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KLAMATH ENVIRONMENTAL LAW CENTER
FREDRIC EVENSON, SBN 198059
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Eureka, CA 95501
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DAVID WILLIAMS, SBN 144479
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370 Grand Avenue, Suite 5
Oakland, CA 94610-4874
Telephone: (510) 271-0826
Fax: (510) 271-0829
E-mail: dhwill7@gmail.com

Attorneys for Plaintiff,
MATEEL ENVIRONMENTAL JUSTICE FOUNDATION

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

MATEEL ENVIRONMENTAL
JUSTICE FOUNDATION,

Plaintiff,
v.

CASE NO. **CGC-11-511550**

COMPLAINT FOR INJUNCTIVE RELIEF
AND CIVIL PENALTIES

HONEYWELL, INC.; NORTHSHORE
POWER SYSTEMS, LLC; COSTCO
WHOLESALE CORPORATION; and
SEARS ROEBUCK AND CO.

Defendants.

BUSINESS TORT

MATEEL ENVIRONMENTAL JUSTICE FOUNDATION alleges as follows:

INTRODUCTION

1. This Complaint seeks civil penalties and an injunction to remedy the continuing failure of defendants HONEYWELL, INC.; NORTHSHORE POWER SYSTEMS, LLC; COSTCO WHOLESALE CORPORATION; and SEARS ROEBUCK AND CO. (hereinafter "Defendants"), to give clear and reasonable warnings to those residents of California, who use or

SUMMONS ISSUED
FILED
San Francisco County Superior Court
JUN - 8 2011
CLERK OF THE COURT
BY: *[Signature]*
Deputy Clerk

1 stand near small gas engine-powered equipment (hereinafter "gas-powered equipment"), that
2 being in the vicinity of this equipment while it is operating exposes them to various components
3 of the engine exhaust from that equipment. These engine exhaust components include carbon
4 monoxide, benzene, toluene, benzo(a)pyrene, formaldehyde, acetaldehyde, 1,3 butadiene,
5 benz(a)anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene, benzo(j)fluoranthene, chrysene
6 and indeno[1,2,3-cd] pyrene (collectively hereinafter "engine exhaust components"). Pursuant to
7 Cal. Health & Saf. Code § 25249.8, these engine exhaust components have been listed by the
8 State of California as known to cause cancer, birth defects and other reproductive harm.
9 Defendants manufacture, distribute, and/or market gas-powered equipment. These products cause
10 exposures to lead and lead compounds, which are chemicals known to the State of California to
11 cause cancer, birth defects and other reproductive harm. The gas-powered equipment to which
12 this Complaint pertains is that equipment described in the Product List appended to the Notice of
13 Violation letter attached to this Complaint.

14 2. Defendants are businesses that manufacture, market, and/or distribute gas-
15 powered equipment. Defendants intend that residents of California operate and/or stand in the
16 vicinity of gas-powered equipment that Defendants manufacture, market, and/or distribute while
17 the engines of that equipment is running and emitting exhaust. When people are in the vicinity
18 of these products while they are emitting exhaust, the gas-powered equipment exposes them to
19 the above-referenced engine exhaust components. In spite of knowing that residents of
20 California were and are being exposed to these chemicals when they are in the vicinity of
21 operating gas-powered equipment, Defendants did not and do not provide clear and reasonable
22 warnings that these products cause exposure to chemicals known to cause cancer, birth defects
23 and other reproductive harm.

24 3. Plaintiff seeks injunctive relief pursuant to Health & Safety Code Section 25249.7
25 to compel Defendants to bring their business practices into compliance with section 25249.5 et
26 seq. by providing a clear and reasonable warning to each individual who has been and who in the
27 future may be exposed to the above mentioned toxic chemicals from the use of, or being in the
28 vicinity of, Defendants' products.

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

7 8. Defendants are all businesses that employ more than ten people.

8 JURISDICTION

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

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

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

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

26 12. Plaintiff realleges and incorporates by reference into this First Claim for Relief, as
27 if specifically set forth herein, paragraphs 1 through 11, inclusive.

28 13. The People of the State of California have declared by referendum under

1 Proposition 65 (California Health & Safety Code § 25249.5 et seq.) their right "[t]o be informed
2 about exposures to chemicals that cause cancer, birth defects, and reproductive harm."

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

7 15. Since at least February 17, 2008, Defendants have engaged in conduct that
8 violates Health and Safety Code Section 25249.6 et seq. This conduct includes knowingly and
9 intentionally exposing to the above mentioned engine exhaust components, those California
10 residents who operate Defendants' gas-powered equipment or who are in the vicinity of that gas-
11 powered equipment while that equipment is operating. The normally intended use of gas-
12 powered equipment causes exposure to engine exhaust components, which are chemicals known
13 to the State of California to cause cancer, birth defects and other reproductive harm. Defendants
14 have not provided clear and reasonable warnings, within the meaning of Health & Safety Code
15 Sections 25249.6 and 25249.11.

16 16. At all times relevant to this action, Defendants knew that the gas-powered
17 equipment they manufactured, distributed or marketed was causing exposures to engine exhaust
18 components. Defendants intended that residents of California operate or be in the vicinity of
19 gas-powered equipment in such ways as would lead to significant exposures to these engine
20 exhaust components.

21 17. By the above described acts, Defendants have violated Cal. Health & Safety Code
22 § 25249.6 and are therefore subject to an injunction ordering them to stop violating Proposition
23 65, requiring them to provide warnings to their past customers who purchased defendants'
24 products without receiving a clear and reasonable warning, and to provide warnings to future
25 customers.

