

SUMMONS ISSUED
FILED
San Francisco County Superior Court

MAR 11 2011

CLERK OF THE COURT
BY: P. Natt Deputy Clerk
P. NATT

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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,

18 Plaintiff,

19 v.

20 ORGILL, INC.; PROBUILD HOLDINGS,
21 INC.; TECHNIWELD CORP.; and WEST
MARINE, INC.

22 Defendants.

CASE NO.

CGC-11-509101

COMPLAINT FOR INJUNCTIVE RELIEF
AND CIVIL PENALTIES

TOXIC TORT/ENVIRONMENTAL

23 _____
24 MATEEL ENVIRONMENTAL JUSTICE FOUNDATION alleges as follows:

25 INTRODUCTION

26 1. This Complaint seeks civil penalties and an injunction to remedy the continuing
27 failure of defendants ORGILL, INC.; PROBUILD HOLDINGS, INC.; TECHNIWELD CORP.;
28 and WEST MARINE, INC., (hereinafter "Defendants"), to give clear and reasonable warnings to

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

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

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

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

1 product and to provide to each such purchaser a clear and reasonable warning that the brass
2 product will cause exposures to chemicals known to cause birth defects.

3
4 PARTIES

5 5. Plaintiff MATEEL ENVIRONMENTAL JUSTICE FOUNDATION ("Mateel")
6 is a non-profit organization dedicated to, among other causes, the protection of the environment,
7 promotion of human health, environmental education, and consumer rights. Mateel is based in
8 Eureka, California, and is incorporated under the laws of the State of California. Mateel is a
9 "person" pursuant to Health & Safety Code Section 25118. Mateel brings this enforcement
10 action in the public interest pursuant to Health & Safety Code §25249.7(d). Residents of
11 California are regularly exposed to lead and lead compounds from Brass Products manufactured,
12 distributed or marketed by Defendant and are so exposed without a clear and reasonable
13 Proposition 65 warning.

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

20 7. Plaintiff brings this enforcement action against Defendants pursuant to Health &
21 Safety Code Section 25249.7(d). Attached hereto and incorporated by reference are copies of the
22 Notice of Violation letters, dated October 27, 2010, and November 18, 2010, which Mateel sent
23 to California's Attorney General. Letters identical in substance were sent to every District
24 Attorney in the state, and to the City Attorneys of every California city with a population greater
25 than 750,000. On the same date, Mateel sent identical Notice of Violation letters to Defendants.
26 Attached to the Notice of Violation letter sent to the Defendants was a summary of Proposition
27 65 that was prepared by California's Office of Environmental Health Hazard Assessment. In
28 addition, the Notice of Violation letter plaintiff sent was accompanied by a Certificate of Service

1 attesting to the service of the Notice of Violation letter on each entity which received it. Pursuant
2 to California Health & Safety Code Section 25249.7(d), a Certificate of Merit attesting to the
3 reasonable and meritorious basis for the action was also sent with both Notice of Violation letter.
4 Factual information sufficient to establish the basis of the Certificate of Merit was enclosed with
5 the Notice of Violation letter Mateel sent to the Attorney General.

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

7 JURISDICTION

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

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

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

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

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

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

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

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

6 15. Since at least October 27, 2007 Defendants have engaged in conduct that violates
7 Health and Safety Code Section 25249.6 et seq. This conduct includes knowingly and
8 intentionally exposing to the above mentioned toxic chemicals, those California residents who
9 handle and use Brass Products. The normally intended use of Brass Products causes exposure to
10 lead and lead compounds, which are chemicals known to the State of California to cause cancer,
11 birth defects and other reproductive harm. Defendants have not provided clear and reasonable
12 warnings, within the meaning of Health & Safety Code Sections 25249.6 and 25249.11.

13 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.

PRAYER FOR RELIEF

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

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

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

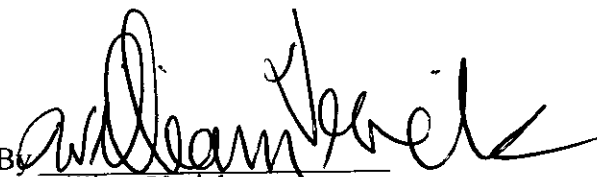
3. That Defendants be ordered to identify and locate each individual who purchased brass products and provide a warning to each such person that the brass products the person purchased will expose that person to chemicals known to cause birth defects.

