



March 19, 2003

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 the private businesses listed 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 for both Mateel and this office. The above referenced violations occur when California residents come into contact with the tools described in the attached Appendix A. 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. These private businesses either make or market the hand tools described in Appendix A. 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, subcutaneous, inhalation and ingestion routes. These private businesses did not and do 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 March 19, 1999 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 manufacturer of these products for products made outside of California, except as to workplaces the manufacturer itself maintains in California. Exposures constituting Proposition 65 environmental exposure violations occur both on and off the property of these businesses and in each of California's 58 counties.



# SERVICE LIST

<p>EDWARD WEIL SUPERVISING DEPUTY ATTORNEY GENERAL OFFICE OF THE ATTORNEY GENERAL P.O. BOX 70550 OAKLAND, CA 94612-0550</p>	<p>COUNTY OF IMPERIAL COURTHOUSE, FLOOR 2 939 W. MAIN ST EL. CENTRO, CA 92243</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF NEVADA COURTHOUSE ANNEX NEVADA CITY, CA 95959</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SONOMA 600 ADMINISTRATION DR. #212J SANTA ROSA, CA 95403</p>	<p>PRESIDENT OR CEO FIBRE-CRAFT MATERIALS CORP.  6310 W TOUHY AVE NILES, IL 60714</p>
<p>OFFICE OF THE CITY ATTORNEY CITY OF OAKLAND 505 14TH ST 12TH FLOOR OAKLAND, CA 94612</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF INYO P.O. DRAWER D INDEPENDENCE, CA 93526</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF ORANGE 700 CIVIC CENTER DR WEST #A-200 SANTA ANA, CA 92701</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF STANISLAUS 1100 I ST. #200 MODESTO, CA 95354</p>	<p>ROBERT C ARZBAECHER PRESIDENT, GB TOOLS AND SUPPLIES, INC. 6100 N BAKER RD GLENDALE, WI 53209</p>
<p>OFFICE OF THE CITY ATTORNEY CITY OF SAN FRANCISCO CITY HALL ROOM 206 400 VAN NESS SAN FRANCISCO, CA 94102</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF KERN 1215 TRUXTUN AVE. FLOOR 4 BAKERSFIELD, CA 93301</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF PLACER 11562 B AVE AUBURN, CA 95603-2687</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SUTTER 1160 CIVIC CENTER BLVD. #A YUBA CITY, CA 95993</p>	<p>PRESIDENT OR CEO KINGSLEY TOOLS CORP 1618 DALLAS PKWY DALLAS, TX 75248</p>
<p>OFFICE OF THE CITY ATTORNEY CITY OF SACRAMENTO 980 9<sup>th</sup> Street, 10<sup>th</sup> Floor SACRAMENTO, CA 95814</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF KINGS 1400 W. LACEY BLVD. HANFORD, CA 93230</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF PLUMAS P.O. BOX 10716 QUINCY, CA 95971</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF TEHAMA P.O. BOX 519 REDBLUFF, CA 96080</p>	<p>PRESIDENT OR CEO KINGSLEY TOOLS CORP 3000 W KINGSLEY RD GARLAND, TX 75041</p>
<p>OFFICE OF THE CITY ATTORNEY CITY OF SAN JOSE 151 W. MISSION ST. SAN JOSE, CA 95110</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF LAKE 255 N. FORBES ST # 424 LAKEPORT, CA 95453</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF RIVERSIDE 4075 MAIN ST. RIVERSIDE, CA 92501</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF TRINITY P.O. BOX 310 WEAVERVILLE, CA 96093</p>	<p>PRESIDENT OR CEO ULTRA HARDWARE PRODUCTS, INC. 1777 HYLTON RD PENNSAUKEN, NJ 08110</p>
<p>OFFICE OF THE CITY ATTORNEY CITY OF LOS ANGELES 200 N. MAIN ST. LOS ANGELES, CA 90012</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF LASSEN COUNTY ADMINISTRATION BUILDING 707 NEVADA ST. SUSANVILLE, CA 96130</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SACRAMENTO P.O. BOX 749 SACRAMENTO, CA 95804</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF TULARE COURTHOUSE #224 VISALIA, CA 93291</p>	<p>JOHN HENDRICKS, PRESIDENT DISCOVERY COMMUNICATIONS, INC. 770 WISCONSIN AVE BETHEDA, MD 20814-3522</p>
