



June 23, 2003

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**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 Ross Stores, Inc. has been, is, will be and threatens 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 at both Mateel and this office.

The above referenced violations occur when California residents come into contact with clothing made from polyvinyl chloride ("PVC") Ross Stores sells. Examples of this plastic clothing are PVC rain coats for children by Haddad Apparel Group. The PVC this plastic clothing is made from contains lead and lead compounds ("lead"), chemicals known to cause cancer, birth defects and other reproductive harm. People are exposed to lead at work and elsewhere when they handle, put this plastic clothing on, wear it, and take it off. Lead in the plastic is transferred from the plastic to their hands and to other parts of their skin. This lead is then absorbed through the skin, taken into cuts and abrasions, absorbed through mucous membranes, and transferred to the mouth via oral contact either directly with the plastic, from oral contact with the lead-contaminated skin, and when lead is transferred from contaminated skin to cigarettes and food and the contaminated cigarettes and food are smoked and/or eaten.

The above referenced violations also occur when California residents come into contact with backpacks and purses made from polyvinyl chloride Ross Stores sells. Examples of these backpacks and purses sold by Ross Stores are PVC backpacks by Romar International Corp. The PVC these backpacks and purses are made from contains lead and lead compounds, chemicals known to cause cancer, birth defects and other reproductive harm. People are exposed to lead at work and elsewhere when they handle, put these backpacks and purses on, wear them, and take them off. Lead in the plastic is transferred from the plastic to their hands and to other parts of their skin. This lead is then absorbed through the skin, taken into cuts and abrasions, absorbed through mucous membranes, and transferred to the mouth via oral contact either directly with the plastic, from oral contact with the lead-contaminated skin, and when lead is transferred from contaminated skin to cigarettes and food and the contaminated cigarettes and food are smoked and/or eaten.

The above referenced violations also occur when California residents come into contact with hand tools sold by Ross Stores. Examples of these tools sold by Ross Stores are PVC coated hand tools

by Collins International. The plastic on the handles of these tools contains lead chemicals known to cause cancer, birth defects, and other reproductive harm. Ross Stores markets and sells the hand tools described herein. 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 or may be directly ingested if the tools are placed in a person's mouth. The lead then enters their bodies when it is ingested, 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.

The above referenced violations also occur when California residents come into contact with lead weights used in fishing tackle marketed and sold by Ross Stores. The specific types of fishing tackle to which this notice pertains are sinkers and fishing weights contained in Protocol Telescopic Fishing Rod, Reel & Tackle and the Protocol Telescopic Fishing Set Plus Tackle Box by The Ashley Collection. The primary component of each of these types of fishing tackle is lead, a chemical known to cause cancer, birth defects and other reproductive harm. This fishing tackle exposes people to lead when people handle it or when they bite down on split shot lead sinkers. Lead is directly ingested, or comes off on people's hands and is then dermally absorbed, ingested, and inhaled. Sometimes people put lead fishing weights in their mouths.

The above referenced violations also occur when California residents come into contact with leaded ceramic tableware such as plates, cups, bowls and tumblers (collectively hereinafter "leaded ceramic tableware") which are marketed by Ross Stores, made by manufacturers such as Oneida and Hausenware, Inc. Handling of, contact with, eating from, and cleaning up broken ceramic from leaded ceramic tableware exposes people to lead. Lead leaches from the vessel into the food or beverage stored in, or served from, the vessel. The food or beverage is then consumed and the accompanying lead ingested.

All of the above-described exposures occur via the dermal absorption, subcutaneous, inhalation and ingestion routes. Ross Stores did not and does not provide people with clear and reasonable warnings before they expose them to lead. These violations have occurred every day since at least June 23, 1999 and will continue every day until the lead is removed from these products or until clear and reasonable warnings are given. The above-referenced 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 the above-referenced products if that manufacturer makes the products outside of California, except as to workplaces that manufacturer itself maintains in California. Exposures constituting Proposition 65 environmental exposure violations occur both on and off the property of Ross Stores and in each of California's 58 counties.

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: June 23, 2003

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 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 June 23, 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 Certified 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 June 23, 2003, at Eureka, California.

SERVICE LIST

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