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

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

Dated: February 16, 2011

KLAMATH ENVIRONMENTAL LAW CENTER



By William Verick
William Verick
Attorney for Plaintiff
Mateel Environmental Justice Foundation



Klamath

ENVIRONMENTAL
LAW CENTER

November 18, 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 Pro-Build Holdings, Inc. (hereinafter "Pro-Build") has been, is, will be and threatens 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 nozzles that Pro-Build markets. Specific examples of the types of product at issue are: MINT CRAFT GARDEN BRASS SWEEPER NOZZLE SKU# 600-5987 UPC CODE 045734 900912; MINTCRAFT GARDEN 3" BRASS TWIST NOZZLE SKU#600-5995 UPC CODE: 045734 900929; MINTCRAFT SWEEPER NOZZLE/ADJUSTABLE BRASS NOZZLE SKU#600-6084 UPC CODE: 045734 901018; MINTCRAFT 5" HEAVY DUTY ADJUSTABLE BRASS NOZZLE SKU# 600-6019 UPC CODE: 045734 900943; MINTCRAFT 6" HEAVY DUTY SWEEPER NOZZLE SKU#680-7119 UPC CODE: 045734 912595. Though specific examples of the products to which this notice pertains are listed above, this notice pertains not only to the specific models of the products listed, but also to all units of all models of brass nozzles. The brass nozzles that people handle are made from leaded brass, which contains lead and lead compounds ("lead") -- chemicals known to cause cancer, birth defects and other reproductive harm. California residents are exposed to lead when they handle these nozzles. Lead is transferred from the brass nozzles 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. Pro-Build did not and does not provide people with clear and reasonable warnings before it exposes them to lead. These violations have occurred every day since at least November 18, 2007, and will continue every day until the lead is removed from the brass nozzles, 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 made outside of California, except as to workplaces Pro-Build itself maintains in California. This notice does not allege any environmental exposure violations.

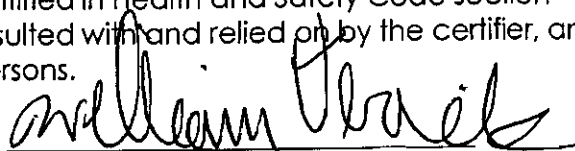
Cordially,

William Verick

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 18, 2010

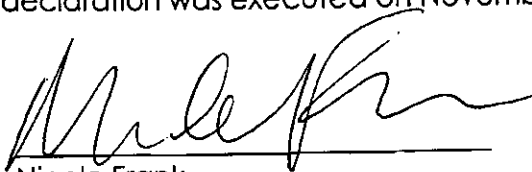

William Verick

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 November 18, 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 November 18, 2010, at Eureka, California.


Nicole Frank

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 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
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 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

BILL MYRICK, CEO
PRO-BUILD HOLDINGS, INC.
7595 TECHNOLOGY WAY, 5TH FL.
DENVER, CO 80237



Klamath

THE MATEEL ENVIRONMENTAL JUSTICE FOUNDATION
MATEEL ENVIRONMENTAL JUSTICE CENTER

October 27, 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 the brass hose connectors, brass hose couplings, brass couplings and/or brass quick connects (collectively "brass fittings and accessories") that 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 fittings and accessories. The brass fittings and accessories 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 fittings and accessories. Lead is transferred from the brass fittings and accessories 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 October 27, 2007, and will continue every day until the lead is removed from the brass fittings and accessories, 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 and/or brass couplings made outside of California, except as to workplaces these companies themselves maintain in California. This notice does not allege any environmental exposure violations.

Cordially,

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

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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 B
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
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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

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COUNTY OF MENDOCINO
PO BOX 1000
UKIAH, CA 95482

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

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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

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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

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

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COUNTY OF SHASTA
1525 COURT ST.
REDDING, CA 96001

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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

RONALD MERRITT, CEO
BOND MANUFACTURING CO.
1666 WILLOW PASS RD
BAY POINT, CA 94565

RON BEAL, CEO
ORGILL, INC.
3742 TYNDALE DR
MEMPHIS, TN 38125

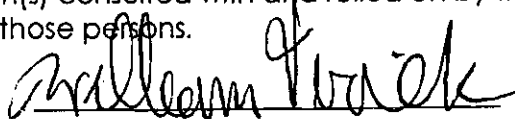
DANIEL L. WRIGHT, CEO
RICHMOND ENGINEERING COMPANY, INC.
15472 MARKAR RD
POWAY, CA 92064

PAUL J. YOUNG, CEO
TEKNI-PLEX, INC.
1150 1ST AVE STE 500
KING OF PRUSSIA, PA 19406

CERTIFICATE OF MERIT

I, William Verick, hereby declare: This Certificate of Merit accompanies the attached sixty-day notice(s) in which it is alleged the parties identified in the notices have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings. I am the attorney for the noticing party. I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding the exposure to the listed chemical that is the subject of the action. Based on the information obtained through those consultations, and on all other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for the private action" means that the information provides a credible basis that all elements of the plaintiffs' case can be established and the information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute. The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health and Safety Code section 25249.7(h)(2), i.e., (1) the identity of the person(s) consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Dated: October 27, 2010

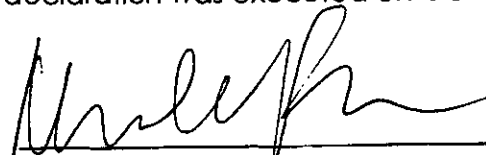

William Verick

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 October 27, 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 October 27, 2010, at Eureka, California.


