

State of California - Department of Justice - Attorney General's Office - Proposition 65 Enforcement Reporting

Attention: Prop 65 Coordinator, 1515 Clay Street, Suite 2000, Oakland, CA 94612

FORM JUS 1500
(03-01)

PRIVATE ENFORCEMENT FILING - Health and Safety Code section 25249.7(e) and (f)

REPORT OF CIVIL COMPLAINT FILING

Please print or type required information

Original Filing Supplemental Filing Corrected Filing

PARTIES TO THE ACTION	PLAINTIFF(S)	Mateel Environmental Justice Foundation		
	DEFENDANT(S)	R&B, Inc.		
CASE INFO	COURT DOCKET NUMBER	440720	COURT NAME	San Francisco Superior Court
	SHORT CASE NAME			
REPORT INFO	TYPE OF CLAIM (Check All That Apply)		RELIEF SOUGHT (Check All That Apply)	
	<input type="checkbox"/> Proposition 65 Unlawful Discharge	<input checked="" type="checkbox"/> Proposition 65 Failure to Warn	<input checked="" type="checkbox"/> Warning	<input type="checkbox"/> Discharge Ban
	<input type="checkbox"/> B&P Code section 17200	<input type="checkbox"/> Other _____	<input checked="" type="checkbox"/> Civil Penalty	For Internal Use Only
COPY OF COMPLAINT MUST BE ATTACHED				
FILER INFO	NAME OF CONTACT William Verick			
	ORGANIZATION Klamath Environmental Law Center			TELEPHONE NUMBER ((707)) 268-8900
	ADDRESS 424 First Street			FAX NUMBER ((707)) 268-8901
	CITY Eureka	STATE CA	ZIP 95501-0404	E-MAIL ADDRESS wverick@igc.org

FILING INSTRUCTIONS: This form can be completed online and printed. If electronic filing is not available, mail the completed form with a copy of the complaint to the attention of the Prop 65 Coordinator at the address shown above. If you need additional space to complete this form please use an attachment.

ENDORSED
FILED
SAN FRANCISCO COUNTY
SUPERIOR COURT

2005 APR 25 AM 11:45
COURT PARK - LL CLERK

MARY ANN MORAN
DEPUTY CLERK

1 WILLIAM VERICK, SBN 140972
2 Klamath Environmental Law Center
3 FREDRIC EVENSON, SBN 198059
4 424 First Street
5 Eureka, CA 95501
6 Telephone: (707) 268-8900
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5 DAVID WILLIAMS, SBN 144479
6 BRIAN ACREE, SBN 202505
7 2070 Allston Way, Suite 300
8 Berkeley, CA 94704
9 Telephone: (510) 647-1900
10 Facsimile: (510) 6471905

CASE MANAGEMENT CONFERENCE SET

PLAN 1 SEP 23 2005 9:02AM

DEPARTMENT 212

11 Attorneys for Plaintiff,
12 MATEEL ENVIRONMENTAL JUSTICE FOUNDATION

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

16 MATEEL ENVIRONMENTAL
17 JUSTICE FOUNDATION,

CASE NO. CGC-05-440720

18 Plaintiff,

COMPLAINT FOR INJUNCTIVE RELIEF
AND CIVIL PENALTIES

19 v.

20 R&B INC. and DOES 1 through 100
21 inclusive,

22 Defendants.

TOXIC TORT/ENVIRONMENTAL

23 MATEEL ENVIRONMENTAL JUSTICE FOUNDATION alleges as follows:

24 INTRODUCTION

25 1. This Complaint seeks civil penalties and an injunction to remedy the continuing
26 failure of defendants R&B INC. and DOES 1 through 100 inclusive (hereinafter "Defendants"),
27 to give clear and reasonable warnings to those residents of California, who handle and use
28 products that are or that incorporate thermoset/thermoplastic coated tool handles in which the
coating material contains lead (hereinafter referred to as "Leaded-Plastic Coated Tools"), that
handling and use of these products causes those residents to be exposed to lead and lead

1 compounds, lead acetate, lead phosphate, and lead subacetate (hereinafter, collectively, “lead”).
2 The products to which this Complaint pertains are those listed in the Appendices A to the
3 Proposition 65 60-Day Notice Letter attached to and incorporated by reference into this
4 Complaint. Lead is known to the State of California to cause cancer, birth defects and male and
5 female reproductive toxicity. Defendants manufacture, distribute, and/or market Leaded-Plastic
6 Coated Tools. These products cause exposures to lead and lead compounds, which are chemicals
7 known to the State of California to cause cancer, birth defects and other reproductive harm.

