

Law Office of
BRIAN GAFFNEY

370 Grand Avenue, Suite 5
Oakland, CA 94610

(510) 891-9592 Telephone
(510) 891-9380 Facsimile

May 2, 2003

BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED TO VIOLATORS
BY FIRST CLASS U.S. MAIL TO PUBLIC ENFORCEMENT AGENCIES

Dear Public Enforcement Agencies / Violators:

This office and the Ecological Rights Foundation (ERF) gives you notice that, since at least May 3, 1999¹, the businesses listed on Attachment A have been, and continue to be in violation of California Health & Safety Code §25249.6. Both this office and the ERF are private enforcers of Proposition 65, both may be contacted at the above listed address and telephone number, and I am a responsible individual with both ERF and this office. The above referenced violations occur when California residents handle and/or use cabinet doors or hutch doors which contain leaded glass, leaded glass inserts, leaded mullions or lead solder (collectively "leaded glass doors"). Examples of particular products manufactured, sold, distributed and/or marketed by the violators are attached as Attachment B. These leaded glass doors contain lead and lead compounds ("lead"). When people touch or otherwise handle these leaded glass doors; when they install, clean, fix or replace these leaded glass doors; when they remove these leaded glass doors from their packaging; or whenever they run their hands and/or fingers over the leaded glass mullions, lead that is in and on the leaded glass doors comes off on their hands. This lead is then ingested and /or inhaled through hand-to-mouth, hand-to-food-to-mouth, and hand-to-cigarette-to-mouth-to-lungs behavior. This lead is also absorbed through the skin, enters the body via cuts and abrasions, and through mucous membranes when people with lead on their hands touch these mucous membranes. Leaded glass doors sold by these businesses thus expose consumers and workers to lead via the dermal, ingestion, inhalation and subcutaneous routes. In addition, exposures in the environmental context occur in the homes, businesses, distribution outlets, retail outlets and public buildings where the leaded glass doors are located. The environmental exposure for which a warning is required occurs beyond the property owned or controlled by the violators. Exposures to lead occur within the consumer, environmental, and occupational contexts. ERF, does not, however, allege occupational exposures as to leaded glass doors manufactured outside of California, except as to the workplaces that these businesses maintain in California. These businesses do not provide clear and reasonable warnings to people who handle, touch, install, clean, repair, replace or use leaded glass doors, that the leaded glass doors will expose them to chemicals known to cause cancer and birth defects. These violations and threatened violations will continue to occur everyday until these businesses either provides clear and reasonable warnings, reformulates its glass doors so as not to contain lead, or stop selling leaded glass doors. These violations occur in all of California's 58 counties and both on and off of these businesses' properties.

Enclosure to Violators "The Safe Drinking Water and Toxic Enforcement Act of 1986: A Summary"

¹ On February 27, 1987 lead was listed under the statute as a chemical known to the state of California to cause reproductive toxicity. On October 1, 1992 lead and lead compounds were listed under the statute as chemicals known to the State of California to cause cancer.

Attachment A

Lexington Home Brands
Robert S Stec
President
411 S Salisbury Street
Lexington, NC 27292

Lifestyle Furnishings International Ltd.
Wayne Barton Lyon
Chief Executive Officer
4000 Lifestyle Ct.
High Point, NC 27265

Macy's West, Inc.
Jeremiah Sullivan
President
50 O'Farrell Street
San Francisco, CA 94106

Federated Department Stores, Inc.
James M. Zimmerman
President
7 West Seventh Street
Cincinnati, OH 45202

Attachment B

Proposition 65 Violator

Products manufactured, sold, distributed and/or marketed

Lexington Home Brands Lifestyle Furnishings International Ltd. Macy's West, Inc. Federated Department Stores, Inc.	Cabinets doors and/or hutch doors with leaded glass mullions, solder and/or leaded glass inserts
---	--

CERTIFICATE OF SERVICE

I, Brian Gaffney, declare:

If so called, I could and would testify as follows: I am over eighteen. My business address is 370 Grand Avenue, Suite 5, Oakland, CA 94610. On May 2, 2003, I caused the attached 60-DAY NOTICE LETTER, 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 Certified Mail I caused the attached 60-DAY NOTICE LETTER and PROPOSITION 65: A SUMMARY to be sent by Certified 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 May 2, 2003, at Oakland, 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 incorporated 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 manufactures 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, Brian Gaffney, hereby certify that with regard to the allegations in the attached 60-Day Notice Letter, 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 attached 60-Day Notice Letter (which is not yet an action and may never be an action) and, based on that information, I believe that there is a reasonable and meritorious case for anyone, including the Attorney General and any District Attorney or City Attorney, to bring an action based on the violations noticed in the attached 60-Day Notice Letter. Attached to the copy of the 60-Day Notice Letter sent to the California Attorney General and to the Violators, is a copy of the laboratory report that reflects, in part, the above referenced consultation. I swear under penalty of perjury that the foregoing is true and correct and that this certification was executed on May 2, 2003 at Oakland, California.

SERVICE LIST

EDWARD WEIL
SUPERVISING DEPUTY ATTORNEY
GENERAL
OFFICE OF THE ATTORNEY
GENERAL
P.O. 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
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

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF ALAMEDA
225 FALLON ST. #9
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
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 TRUXTON 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 9610

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF MONO
P.O. BOX 617
BRIDGEPORT, CA 93517

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF MONTEREY
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
700 CIVIC CENTER DR WEST #A-200
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

LEXINGTON HOME BRANDS
ROBERT S STEC
PRESIDENT
411 S SALISBURY STREET
LEXINGTON, NC 27292

LIFESTYLE FURNISHINGS
INTERNATIONAL LTD.
WAYNE BARTON LYON
CHIEF EXECUTIVE OFFICER
4000 LIFESTYLE CT.
HIGH POINT, NC 27265

MACY'S WEST, INC.
JEREMIAH SULLIVAN
PRESIDENT
50 O'FARRELL STREET
SAN FRANCISCO, CA 94106

FEDERATED DEPARTMENT STORES,
INC.
JAMES M. ZIMMERMAN
PRESIDENT
7 WEST SEVENTH STREET
CINCINNATI, OH 45202