Nicole Frank

PRODUCT LIST

BOND MANUFACTURING CO.

BOND GARDEN FOR THE CAUSE PINK 50' COIL GARDEN HOSE WITH FREE 8 PATTERN NOZZLE #6929 UPC CODE: 035355 069297 This product description pertains not only to the specific model of the product listed, but also for all units of all models of brass couplers, air or water hoses or accessories.

ORGILL, INC.

MINTCRAFT 5" HEAVY DUTY ADJUSTABLE BRASS NOZZLE SKU# 600-6019 UPC CODE: 045734 900943; MINTCRAFT 6" HEAVY DUTY SWEEPER NOZZLE SKU # 680-7119 UPC CODE: 045734 912595; MINTCRAFT SWEEPER NOZZLE/ADJUSTABLE BRASS NOZZLE SKU#600-6084 UPC CODE: 045734 901018 MINTCRAFT GARDEN 3" BRASS TWIST NOZZLE SKU#600-5995 UPC CODE: 045734 900929; MINTCRAFT GARDEN CYCLONE SQUARE PATTERN 2-WAY SPINKLER SKU# 625-7224 UPC CODE: 045734 91790; MINTCRAFT SOLID BRASS GOOSENECK CONNECTOR WITH SWIVEL COUPLING SKU# 394-3719 UPC CODE: 045734 917897; MINT CRAFT GARDEN BRASS SWEEPER NOZZLE SKU# 600-5987 UPC CODE: 045734 900912 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, air or water hoses or accessories.

RICHMOND ENGINEERING COMPANY, INC.

YARD BUTLER FREE STANDING HOSE HANGER WITH FAUCET HCF3-1.25 UPC CODE: 033607 220106; YARD BUTLER DEEP ROOT IRRIGATOR UPC CODE: 033607 001040; LEWIS STANDARD TOOLS SOLID STEEL/HEAVY/PORTABLE IMPULE SPRINKLER BASE #RB-13 UPC CODE: 033607 009756 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, air or water hoses or accessories.

TEKNI-PLEX, INC.

COLORITE WATERWORKS 50' X 3/4" INDUSTRIAL HOSE WATER HOSE UPC CODE: 078627 753425 This product description pertains not only to the specific model of the product listed, but also for all units of all models of brass couplers, air or water hoses or accessories.



Klamath

ENVIRONMENTAL
LAW CENTER

October 27, 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 the brass hose connectors, brass hose couplings, brass couplings and/or brass quick connects and brass ground clamps used for arc welding (hereinafter collectively "brass products") 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 products. The brass products 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 brass products. Lead is transferred from the brass products 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 October 27, 2007, 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 businesses themselves maintain in California. This notice does not allege any environmental exposure violations.

Cordially,

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

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1225 FALLON STREET ROOM 900
OAKLAND, CA 94612

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P.O. DRAWER D
INDEPENDENCE, CA 93526

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209 W. YOSEMITE AVE.
MADERA, CA 93637

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SAN RAFAEL, CA 94903

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1112 SANTA BARBARA ST.
SANTA BARBARA, CA 93101

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SANTA CRUZ, CA 95060

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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

RANDY SMITH, CEO
NEW BUFFALO CORPORATION
4101 CLAYTON AVE
ST LOUIS, MO 63110

JOHN METCALF, PRESIDENT
TECHNIWELD CORP
2300 WINSTON PARK DRIVE
OAKVILLE, ONTARIO
L6H 7T7 CANADA

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

PRODUCT LIST

TECHNIWELD CORP.

POWERWELD GROUND CLAMP GCT-300 300 AMP; POWERWELD TWIN HOSE ASSEMBLY 3/16" X 12' GRADE R 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, air or water hoses or accessories.

NEW BUFFALO CORPORATION

BUFFALO PNEUMATIC 6 PC QUICK COUPLER SET S/N 21359 FW NO. QC6 UPC CODE: 027077 005660; BUFFALO TOOLS 25FT AIR HOSE SOLID BRASS FITTINGS 3/8" ID #AHR3825 UPC CODE: 027077 005837; BUFFALO TOOLS 15 PC AIR ACCESSORY SET S/N 20770FW UPC CODE: 027077 059533 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, air or water hoses or accessories.

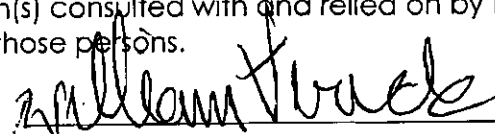
WEST MARINE, INC.

HIGH PRESSURE LP GAS GRILL HOSE 6' PART#40407-02 CONNECTS GAS GRILL TO REFILLABLE LP TANK This product description pertains not only to the specific model of the product listed, but also for all units of all models of brass couplers, connects, air or water hoses or 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: October 27, 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 October 27, 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 October 27, 2010, at Eureka, California.


Nicole Frank