



# Klamath

June 4, 2004

EDWARD G. WEIL  
DEPUTY ATTORNEY GENERAL  
OFFICE OF THE ATTORNEY GENERAL  
P.O. BOX 70550  
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Greetings:

This office and the Mateel Environmental Justice Foundation ("Mateel") give you notice that the private business listed on the attached service list, 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 for both Mateel and this office. The above referenced violations occur when California residents come into contact with hand tools, the handles of which are coated with thermoplastic. Examples of these tools are listed on the attached Appendix A. The plastic on the handles of these tools contains high levels of lead and lead compounds ("lead"), chemicals known to cause cancer, birth defects, and other reproductive harm. These private businesses either make or market 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. The lead then enters their bodies when it is 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. These exposures thus occur via the dermal absorption, subcutaneous, inhalation and ingestion routes. These private businesses did not and do not provide people with clear and reasonable warnings before they expose them to lead. The above referenced violations have occurred every day since at least June 4, 2000 and will continue every day until the lead is taken out of these products or until warnings are given. These 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 these products for products made outside of California, except as to workplaces the manufacturer itself maintains in California. Exposures constituting Proposition 65 environmental exposure violations occur both on and off the property of these businesses and in each of California's 58 counties.

## Appendix A

COMPANY NAME	Product
BENCOLE INTERNATIONAL	Inland Performance Tools Stock No. 05213 25 piece kit w/ case
DARICE	Darice Wire Coiling Kit #3958-86
LKG INDUSTRIES INC	Philmore 5" Long Nose Pliers #63-5405  Philmore 8" Adjustable Wrench #63-9608  Philmore Groove Joint Pliers #63-5708
WESTRIM CRAFTS	Westrim Crafts Jeweler's Precision Pliers 5 Piece Mini Plier Set #PC30-8E- 101  Westrim Crafts Chain Nose Pliers #PC90-PE- 000 Michael's #1538  Westrim Crafts Long Nose Pliers w/ Side Cutter #PC10-PE-000 H107

# SERVICE LIST

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COUNTY OF BUTTE  
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COUNTY ADMINISTRATION  
BUILDING  
707 NEVADA ST.  
SUSANVILLE, CA 96130

OFFICE OF THE DISTRICT  
ATTORNEY  
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18000 CRIMINAL COURTS  
BUILDING  
210 W. TEMPLE ST.  
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ATTORNEY  
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ATTORNEY  
COUNTY OF MERCED  
2222 M ST.  
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ATTORNEY  
COUNTY OF MODOC  
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ATTORNEY  
COUNTY OF MONO  
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BRIDGEPORT, CA 93517

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SAN LUIS OBISPO, CA 93408

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SANTA CRUZ, CA 95060

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COUNTY OF SONOMA  
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TUCKER, GA 30084

ED CARPENTER, PRESIDENT  
VICTOR AUTOMOTIVE PRODUCTS,  
INC.  
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DES PLAINES, IL 60016

### 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 4, 2004

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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.

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### CERTIFICATE OF SERVICE

I, Alison Nichols, 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 4, 2004, 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 4, 2004, at Eureka, California. ^