8 2. Defendants are businesses that manufacture, market, and/or distribute Leaded-
9 Plastic Coated Tools. Defendants intend that residents of California handle and use Leaded-
10 Plastic Coated Tools that Defendants manufacture, market, and/or distribute. When these
11 products are handled and used in their normally intended manner, they expose people to lead. In
12 spite of knowing that residents of California were and are being exposed to these chemicals when
13 they handle and use Leaded-Plastic Coated Tools, Defendants did not and do not provide clear
14 and reasonable warnings that these products cause exposure to chemicals known to cause cancer,
15 birth defects and other reproductive harm.

16 3. Plaintiff seeks injunctive relief pursuant to Health & Safety Code Section 25249.7
17 to compel Defendants to bring their business practices into compliance with section 25249.5 et
18 seq. by providing a clear and reasonable warning to each individual who has been and who in the
19 future may be exposed to the above mentioned toxic chemicals from the use of Defendants’
20 products. Plaintiff seeks an order that defendants identify and locate each individual person who
21 in the past has purchased Leaded-Plastic Coated Tools and to provide to each such purchaser a
22 clear and reasonable warning that the Leaded-Plastic Coated Tools will cause exposures to
23 chemicals known to cause birth defects.

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.

27 PARTIES

28 5. Plaintiff MATEEL ENVIRONMENTAL JUSTICE FOUNDATION (“Mateel”)

1 is a non-profit organization dedicated to, among other causes, the protection of the environment,
2 promotion of human health, environmental education, and consumer rights. Mateel is based in
3 Eureka, California, and is incorporated under the laws of the State of California. Mateel is a
4 "person" pursuant to Health & Safety Code Section 25118. Mateel brings this enforcement
5 action in the public interest pursuant to Health & Safety Code §25249.7(d). Residents of
6 California are regularly exposed to lead and lead compounds from Leaded-Plastic Coated Tools
7 manufactured, distributed or marketed by Defendants and are so exposed without a clear and
8 reasonable Proposition 65 warning.

9 6. Defendants are each a person doing business within the meaning of Health &
10 Safety Code Section 25249.11. Defendants are businesses that manufacture, distribute, and/or
11 market Leaded-Plastic Coated Tools in California, including the City and County of San
12 Francisco. Manufacture, distribution and/or marketing of these products in the City and County
13 of San Francisco and/or to people who live in San Francisco, causes people to be exposed to lead
14 and lead compounds while they are physically present in the City and County of San Francisco.

15 7. Mateel is unaware of the true names or capacities of the Defendants sued herein
16 under the fictitious names DOES 1 through 100, inclusive. Defendants DOES 1 through 100
17 inclusive are therefore sued herein pursuant to Cal. Code Civ. Proc. §474. When Mateel learns
18 their identities, it will amend the complaint.

19 8. 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 a
21 60-day Notice letter dated December 31, 2004, which Mateel sent to California's Attorney
22 General. Substantially identical letters 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 those same
24 dates, Mateel sent a substantially identical 60-Day Notice letter to each defendant. Attached to
25 the 60-Day Notice Letter sent to each defendant was a summary of Proposition 65 that was
26 prepared by California's Office of Environmental Health Hazard Assessment. In addition, each
27 60-Day Notice Letter plaintiff sent was accompanied by a Certificate of Service attesting to the
28 service of the 60-Day Notice Letter on each entity which received it. Pursuant to California

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

5 9. Defendants are all businesses that employ more than ten people.

6 JURISDICTION

7 10. 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 11. 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 Leaded-Plastic Coated Tools. It is thus consistent with traditional notions of fair play and
16 substantial justice for the San Francisco Superior Court to exercise jurisdiction over them.

17 12. 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 imposed by statute.

