CLOSED SOLID BRASS 90-523 UPC CODE: 651001 052309; NAPA TIRE HARDWARE 3/8" FNPT STRAIGHT-THRU STYLE COUPLER 90-930 UPC CODE: 651001 093005; NAPA TIRE HARDWARE SAFETY BLOW GUN 1/4" MNPT #90-489 UPC CODE: 651001 048906; 1/4" FNPT AUTOMOTIVE STYLE COUPLING 90-600BR UPC CODE: 651001 060069; NAPA 400S AIR HOSE 1/4" X 25' - 300 PSI H240 3215-6101 UPC CODE: 029769 35085; JOHNSEN'S R-134A RECHARGE KIT PART # 8323 UPC CODE: 039101 083230; NAPA RUBBER AIR HOSE 200S 1/4" X 25' -200PSI H250 UPC CODE: 029769 350911; NAPA RUBBER AIR HOSE 200S AIR HOSE 3/8" X 25' -200PSI H253 UPC CODE: 029769 350942 These product descriptions pertain not only to the specific models of the products listed, but also for all units of all models of hose couplers, nozzles, air or gas hoses that have components or accessories that utilize brass.

PLASTAIR

KOBALT 25 FT DELUXE POLYURETHANE RECOIL AIR HOSE #061497 UPC CODE: 831868 002208 This product description pertains not only to the specific model of the product listed, but also for all units of all models of hose couplers, air or gas hoses that have components or accessories that utilize brass.

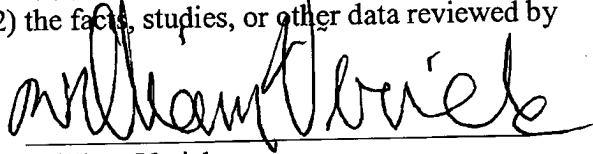
SHINING GOLDEN YIDA

KOBALT 3/8" x 3/8" NPT COUPLING #002271 UPC CODE: 879686 001980; KOBALT 1/4" NPT INDUSTRIAL COUPLER #000352 UPC CODE: 879686 001492; KOBALT 3/8" COUPLER/PLUG KIT #177219 UPC CODE: 879686 001539; KOBALT INFLATION KIT #179681 UPC CODE: 879686 001959; TASK FORCE 16 PC PNEUMATIC ACCESSORY KIT ITEM #193551 MODEL #SGY-KIT-F UPC CODE: 879686 000617; KOBALT 1/4" FIELD REPAIRABLE INDUSTRIAL COUPLER WITH CLAMP #127962 UPC CODE: 879686 001508; KOBALT 1/4" U COUPLING #129967 UPC CODE: 879686 001485; TASK FORCE 16 PC 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 hose couplers, air or gas hoses that have components or accessories that utilize brass.

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 11, 2010


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 11, 2010, 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 11, 2010, at Eureka, California.


Nicole Frank



August 27, 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 products that are made of, or that incorporate parts made of, brass and/or bronze (collectively "brass products"). The above referenced violations occur when California residents come into contact with brass components that can be handled in the normal or foreseeable use of equipment manufactured, sold or distributed by ORS Nasco (and the other businesses listed on the service list). These brass components are found in welding equipment, safety and security products, pneumatics, measuring and leveling tools, janitorial equipment, hand tools, products and parts used to apply paints and chemicals, HVAC parts and tools, marking tools, and maintenance, repair and operations items, corkscrews, drills and drivers, tire inflators, air hoses, welding hoses and gauges (collectively hereinafter "brass components"). 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 products are made in whole, or in part, 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 whenever they handle these brass products, such as when buying them, when handling them, or when using them. Lead is transferred from the brass products to their 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 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 at least August 27, 2006, and will continue every day until the lead is removed from the brass products, 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 products made outside of California, except as to workplaces these companies themselves maintain in California. Exposures constituting Proposition 65 environmental exposure violations occur both on and off the companies' property and in each of California's 58 counties.

Cordially,

A handwritten signature in black ink, appearing to read "W. Verick", with a stylized flourish at the end.

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
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 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

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
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. #2127
SANTA ROSA, CA 95403

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF STANISLAUS
1100 I ST. #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

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

JACK BURNS, PRESIDENT
COILHOSE PNEUMATICS, INC.
19 KIMBERLY RD
EAST BRUNSWICK, NJ 08816

MARK DALEY, CEO
DEAN & DELUCA, INC.
2402 E 37TH ST N
WICHITA, KS 67219

MARK DALEY, CEO
DEAN & DELUCA, INC.
560 BROADWAY
NEW YORK, NY 10012

RICHARD BELL, CEO
GATES CORPORATION
1551 WEWATTA STREET
DENVER, CO 80202

ROBERT J. KEEGAN, CEO
GOODYEAR TIRE & RUBBER CO.
1144 EAST MARKET STREET
AKRON, OH 44316

JEFFREY S BLEECKER, CEO
INNOVATIONS IN CYCLING, INC.
2700 E BILBY RD BLDG C
TUCSON, AZ 85706

ROBERT A NIBLOCK, CEO
LOWE'S HIW, INC.
101 ANDOVER PARK E., SUITE 200
TUKWILA, WA 98188

WILLIAM K SCHELLER, CEO
ORS NASCO, INC.
2348 E SHAWNEE BYPASS
MUSKOGEE, OK 74403

TIMOTHY R. TOPPEN, CEO
VEYANCE TECHNOLOGIES, INC.
1144 EAST MARKET STREET
AKRON, OH 44316

PRODUCTS LIST

BALKAMP, INC.

