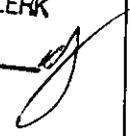


FILED
SUPERIOR COURT
COUNTY OF SAN FRANCISCO

2010 MAR -1 AM 8:35

GORDON FRANKLI, CLERK

BY: DEPUTY CLERK



CASE MANAGEMENT CONFERENCE SET

JUL 30 2010 -9 AM

DEPARTMENT 212

1 WILLIAM VERICK, CSB #140972
Klamath Environmental Law Center
2 FREDRIC EVENSON, CSB #198059
Law Offices of Fredric Evenson
3 424 First Street
Eureka, CA 95501
4 Telephone: (707) 268-8900
Facsimile: (707) 268-8901
5 wverick@igc.org
ecorights@earthlink.net

6 DAVID H. WILLIAMS, CSB #144479
7 BRIAN ACREE, CSB #202505
370 Grand Avenue, Suite 5
8 Oakland, CA 94610
Telephone: (510) 271-0826
9 Facsimile: (510) 271-0829
davidhwilliams@earthlink.net
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 MI-T-M CORPORATION; PRIMESOURCE
21 BUILDING PRODUCTS, INC; and
22 RADIATOR SPECIALTY COMPANY

23 Defendants,

CASE NO

CGC-70-497228
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 defendants MI-T-M CORPORATION; PRIMESOURCE BUILDING PRODUCTS,
28 INC; and RADIATOR SPECIALTY COMPANY, (hereinafter "Defendants"), to give clear and

1 reasonable warnings to those residents of California, who handle and use products that are made
2 of, or incorporate parts made of brass and/or bronze (hereinafter referred to as "Brass Products"),
3 that handling and use of these products causes those residents to be exposed to lead and lead
4 compounds, lead acetate, lead phosphate, and lead subacetate (hereinafter, collectively, "lead").
5 Lead is known to the State of California to cause cancer, birth defects and male and female
6 reproductive toxicity. Defendants manufacture, distribute, and/or market Brass Products. These
7 products cause exposures to lead and lead compounds, which are chemicals known to the State of
8 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 is a copy of the
21 60-day Notice letter, dated November 24, 2009, which Mateel sent to California's Attorney
22 General. Letters identical in substance were sent to every District Attorney in the state, and to the
23 City Attorneys of every California city with a population greater than 750,000. On the same
24 date, Mateel sent an identical 60 Day Notice letter to Defendants. Attached to the 60-Day Notice
25 Letter sent to the Defendants was a summary of Proposition 65 that was prepared by California's
26 Office of Environmental Health Hazard Assessment. In addition, the 60-Day Notice Letter
27 plaintiff sent was accompanied by a Certificate of Service attesting to the service of the 60-Day
28 Notice Letter on each entity which received it. Pursuant to California Health & Safety Code

1 Section 25249.7(d), a Certificate of Merit attesting to the reasonable and meritorious basis for the
2 action was also sent with the 60-Day Notice Letter. Factual information sufficient to establish
3 the basis of the Certificate of Merit was enclosed with the 60-Day Notice letter Mateel sent to the
4 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."

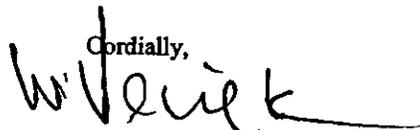


November 24, 2009

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 products that are made of, or that incorporate parts made of, brass and/or bronze (collectively "brass products"). A list of examples of the specific 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 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 November 24, 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,