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

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

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

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

5 16. Since at least December 31, 2001, Defendants have engaged in conduct that
6 violates Health and Safety Code Section 25249.6 et seq. This conduct includes knowingly and
7 intentionally exposing to the above mentioned toxic chemicals, those California residents who
8 handle and use Leaded-Plastic Coated Tools. The normally intended use of Leaded-Plastic
9 Coated Tools causes exposure to lead and lead compounds, which are chemicals known to the
10 State of California to cause cancer, birth defects and other reproductive harm. Defendants have
11 not provided clear and reasonable warnings, within the meaning of Health & Safety Code
12 Sections 25249.6 and 25249.11.

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

17 18. 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 and requiring them to provide warnings to their past customers who purchased defendants'
20 products without receiving a clear and reasonable warning.

21 SECOND CAUSE OF ACTION
22 (Claim for Civil Penalties)

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

25 20. 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' Leaded-Plastic Coated Tools.

1 PRAYER FOR RELIEF

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

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

6 2. Pursuant to the Second Cause of Action, that Defendants be assessed a civil
7 penalty in an amount equal to \$2,500.00 per day per individual exposed, in violation of Section
8 25249.6 of the California Health & Safety Code, to lead and lead compounds as the result of
9 Defendants' manufacturing, distributing or marketing of Leaded-Plastic Coated Tools;

10 3. That Defendants be ordered to identify and locate each individual who purchased
11 Leaded-Plastic Coated Tools and provide a warning to each such person that the Leaded-Plastic
12 Coated Tools the person purchased will expose that person to chemicals known to cause birth
13 defects.

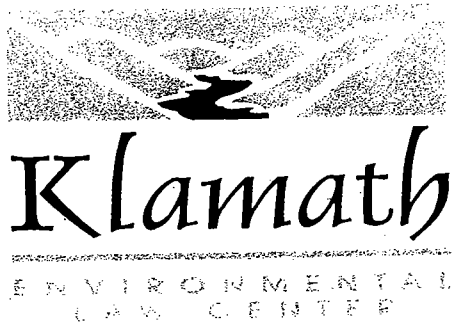
14 4. For such other relief as this court deems just and proper.

15 Dated: April 15, 2005

16 KLAMATH ENVIRONMENTAL LAW
17 CENTER

18 By 

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



December 31, 2004

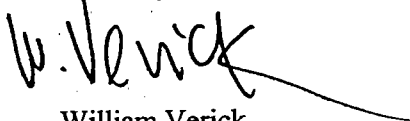
EDWARD G. WEIL
DEPUTY ATTORNEY GENERAL
OFFICE OF THE ATTORNEY GENERAL
P.O. BOX 70550
OAKLAND CA 94612-0550

ATTORNEY GENERAL COPY
CONTAINS OFFICIAL
INFORMATION PURSUANT TO
EVIDENCE CODE §1040

Greetings:

This office and the Mateel Environmental Justice Foundation ("Mateel") give you notice that companies listed in the attached Service List, 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 for both Mateel and this office. The above referenced violations occur when California residents come into contact with hand tools, the handles of which are coated with thermoplastic. Examples of these tools are listed on the attached Product List. The plastic on the handles of these tools contains high levels of lead and lead compounds ("lead"), chemicals known to cause cancer, birth defects, and other reproductive harm. The listed companies either make or market these hand tools. People are exposed to lead at work or elsewhere when they use these tools and their skin thus comes into contact with the plastic in the handles. Lead is transferred from the tools to the hands of the people using these products. The lead then enters their bodies when it is absorbed directly through the skin, through mucous membranes, or through cuts and/or abrasions, or when they touch their hands to their mouths and other mucous membranes, or when they touch cigarettes or food and then smoke the cigarettes or ingest the food. These exposures thus occur via the dermal absorption, mucous membrane, subcutaneous, inhalation and ingestion routes. The companies did not and does not provide people with clear and reasonable warnings before they expose them to lead. The above referenced violations have occurred every day since at least December 31, 2003 and will continue every day until the lead is taken out of these products or until warnings are given. These 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 of these products the companies make outside of California, except as to workplaces the companies maintain in California. Exposures constituting Proposition 65 environmental exposure violations occur both on and off the property of the companies and in each of California's 58 counties.

