



July 28, 2003

EDWARD G. WEIL
DEPUTY ATTORNEY GENERAL
OFFICE OF THE ATTORNEY GENERAL
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OAKLAND CA 94612-0550

**ATTORNEY GENERAL COPY
CONTAINS OFFICIAL
INFORMATION PURSUANT TO
EVIDENCE CODE §1040**

This office and the Mateel Environmental Justice Foundation give you notice that every day since at least July 28, 1999, Southland Pipe Nipple Co. ("Southland") has been, is, will be, and threatens to be in violation of Cal. Health & Safety Code §§ 25249.5 and 25249.6. These violations occur as a result of sales of the following specific types of galvanized steel plumbing products of all lengths, diameters and dimensions: pipe of all lengths, shapes or diameters be it threaded or unthreaded; fittings of all lengths, shapes or diameters; nipples; tees; elbows; connectors; couplings; unions; plugs; and caps of all lengths, shapes and diameters (hereinafter, collectively, "pipes"). These pipes discharge lead and lead compounds ("lead") and cadmium into sources of drinking water when potable water in houses and other buildings, boats and recreational vehicles, and in private individual water systems, sits in or flows through the pipes, or whenever and wherever the pipes come into contact with springs, seeps, rivers, streams, ponds lakes, reservoirs, canals, rainwater, and/or snowpack. Lead and cadmium is present in the galvanizing solution and on the surfaces of these pipes. These discharges occur because the lead and cadmium in the galvanized coating on these pipes is on the surface of that coating. As water comes into contact with this galvanized coating, the lead on or in the coating is dissolved and/or released into the water and the zinc material around the lead particles corrodes, releasing the lead into the sources of drinking water. People are exposed to lead and cadmium from these pipes when they drink water that has come into contact with these pipes because lead and cadmium from the pipes has been released into the potable water these people drink, and when they cook with or bathe or shower in water that has come into contact with the pipes. This water (containing lead and cadmium) is absorbed through the skin and is inhaled as an aerosol in baths and showers. These pipes also cause people to be exposed to lead and cadmium because when people handle these pipes – when purchasing, transporting, or installing them, their skin comes into contact with the lead and cadmium on the pipes. Lead and cadmium from the pipes also comes off the pipes onto people's hands and is then ingested and/or inhaled via hand-to-mouth, hand-to-food-to-mouth, and hand-to-cigarette-to-mouth-and-lungs, and nail biting behavior. This lead and cadmium is also absorbed through the skin, enters peoples' bodies through cuts and abrasions, and is absorbed through mucous membranes when people with lead and cadmium on their hands from these pipes touch their's or other persons' mucous membranes. The routes of exposure to lead and cadmium caused by these pipes are thus dermal, ingestion, inhalation, subcutaneous, and mucous membrane. Southland has not provided clear and reasonable warnings to the people exposed to lead and cadmium from the pipes these businesses market. The above-described violations will continue every day until Southland warns of the exposures and stop selling these pipes for use in or for contact with potable water systems, until the pipes are reformulated so as not to contain lead or cadmium, or until Southland stops selling pipes. Notice is given as to consumer, occupational, and environmental exposures. This office and Mateel do not, however, allege occupational-exposure violation as to pipes made outside of California, except as to workplaces Southland itself maintains in California. Environmental exposure violations occur both on and off the property of these businesses and in each of California's 58 counties.

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SERVICE LIST

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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

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225 FALLON ST. #9
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OFFICE OF THE DISTRICT
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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

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COUNTY OF CONTRA COSTA
P.O. BOX 670
MARTINEZ, CA 94553

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ATTORNEY
COUNTY OF DEL NORTE
450 H ST #171
CRESCENT CITY, CA 95531

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ATTORNEY
COUNTY OF EL DORADO
515 MAIN ST.
PLACERVILLE, CA 95667

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COUNTY OF FRESNO
2220 TULARE ST #1000
FRESNO, CA 93721

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COUNTY OF GLENN

P.O. BOX 430
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825 5TH ST.
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COURTHOUSE, FLOOR 2
939 W. MAIN ST
EL CENTRO, CA 92243

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P.O. DRAWER D
INDEPENDENCE, CA 93526

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1215 TRUXTUN AVE. FLOOR 4
BAKERSFIELD, CA 93301

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COUNTY OF KINGS
1400 W. LACEY BLVD.
HANFORD, CA 93230

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255 N. FORBES ST # 424
LAKEPORT, CA 95453

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COUNTY ADMINISTRATION
BUILDING
707 NEVADA ST.
SUSANVILLE, CA 96130

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18000 CRIMINAL COURTS
BUILDING
210 W. TEMPLE ST.
LOS ANGELES, CA 90012

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COUNTY OF MADERA
209 W. YOSEMITE AVE.
MADERA, CA 93637

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SAN RAFAEL, CA 94903

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P.O. BOX 748
MARIPOSA, CA 95338

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301 S. STATE ST.
UKIAH, CA 95482

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ATTORNEY
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2222 M ST.
MERCED, CA 95340

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P.O. BOX 617
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SALINAS, CA 93902

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NAPA, CA 94559-0720

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COURTHOUSE ANNEX
NEVADA CITY, CA 95959

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419 4TH ST
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316 MT. VIEW AVE.
SAN BERNARDINO, CA 92415-0004

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101 W. BROADWAY #1440
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SAN FRANCISCO, CA 94103

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222 E. WEBER AVE #202
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COUNTY GOVERNMENT CENTER #450
SAN LUIS OBISPO, CA 93408

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701 OCEAN ST. #200
SANTA CRUZ, CA 95060

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1525 COURT ST.
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600 ADMINISTRATION DR. #212J
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1100 I ST. #200
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Leon Dachner, President
Southland Pipe Nipple Co.
5411 McPherson Road
P.O. Box 510
Laredo, TX 78041

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: July 24, 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 July 24, 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 July 24, 2003, at Eureka, California.