William Verick

SERVICE LIST

<p>PROPOSITION 65 ENFORCEMENT REPORTING ATTENTION: PROP 65 COORDINATOR 1515 CLAY STREET, SUITE 2000 POST OFFICE BOX 70550 OAKLAND, CA 94612-0550</p>	<p>COUNTY OF IMPERIAL COURTHOUSE, FLOOR 2 939 W. MAIN ST EL CENTRO, CA 92243</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF ORANGE 401 CIVIC CENTER DR WEST SANTA ANA, CA 92701</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF STANISLAUS 1100 I ST. #200 MODESTO, CA 95354</p>
<p>OFFICE OF THE CITY ATTORNEY CITY OF OAKLAND 305 14TH ST 12TH FLOOR OAKLAND, CA 94612</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF INYO P.O. DRAWER D INDEPENDENCE, CA 93526</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF PLACER 10810 JUSTICE CENTER DR., STE 240 ROSEVILLE, CA 95678</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SUTTER 1160 CIVIC CENTER BLVD. #A YUBA CITY, CA 95993</p>
<p>OFFICE OF THE CITY ATTORNEY CITY OF SAN FRANCISCO CITY HALL ROOM 206 400 VAN NESS SAN FRANCISCO, CA 94102</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF KERN 1215 TRUKTUN AVE. FLOOR 4 BAKERSFIELD, CA 93301</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF RIVERSIDE 4075 MAIN ST. RIVERSIDE, CA 92501</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF TEHAMA P.O. BOX 519 REDBLUFF, CA 96080</p>
<p>OFFICE OF THE CITY ATTORNEY CITY OF SACRAMENTO PO BOX 1948 SACRAMENTO, CA 95812-1948</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF KINGS 1400 W. LACEY BLVD HANFORD, CA 93230</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SACRAMENTO 901 G STREET SACRAMENTO, CA 95814</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF TRINITY P.O. BOX 310 WEAVERVILLE, CA 96093</p>
<p>OFFICE OF THE CITY ATTORNEY CITY OF SAN JOSE 200 EAST SANTA CLARA STREET SAN JOSE, CA 95113</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF LAKE 255 N. FORBES ST # 424 LAKEPORT, CA 95453</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SAN BENITO 419 4TH ST HOLLISTER, CA 95023</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF TULARE COURTHOUSE #224 VISALIA, CA 93291</p>
<p>OFFICE OF THE CITY ATTORNEY CITY OF LOS ANGELES 200 N. MAIN ST. LOS ANGELES, CA 90012</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF LASSEN 220 SOUTH LASSEN ST. STE 8 SUSANVILLE, CA 96130</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SAN BERNARDINO 316 MT. VIEW AVE. SAN BERNARDINO, CA 92415-0004</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF TUOLUMNE 2 S. GREEN ST. SONORA, CA 95370</p>
<p>OFFICE OF THE CITY ATTORNEY CITY OF SAN DIEGO CONSUMER & ENVIRONMENTAL PROTECTION 1200 THIRD AVENUE, SUITE 700 SAN DIEGO, CA 92101</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF LOS ANGELES 18000 CRIMINAL COURTS BUILDING 210 W. TEMPLE ST. LOS ANGELES, CA 90012</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SAN DIEGO 330 W. BROADWAY, SUITE 1100 SAN DIEGO, CA 92101</p>	<p>VENTURA COUNTY DISTRICT ATTORNEY'S OFFICE 800 SOUTH VICTORIA AVE VENTURA, CA 93009</p>
<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF ALAMEDA 1225 FALLON STREET ROOM 900 OAKLAND, CA 94612</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MADERA 209 W. YOSEMITE AVE. MADERA, CA 93637</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SAN FRANCISCO 850 BRYANT ST #322 SAN FRANCISCO, CA 94103</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF YOLO 301 SECOND STREET WOODLAND, CA 95695</p>
<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF ALPINE P.O. BOX 248 MARKLEEVILLE, CA 96120</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MARIN HALL OF JUSTICE #183 SAN RAFAEL, CA 94903</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SAN JOAQUIN 222 E. WEBER AVE #202 STOCKTON, CA 95202</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF YUBA 215 5TH ST. MARYSVILLE, CA 95901</p>
<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF AMADOR 708 COURT STREET JACKSON, CA 95642</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MARIPOSA P.O. BOX 730 MARIPOSA, CA 95338</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SANTA BARBARA 1112 SANTA BARBARA ST. SANTA BARBARA, CA 93101</p>	<p>A.J. SPIEGEL, PRESIDENT M-T-M CORPORATION 8650 ENTERPRISE PEOSTA, IA 52068</p>
<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF BUTTE 25 COUNTY CENTER DR. OROVILLE, CA 95965</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MENDOCINO PO BOX 1000 UKIAH, CA 95482</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SANTA CLARA 70 W. HEDDING ST. SAN JOSE, CA 95110</p>	<p>KENNETH FISHBEIN, CEO PRIMESOURCE BUILDING PRODUCTS, INC. 2515 EAST BELT LINE ROAD CARROLLTON, TX 75006</p>
<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF CALAVERAS GOVERNMENT CENTER 891 MOUNTAIN RANCH ROAD SAN ANDREAS, CA95249</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MERCED 2222 M ST. MERCED, CA 95340</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SANTA CRUZ 701 OCEAN ST. #200 SANTA CRUZ, CA 95060</p>	<p>JOHN HUBER, PRESIDENT RADIATOR SPECIALTY COMPANY 1900 WILKINSON BLVD CHARLOTTE, NC 28208</p>
<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF COLUSA 547 MARKET STREET COLUSA, CA 95932</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MODOC 204 SOUTH COURT STREET ALTURAS, CA 96101</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SHASTA 1525 COURT ST. REDDING, CA 96001</p>	<p>DAVID LAPORTE, PRESIDENT ROCKLER COMPANIES, INC. 4365 WILLOW DR MEDINA, MN 55340</p>
<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF CONTRA COSTA P.O. BOX 670 MARTINEZ, CA 94553</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MONO P.O. BOX 617 BRIDGEPORT, CA 93317</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SIERRA P.O. BOX 457 DOWNIEVILLE, CA 95936</p>	
<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF DEL NORTE 450 H ST #171 CRESCENT CITY, CA 95531</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MONTEREY 240 CHURCH STREET P.O. BOX 1131 SALINAS, CA 93902</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SOLANO 600 UNION AVE FAIRFIELD, CA 94533</p>	
<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF EL DORADO 515 MAIN ST. PLACERVILLE, CA 95667</p>	<p>COUNTY OF NAPA 931 PARKWAY MALL P.O. BOX 720 NAPA, CA 94559-0720</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SONOMA 600 ADMINISTRATION DR. #212J SANTA ROSA, CA 95403</p>	
<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF FRESNO 2220 TULARE ST #1000 FRESNO, CA 93721</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF NEVADA 110 UNION STREET NEVADA CITY, CA 95959</p>		
<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF GLENN P.O. BOX 430 WILLOWS, CA 95988</p>			
<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF HUMBOLDT 825 5TH ST. EUREKA, CA 95501</p>			