NAPA SELF STORING AIR HOSE 1/4" IN X 12' - 1/4" MALE NPT 715-1510 UPC CODE: 664766 062605 This product description pertains not only to the specific model of the product listed, but also for all units of all models of hose couplers, air or gas hoses that have components or accessories that utilize brass.

COILHOUSE PNEUMATICS, INC.

MULTI-PURPOSE HOSE 1/4" ID X 12' , 1/4" MPT #R14012N UPC CODE: 029292 298308 This product description pertains not only to the specific model of the product listed, but also for all units of all models of hose couplers, air or gas hoses that have components or accessories that utilize brass.

DEAN & DELUCA, INC.

GATTORNA CLASSIC CORKSCREW-VOILA ITEM #105600 This product description pertains not only to the specific model of the product listed, but also for all units of all models of utensils that utilize brass.

GATES CORPORATION

NAPA 400S AIR HOSE 1/4" X 25' - 300 PSI H240 3215-6101 UPC CODE: 029769 35085 This product description pertains not only to the specific model of the product listed, but also for all units of all models of hose couplers, air or gas hoses that have components or accessories that utilize brass.

INNOVATIONS IN CYCLING, INC.

ULTRAFLATE PLUS CONTROLLABLE CO2 TIRE INFLATOR RM00283 REVD UPC CODE: 708162 024253 This product description pertains not only to the specific model of the product listed, but also for all units of all models of tools and/or accessories that utilize brass.

LOWE'S COMPANIES, INC.

BRASS HOSE COUPLERS/ACCESSORIES:

KOBALT 1/4" NPT INDUSTRIAL COUPLER #000352 UPC CODE: 879686 001492; KOBALT 25 FT DELUXE POLYURETHANE RECOIL AIR HOSE #061497 UPC CODE: 831868 002208; KOBALT 3/8" COUPLER/PLUG KIT #177219 UPC CODE: 879686 001539; KOBALT INFLATION KIT #179681 UPC CODE: 879686 001959; TASK FORCE 16PC PNEUMATIC ACCESSORY KIT ITEM# 193551 MODEL # SGY-KIT-F UPC CODE: 879686 000617; 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" 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 **BRASS TOOLS:** KOBALT #8 DRILL AND DRIVER #280534 UPC CODE: 051667 800939 These product descriptions pertain not only to the specific models of the products listed, but also for all units of all models of hose couplers, tools and accessories that utilize components or accessories made of brass.

ORS NASCO, INC.

ANCHOR TWIN WELDING HOSE 3/16" X 25' UPC CODE: 604669 169285; ANCHOR TWIN WELDING HOSE 3/16" X 12.5' UPC CODE: 604669 169513; ANCHOR BRAND TWIN WELDING HOSE FOR ACETYLENE GAS 1-EA GRADE R 1/4" X 25' B-B PART# LB254 UPC CODE: 604669 168219; ANCHOR BRAND TWIN WELDING HOSE 3/16" X 12.5' B-B PART #LB123 GRADE R UPC CODE: 604669 168103; ANCHOR BRAND TWIN WELDING HOSE 3/16" X 25' B-B PART#LB253 UPC CODE: 604669 168141; ANCHOR BRAND TWIN WELDING HOSE FOR ACETYLENE GAS GRADE R, 3/16" X 50' B-B FITTINGS PART NO# LB503 UPC CODE: 604669 168172 This product description pertains not only to the specific model of the product listed, but also for all units of all models of valves " (including the valve handles) regulators, connector hoses and accessories that utilize brass fittings, and other brass fittings that are associated with the use of flammable compressed gasses.

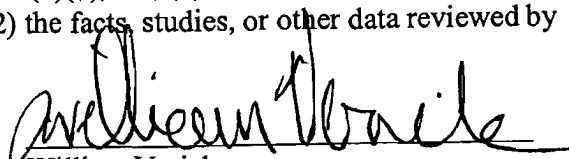
VEYANCE TECHNOLOGIES, INC./GOODYEAR TIRE & RUBBER COMPANY/W.W. GRAINGER, INC.

DAYTON 3/8" IN X 2.5' PVC AIR WHIP HOSE RD #11AFJ1; DAYTON MULTI PURPOSE HOSE 1/4" X 25' LENGTH 1/4" FITTINGS ITEM 3JT63; SPEEDAIRE MULTI PURPOSE HOSE 1/4" X 50'- 1/4" FITTINGS ITEM 2Z010 These product descriptions pertain not only to the specific models of the products listed, but also for all units of all models of hose couplers, air or gas hoses that have components or accessories that utilize brass.

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: August 27, 2009

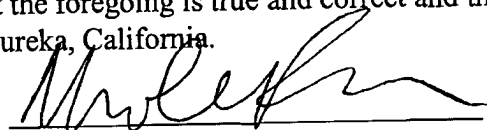

William Verick

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 August 27, 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 August 27, 2009, at Eureka, California.


Nicole Frank