

NOTICE OF VIOLATION

California Safe Drinking Water
and Toxic Enforcement Act

SEARS, ROEBUCK AND CO.,
TEKNI-PLEX, INC., and
PLASTIC SPECIALTIES AND TECHNOLOGIES, INC.

June 19, 2003

This Notice of Violation is provided to you pursuant to and in compliance with California Health and Safety Code Section 25249.7(d).

- For general information regarding the California Safe Drinking Water and Toxic Enforcement Act, see the attached summary provided by the California EPA (copies not provided to public enforcement agencies).
- This Notice of Violation is provided by the Center for Environmental Health. The Center for Environmental Health is a nonprofit corporation dedicated to protecting the environment, improving human health and supporting environmentally sound practices.

Description of Violation:

- The names and addresses of the violators are:
 - Sears, Roebuck and Co.
3333 Beverly Road
Hoffman Estates, IL 60179
 - Tekni-Plex, Inc.
201 Industrial Parkway
Somerville, NJ 08876
 - Plastic Specialties and Technologies, Inc.
Colorite Plastics Division
101 Railroad Avenue
Ridgefield, NJ 07657
- The violations have been occurring since at least February 27, 1988 and are continuing to this day.
- This Notice of Violation covers both the "discharge provision" and the "warning provision" of Proposition 65, which are found at California Health and Safety Code Section 25249.5 and 25249.6, respectively.
- The names of the listed chemicals involved in these violations are lead and lead compounds ("Lead"). Discharges of Lead and exposures to Lead occur from use of the products identified in this notice.
- The category of products causing these violations is water hoses containing Lead. Specific examples of these products are Sears, Roebuck and Co.'s Craftsman 7169612 and Craftsman 7169212, and Tekni-Plex, Inc./Plastic

Specialties and Technologies, Inc.'s Colorite Waterworks Kink Free Premium Garden Hose, Style SBT6958050. The Lead is contained in these products.

- Discharge Violations: Use of these water hoses results in discharges or releases of Lead into water or onto land where Lead passes or probably will pass into a source of drinking water. Specifically, the water hoses that are the subject of this Notice of Violation contain sufficient quantities of Lead such that Lead will leach from the hoses into water discharged through the hoses. The water in these hoses is a source of drinking water. Furthermore, when not directly consumed by people drinking from the hoses, this water is then discharged into or onto Land where the Lead passes or probably will pass into other sources of drinking water, including surrounding surface waters and underlying ground water. These discharges occur in homes, yards, gardens, workplaces and everywhere else throughout California where these hoses are used.
- Warning Violations: Use of the products identified in this notice also results in human exposures to Lead. The water hoses are constructed of materials that contain Lead. The route of exposure for the violations is ingestion of water discharged through the water hoses, ingestion via hand to mouth contact after consumers touch or handle the water hoses, and dermal absorption directly through the skin when consumers touch or handle the water hoses. These exposures occur in homes, yards, gardens, workplaces and everywhere else throughout California where these water hoses are used. No clear and reasonable warning is provided with these products regarding the carcinogenic or reproductive hazards of Lead.

Please direct any inquiries regarding this notice to counsel for the Center for Environmental Health: Eric Somers, Lexington Law Group, LLP, 1627 Irving Street, San Francisco, CA 94122, (415) 759-4111.

PROOF OF SERVICE BY MAIL

I declare that:

I am employed in San Francisco County, California. I am over the age of 18 years and not a party to the within cause; my business address is 1627 Irving St., San Francisco, California 94122.

On June 19, 2003, I served a copy of the documents listed immediately hereafter by first class mail by placing the same in an envelope, sealing, fully preparing postage thereon, and depositing said envelope in the U.S. Mail at San Francisco, California. Said envelope was addressed as follows:

See attached service list (sent via certified mail with applicable postage to those listed with asterisks).

Documents mailed:

NOTICE OF VIOLATION OF CALIFORNIA SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT;

CERTIFICATE OF MERIT;

INFORMATION SUPPORTING CERTIFICATE OF MERIT (Official Information pursuant to Evidence Code §1040, sent only to the Attorney General); and

THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY (only sent to those on service list marked with an asterisks).

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on June 19, 2003, at San Francisco, California.

SERVICE LIST

District Attorney of Alameda County
1225 Fallon Street, Room 900
Oakland, CA 94612

District Attorney of Colusa County
547 Market Street
Colusa, CA 95932

District Attorney of Contra Costa County
725 Court Street, Room 402
Martinez, CA 94553

District Attorney of Alpine County
P.O. Box 248
Markleeville, CA 96120

District Attorney of Del Norte County
450 H Street, Ste 171
Crescent City, CA 95531

District Attorney of Amador County
708 Court Street, #202
Jackson, CA 95642

District Attorney of Butte County
25 County Center Drive
Oroville, CA 95965

District Attorney of El Dorado County
515 Main Street
Placerville, CA 95667

District Attorney of Calaveras County
891 Mountain Ranch Road
San Andreas, CA 95249

District Attorney of Fresno County
2220 Tulare Street, #1000
Fresno, CA 93721

District Attorney of Glenn County
P.O. Box 430
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District Attorney of Kings County
1400 West Lacey
Hanford, CA 93230

District Attorney of Sacramento County
901 "G" Street
Sacramento, CA 95814

District Attorney of Lake County
255 N. Forbes Street
Lakeport, CA 95453

District Attorney of Humboldt County
825 5th Street
Eureka, CA 95501

District Attorney of Imperial County
939 Main Street
El Centro, CA 92243

District Attorney of Lassen County
220 S. Lassen St., Ste 8
Susanville, CA 96130

District Attorney of Inyo County
P.O. Drawer D
Independence, CA 93526

District Attorney of Los Angeles County
210 W. Temple Street, Room 345
Los Angeles, CA 90012

District Attorney of Madera County
209 West Yosemite Avenue
Madera, CA 93637

District Attorney of Kern County
1215 Truxtun Avenue
Bakersfield, CA 93301

District Attorney of Marin County
3501 Civic Center Dr., Room 183
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District Attorney of Mono County
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Bridgeport, CA 93517

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Mariposa, CA 95338

District Attorney of Monterey County
PO Box 1131
Salinas, CA 93901

District Attorney of San Joaquin County
P.O. Box 990
Stockton, CA 95201

District Attorney of Mendocino County
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Ukiah, CA 95482

District Attorney of Napa County
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Napa, CA 94559

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District Attorney of Nevada County
201 Church St., Suite 8
Nevada City, CA 95959

District Attorney of Orange County
401 Civic Ctr Drive West
Santa Ana, CA 92701

District Attorney of Modoc County
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Alturas, CA 96101

District Attorney of Placer County
11562 "B" Avenue
Auburn, CA 95603

District Attorney of San Bernardino County
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San Bernardino, CA 92415-0004

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San Diego, CA 92112

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Riverside, CA 92501

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District Attorney of San Luis Obispo County
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San Luis Obispo, CA 93408

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Hollister, CA 95023

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Redwood City, CA 94063

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Courthouse, P.O. Box 457
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District Attorney of Santa
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1105 Santa Barbara Street
Santa Barbara, CA 93101

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Santa Cruz, CA 95061

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Hoffman Estates, IL 60179

F. Patrick Smith, Chairman*
Tekni-Plex, Inc.
201 Industrial Parkway
Somerville, NJ 08876

President*
Plastic Specialties and
Technologies, Inc.
Colorite Plastics Division
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