<p>OFFICE OF THE CITY ATTORNEY CITY OF SAN DIEGO 202 C ST. FLOOR 3 SAN DIEGO, CA 92101</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF LOS ANGELES 18000 CRIMINAL COURTS BUILDING 210 W. TEMPLE ST. LOS ANGELES, CA 90012</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SAN BENITO 419 4TH ST HOLLISTER, CA 95023</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF TUOLUMNE 2 S. GREEN ST. SONORA, CA 95370</p>	<p>ALLEN I QUESTROM, PRESIDENT J.C. PENNEY CORPORATION, INC. 6501 LEGACY DRIVE PLANO, TX 75024-3698</p>
<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF ALAMEDA 225 FALLON ST. #9 OAKLAND, CA 94612</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MADERA 209 W. YOSEMITE AVE. MADERA, CA 93637</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SAN DIEGO 101 W. BROADWAY #1440 SAN DIEGO, CA 92101</p>	<p>VENTURA COUNTY DISTRICT ATTORNEY'S OFFICE c/o GREGORY BROSE D.D.A. 4245 MARKET ST. #205 VENTURA, CA 93003</p>	<p>ALAN J LACY, PRESIDENT SEARS, ROEBUCK AND CO. 3333 BEVERLY ROAD B2-100B HOFFMAN ESTATES, IL 60179</p>
<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF ALPINE P.O. BOX 248 MARKLEEVILLE, CA 96120</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MARIN HALL OF JUSTICE #183 SAN RAFAEL, CA 94903</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SAN FRANCISCO 850 BRYANT ST #322 SAN FRANCISCO, CA 94103</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF YOLO 204 4TH ST P.O. BOX 1247 WOODLAND, CA 95695</p>	<p>PRESIDENT OR CEO GENERAL TECH INTERNATIONAL CORP. 3000 W. KINGSLEY RD. GARLAND, TX 75041</p>
<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF AMADOR 108 COURT ST. SUITE 202 JACKSON, CA 95642</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MARIPOSA P.O. BOX 748 MARIPOSA, CA 95338</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SAN JOAQUIN 222 E. WEBER AVE #202 STOCKTON, CA 95202</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF YUBA 215 5TH ST. MARYSVILLE, CA 95901</p>	
<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF BUTTE 25 COUNTY CENTER DR. OROVILLE, CA 95965</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MENDOCINO 301 S. STATE ST. UKIAH, CA 95482</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SANTA CLARA 70 W. HEDDING ST. SAN JOSE, CA 95110</p>	<p>PRESIDENT OR CEO NATURAL SCIENCE INDUSTRIES LTD 910 ORLANDO AVE WEST HEMPSTEAD, NY 11552</p>	
<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF CALAVERAS GOVERNMENT CENTER 891 MOUNTAIN RANCH ROAD SAN ANDREAS, CA95249</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MODOC P.O. BOX 1171 ALTURAS, CA 9610</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SANTA CRUZ 701 OCEAN ST. #200 SANTA CRUZ, CA 95060</p>	<p>PRESIDENT OR CEO DAHANER CORP. 1250 24th St. NW, Ste. 800 Washington DC 20037</p>	
<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF COLUSA 547 MARKET ST. COLUSA, CA 95932</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MONTEREY P.O. BOX 180 SALINAS, CA 93902</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SHASTA 1525 COURT ST. REDDING, CA 96001</p>	<p>PRESIDENT OR CEO NATURAL SCIENCE INDUSTRIES LTD 910 ORLANDO AVE WEST HEMPSTEAD, NY 11552</p>	
<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF CONTRA COSTA P.O. BOX 670 MARTINEZ, CA 94553</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MONTEREY P.O. BOX 430 WILLOWS, CA 95988</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SIERRA P.O. BOX 457 DOWNEYVILLE, CA 95936</p>	<p>PRESIDENT OR CEO DO IT BEST CORP. 6502 NELSON RD FORT WAYNE, IN 46803</p>	
<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF DEL NORTE 450 H ST #171 CRESCENT CITY, CA 95531</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF NAPA 931 PARKWAY MALL P.O. BOX 720 NAPA, CA 94559-0720</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SOLANO 600 UNION AVE FAIRFIELD, CA 94533</p>	<p>PRESIDENT OR CEO PARKER METAL CORP. 150 GROVE STREET PO BOX 15052 WORCESTER, MA 01615-5052</p>	
<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF EL DORADO 515 MAIN ST. PLACERVILLE, CA 95667</p>			<p>PRESIDENT OR CEO RADIOSHACK CORP 100 THROCKMORTON ST, STE 1800 FORT WORTH, TX 76102</p>	
<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF FRESNO 2220 TULARE ST #1000 FRESNO, CA 93721</p>			<p>PRESIDENT OR CEO LEVITON MANUFACTURING CO. INC. 59-25 LITTLE NECK PARKWAY LITTLENECK, NY 11362</p>	

