



February 25, 2003

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

This office and the Mateel Environmental Justice Foundation give you notice that every day since at least February 25, 1999, the private businesses listed on the attached proof of service have been, are, will be, and threaten to be in violation of Cal. Health & Safety Code §§ 25249.5 and 25249.6. These violations occur as a result of sales of the following specific types of galvanized steel plumbing products of all lengths, diameters and dimensions: pipe of all lengths, shapes or diameters be it threaded or unthreaded; fittings of all lengths, shapes or diameters; nipples, tees, elbows, connectors, couplings, unions, plugs, and caps of all lengths, shapes and diameters (hereinafter, collectively, "pipes"). These pipes discharge lead and lead compounds ("lead") and cadmium into sources of drinking water when potable water in houses and other buildings, boats and recreational vehicles, and in private individual water systems, sits in or flows through the pipes, or whenever and wherever the pipes come into contact with springs, seeps, rivers, streams, ponds lakes, reservoirs, canals and snowpack. Lead and cadmium is present in the galvanizing solution and on the surfaces of these pipes. These discharges occur because the lead and cadmium in the galvanized coating on these pipes is on the surface of that coating. As water comes into contact with this galvanized coating, the lead on or in the coating is dissolved and/or released into the water and the zinc material around the lead particles corrodes, releasing the lead into the sources of drinking water. People are exposed to lead and cadmium from these pipes when they drink water that has come into contact with these pipes because lead and cadmium from the pipes has been released into the potable water these people drink, and when they cook with or bathe or shower in water that has come into contact with the pipes. This water (containing lead and cadmium) is absorbed through the skin and is inhaled as an aerosol in baths and showers. These pipes also cause people to be exposed to lead and cadmium because when people handle these pipes – when purchasing, transporting, or installing them, their skin comes into contact with the lead and cadmium on the pipes. Lead and cadmium from the pipes also comes off the pipes onto people's hands and is then ingested and/or inhaled via hand-to-mouth, hand-to-food-to-mouth, and hand-to-cigarette-to-mouth-and-lungs, and nail biting behavior. This lead and cadmium is also absorbed through the skin, enters peoples' bodies through cuts and abrasions, and is absorbed through mucous membranes when people with lead and cadmium on their hands from these pipes touch their's or other persons' mucous membranes. The routes of exposure to lead and cadmium caused by these pipes are thus dermal, ingestion, inhalation, subcutaneous, and mucous membrane. These private businesses have not provided clear and reasonable warnings to the people exposed to lead and cadmium from the pipes these businesses market. The above described violations will continue every day until these businesses warn of the exposures and stop selling these pipes for use in or for contact with potable water systems, until the pipes are reformulated so as not to contain lead or cadmium, or until these businesses stop selling pipes. Notice is given as to consumer, occupational, and environmental exposures. This office and Mateel do not, however, allege occupational exposure violation as to pipes made outside of California, except as to workplaces these private businesses themselves maintain in California. Environmental exposure violations occur both on and off the property of these businesses and in each of California's 58 counties.

CERTIFICATE OF SERVICE

I, Gina Klump, 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 25, 2003, 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 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 25, 2003, at Eureka, California.

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 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 25, 2003

SERVICE LIST

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