Cordially,


William Verick

SERVICE LIST

EDWARD G. WEIL
DEPUTY ATTORNEY GENERAL
OFFICE OF THE ATTORNEY
GENERAL
P.O. BOX 70550
OAKLAND CA 94612-0550

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CITY OF OAKLAND
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OAKLAND, CA 94612

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CITY OF SAN FRANCISCO
CITY HALL ROOM 206
400 VAN NESS
SAN FRANCISCO, CA 94102

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CITY OF SACRAMENTO
980 9th Street, 10th Floor
SACRAMENTO, CA 95814

OFFICE OF THE CITY ATTORNEY
CITY OF SAN JOSE
151 W. MISSION ST.
SAN JOSE, CA 95110

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
202 C ST. FLOOR 3
SAN DIEGO, CA 92101

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COUNTY OF ALAMEDA
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OAKLAND, CA 94612

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COUNTY OF ALPINE
P.O. BOX 248
MARKLEEVILLE, CA 96120

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ATTORNEY
COUNTY OF AMADOR
108 COURT ST. SUITE 202
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 ST.
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
COUNTY ADMINISTRATION
BUILDING
707 NEVADA ST.
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 748
MARIPOSA, CA 95338

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF MENDOCINO
301 S. STATE ST.
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
P.O. BOX 1171
ALTURAS, CA 96110

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 ST.
P.O. BOX 180
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
COURTHOUSE ANNEX
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
11562 B AVE
AUBURN, CA 95603-2687

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF PLUMAS
P.O. BOX 10716
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
P.O. BOX 749
SACRAMENTO, CA 95804

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
101 W. BROADWAY #1440
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
1105 SANTA BARBARA ST.
SANTA BARBARA, CA 93101

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SANTA CLARA
70 W. HEDDING ST.
SAN JOSE, CA 95110

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SANTA CRUZ
701 OCEAN ST. #200
SANTA CRUZ, CA 95060

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SHASTA
1525 COURT ST.
REDDING, CA 96001

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SIERRA
P.O. BOX 457
DOWNIEVILLE, CA 95936

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF SISKIYOU
P.O. BOX 986
YREKA, CA 96097

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF SOLANO
600 UNION AVE
FAIRFIELD, CA 94533

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF SONOMA
600 ADMINISTRATION DR. #212J
SANTA ROSA, CA 95403

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF STANISLAUS
1100 I ST. #200
MODESTO, CA 95354

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF SUTTER
1160 CIVIC CENTER BLVD. #A
YUBA CITY, CA 95993

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF TEHAMA
P.O. BOX 519
REDBLUFF, CA 96080

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF TRINITY
P.O. BOX 310
WEAVERVILLE, CA 96093

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF TULARE
COURTHOUSE #224
VISALIA, CA 93291

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF TUOLUMNE
2 S. GREEN ST.
SONORA, CA 95370

VENTURA COUNTY DISTRICT
ATTORNEY'S OFFICE
c/o GREGORY BROSE D.D.A.
4245 MARKET ST. #205
VENTURA, CA 93003

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF YOLO
204 4TH ST
P.O. BOX 1247
WOODLAND, CA 95695

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

Terry B. Fletcher, President
The Fletcher-Terry Company
65 Spring Lane
Farmington, CT 06032

Randy Nulman, President
KR Tools, Inc.
620 Graves Ave.
Oxnard, CA 93030

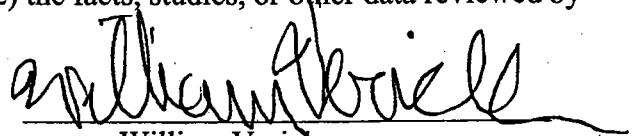
Keith W. Benson, President
National Manufacturing Co.
One First Street
Sterling, IL 61081

President or CEO
R&B Inc.
3400 E. Walnut St.
Colmar, PA 18915

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: December 31, 2004

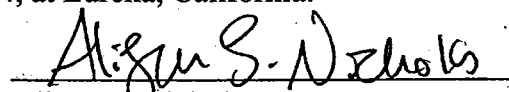

William Verick

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, Alison S. Nichols, 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 December 31, 2004, 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 December 31, 2004, at Eureka, California.


Alison S. Nichols