## 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 March 19, 2003, 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 March 19, 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: March 19, 2003

## APPENDIX A

NATURAL SCIENCE INDUSTRIES LTD	Wild Wire Deluxe Multi-Project Pack #3309
DAHANER CORP.	VPT 10" Slip Joint pliers #53033 VPT brand 8" Slip Joint Pliers #51007A VPT 4 Pc. Pliers/Adjustable Wrench Set #57017 VPT 10" Groove Joint Pliers #51009A
KINGSLEY TOOLS CORP	VPT 10" Slip Joint pliers #53033 - VPT brand 8" Slip Joint Pliers #51007A VPT 4 Pc. Pliers/Adjustable Wrench Set #57017 VPT 10" Groove Joint Pliers #51009A
GENERAL TECH INTL	VPT 10" Slip Joint pliers #53033 - VPT brand 8" Slip Joint Pliers #51007A VPT 4 Pc. Pliers/Adjustable Wrench Set #57017 VPT 10" Groove Joint Pliers #51009A
DO IT BEST CORP.	Masterforge 8" Slip Joint Pliers #303593 Masterforge 6" Long Nose Pliers #303372 Masterforge 6" Diagonal Pliers 303550 Masterforge 6" Slip Joint Pliers #303577 Masterforge 10" Groove Joint Pliers #303690 Masterforge 7" Linesman Pliers #303348 Needle Nose Electricians Pliers #515949 Masterforge 6" Diagonal Pliers #303550 1" Opening Spring Clamp #353329 - 6" Diagonal Pliers #302783 4" Bent Nose Pliers #306339 - MasterForge 8" Slip Joint Pliers #303593 4" Diagonal Pliers #306347
PARKER METAL CORP.	Home Helpers 6" Slip Joint Pliers 71060 Home Helpers Tools 6" Long Nose Pliers #71050 Home Helpers 6" Diagonal Pliers #71040
RADIOSHACK CORP	4 3/4" Bent-Nose Pliers - Long-Nose 4.75" Pliers
LEVITON MANUFACTURING CO, INC.	8" Linesman Pliers #830-12509
FIBRE-CRAFT MATERIALS CORP.	Heavey Duty Cutter #1099 Compact Floral Tool Set #4933 Long-Necked Pliers #1097
GB TOOLS AND SUPPLIES, INC.	GB Gardner Bender Lineman's Pliers with Cutter and Crimper #GCP-400 Garden Bender Wire Stripper 10-20 AWG, GS-60 Garden Bender CUrved Nose Pliers GPS-302 GB Gardner Bender Long Nose Plier with Side Cutter #GPS-236 GB Gardner Bender Curved Nose Pliers #GS-84 Garden Bender Diagonal Cutting Pliers GPS-226 Garden Bender Long Nose Pliers GS-85 GB Gardner Bender Diagonal Cutting Pliers #GS-86 GB Gardner Bender Crimp-On Staking Tool #GS-88 GB Gardner Bender Diagonal Cutting Pliers with Angled Head #GPS-228 Gardner Bender Lineman's Pliers with Cutter and Crimper #GCP-400
ULTRA HARDWARE PRODUCTS, INC.	8" Long Nose Pliers 58366 - Long Nose Plier 8" #58366 10 piece "Tools To Go" Set
DISCOVERY COMMUNICATIONS, INC.	Portable cabinet tool set
J.C. PENNEY CORPORATION, INC.	200 Piece Home Repair Tool Set
SEARS, ROEBUCK AND CO.	Companion 124 Piece Household Repair Kit #930332

