



March 14, 2003

EDWARD G. WEIL
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**ATTORNEY GENERAL COPY
CONTAINS OFFICIAL
INFORMATION PURSUANT TO
EVIDENCE CODE §1040**

Dear Mr. Weil:

This office and the Mateel Environmental Justice Foundation (“Mateel”) give you notice that since at least March 14, 1999, the business listed on Exhibit A has been, is, will be, and threatens to be in violation of Cal. Health and Safety Code §25249.6. Both this office and Mateel are private enforcers of Proposition 65, both may be contacted at the address and phone number below, and I am a responsible individual with both Mateel and this office. The above referenced violations occur when California residents handle and/or use Christmas lights, bubble lights, string lights, swag lights, and other similar types of lights and light sets in which the plastic coating on the wires connecting the bulbs contain lead and also when the light device contains a liquid that is composed, in whole or in part, of methylene chloride. When people handle these lights, when they install them or transport them, lead that is in and on the plastic coating on the wires comes off on their hands. The lights break, and when they do, people in the vicinity are exposed to methylene chloride. The lead and methylene chloride is then ingested and inhaled through hand-to-mouth, hand-to-food-to-mouth, and hand-to-cigarette-to-mouth-to-lungs behavior. The lead and methylene chloride is also absorbed through the skin, enters the body via cuts and abrasions, and through mucous membranes. People also inhale the methylene chloride, which becomes a gas at relatively low temperatures. These lights this business sells thus expose consumers and workers to lead and methylene chloride via the dermal, ingestion, inhalation and subcutaneous routes. This business does not provide clear and reasonable warnings to people who use holiday lights that such lights will expose them to chemicals known to cause cancer and birth defects. These violations and threatened violations will continue to occur everyday until this business either provides clear and reasonable warnings, reformulates the lights so as not to contain lead or methylene chloride, or stops selling them. These exposures occur within the consumer, environmental, and occupational contexts. Mateel does not however, allege occupational exposures as to lights in California. These violations occur in all of California’s 58 counties and both on and off of these business properties.

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 14, 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 March 14, 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 14, 2003

SERVICE LIST

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