PRODUCT LIST

MI-T-M CORPORATION

1/4" FPT X 1/4" QUICK CONNECT BRASS SOCKET AW-0017-0001, UPC # 016977 001124; 36" HIGH PRESSURE WAND AW-0851-0096, UPC # 016977 018047. These product descriptions pertain not only to the specific types of products listed, but also for all units of all similar products that are made in whole or in part out of brass.

PRIMESOURCE BUILDING PRODUCTS, INC.

GRIP RITE POLYURETHANE AIR HOSE WITH FEMALE COUPLER AND MALE PLUG 50' X 3/8" GRPU3850C8, UPC # 764666 549265. These product descriptions pertain not only to the specific types of products listed, but also for all units of all similar products that are made in whole or in part out of brass.

RADIATOR SPECIALTY COMPANY

THERMOID SHOP AIR TOOL HOSE PART# 438-25 3/8" ID X 25', UPC # 078698 438252. These product descriptions pertain not only to the specific types of products listed, but also for all units of all similar products that are made in whole or in part out of brass.

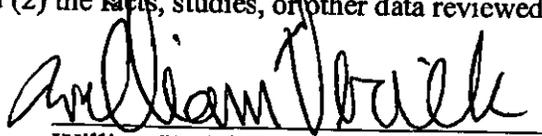
ROCKLER COMPANIES, INC.

ROCKLER 11 PIECE TEMPLATE GUIDE KIT FOR ROUTER, UPC # 400000 590318; ROCKLER PRECISION BRASS SETUP BARS UPC # 400000 369181; ROCKLER WOODWORKING AND HARDWARE UNIVERSAL ROUTER CENTERING BIT 1/2" SHANK #58937 UPC #400000 589374; ROCKLER WOODWORKING AND HARDWARE UNIVERSAL ROUTER CENTERING BIT 1/4" SHANK #58929 UPC # 400000 589299; ROCKLER ROUTER BIT #58929; JESSEM MITE-R-SLIDE BLUE; MITEREXCEL PRECISION MITER GAUGE WITH DUAL INDEXING ANGLE LOCATING #07100; CROWN TOOLS 4" TRY SQUARE #55111; UPC # 5038224 901242; CROWN TOOLS SCREWSLIDE MORTICE GAUGE, UPC #5017981 001549; 4" TRY SQUARE #55111, UPC # 5038224 901242; 6" TRY/MITRE SQUARE #12938, UPC # 5038224 901303; CROWN TOOLS 9" SLIDING T-BEVEL #98782, UPC #5038224 901167; BRUSSO PRECISION HARDWARE 1-1/4" BRASS RECESS PULL CP-125; BRUSSO PRECISION HARDWARE 1-3/4" RECESSED BRASS PULL CP-175; BRUSSO PRECISION HARDWARE 2" BRASS RECESSED PULL; BRUSSO PRECISION HARDWARE MINIATURE FLUSH PULL JB-766 PULL. These product descriptions pertain not only to the specific types of products listed, but also for all units of all similar products that are made in whole or in part out of 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: November 24, 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 November 24, 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 November 24, 2009, at Eureka, California.


Nicole Frank