26 SECOND CAUSE OF ACTION
27 (Claim for Civil Penalties)

28 18. Plaintiff realleges and incorporates by reference into this First Claim for Relief, as

1 if specifically set forth herein, paragraphs 1 through 17, inclusive.

2 19. By the above described acts, Defendants are liable and should be liable pursuant
3 to Health & Safety Code § 25249.7(b), for a civil penalty of \$2,500.00 per day for each
4 individual exposed to engine exhaust components from operating Defendants' gas-powered
5 equipment or who are in the vicinity of that equipment while it is operating.

6 PRAYER FOR RELIEF

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

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

11 2. Pursuant to the Second Cause of Action, that each Defendants be assessed a civil
12 penalty in an amount equal to \$2,500.00 per day per individual exposed, in violation of Section
13 25249.6 of the California Health & Safety Code, to engine exhaust components as the result of
14 Defendants' manufacturing, distributing or marketing of gas-powered equipment;

15 3. That Defendants be ordered to identify and locate each individual who purchased
16 gas-powered equipment and provide a warning to each such person that the gas-powered
17 equipment the person purchased will expose that person to chemicals known to cause cancer and
18 birth defects.

19 4. That Defendants be ordered to pay Mateel's attorney's fees and costs incurred in
20 prosecuting this action.

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

22 Dated: June 1, 2011

KLAMATH ENVIRONMENTAL LAW CENTER

23
24 By 

25 William Verick
26 Attorney for Plaintiff
27 Mateel Environmental Justice Foundation
28

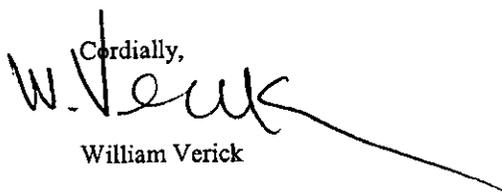


February 17, 2011

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 pertain to small gasoline-engine powered appliances, such as generators, leaf blowers, chainsaws, lawn mowers and chippers. A list of specific examples of the specific types of products at issue is attached. Though a specific model may be given as an example, this notice pertains to all similar types of small gasoline-engine powered appliances. These products violate Health & Safety Code § 25249.6 when California residents operate them or when California residents stand in proximity to these products while they are being used. Operation of the engines on these products creates engine exhaust, which is expelled into the air around the generator or leaf blower. This engine exhaust contains carbon monoxide, benzene, toluene, benzo(a)pyrene, formaldehyde, acetaldehyde, 1,3 butadiene, benz(a)anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene, benzo(j)fluoranthene, chrysene and indeno[1,2,3-cd] pyrene (collectively hereinafter "engine exhaust components"). These engine exhaust components are all chemicals known to the State to cause cancer and/or birth defects. Because the small gasoline-engine powered products expel these chemicals as exhaust into the air, the people operating these devices, and those standing nearby, inhale these chemicals. Their skin also comes into contact with these chemicals, and they ingest the chemicals. Exposure to these chemicals thus comes via the inhalation, dermal exposure and ingestion 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 February 17, 2011, and will continue every day until clear and reasonable warnings are provided to exposed people. 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 small gasoline-powered appliances made outside of California, except as to workplaces these businesses themselves maintain in California. This letter alleges environmental exposures that violate Section 25249.6. There are numerous sources of the exposures at issue in this letter. The common characteristic that all these sources of exposure share -- and which distinguishes these sources from other sources for which no violation is alleged -- is that the sources to which this letter pertains are small gasoline-engine powered appliances, all of which feature a gasoline-powered engine, and none of which provide clear and reasonable warnings as to the toxic exposures caused by these appliances.

Cordially,

William Verick

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

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 SUITER
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

JAMES D SINEGAL, CEO
COSTCO WHOLESALE CORPORATION
999 LAKE DRIVE
ISSAQUAH, WA 98027

DAVID COTE, CEO
HONEYWELL INTERNATIONAL, INC.
101 COLUMBIA RD
MORRISTOWN, NJ 07960

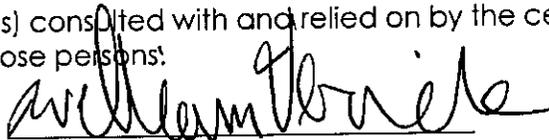
DORRANCE NOONAN, MBR-CEO
NORTHSHORE POWER SYSTEMS, LLC
4425 N PORT WASHINGTON RD
MILWAUKEE, WI 53212-1082

W. BRUCE JOHNSON, PRESIDENT
SEARS, ROEBUCK AND CO.
3333 BEVERLY ROAD B2-1008
HOFFMAN ESTATES, IL 60179

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: February 17, 2011



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 February 17, 2011, I caused the attached NOTICE OF VIOLATION 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 NOTICE OF VIOLATION 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 February 17, 2011, at Eureka, California.



Nicole Frank

PRODUCT LIST

COSTCO WHOLESALE CORPORATION

HONEYWELL, INC.

NORTHSHORE POWER SYSTEMS LLC

HONEYWELL 2000I 125 CC INVERTER GENERATOR SKU#101441 #101440A100140003304

This product description pertains not only to the specific model of the product listed, but also for all units of all models of small gasoline-engine powered appliances.

SEARS, ROEBUCK AND CO.

CRAFTSMAN GASOLINE BLOWER/VAC #7179476 EPA/CARB CERT 25 CC ENGINE UPC CODE: 024761 016773 This product description pertains not only to the specific model of the product listed, but also for all units of all models of small gasoline-engine powered appliances.