

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

Lead in Light Fixtures - Consumer and Occupational Exposures

June 23, 2006

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 (Proposition 65), see the attached summary provided by the California EPA (copies not provided to public enforcement agencies).
- This Notice of Violation is provided by Michael Ruggie. Mr. Ruggie is a resident of the State of California and is acting in the public interest pursuant to California Health and Safety Code Section 25249.7(d).

Description of Violation:

- The names and address of the violator is Vian, Inc., 5712 Ravenswood Lane, Carmichael, CA 95608.
- The violations have been occurring since at least February 27, 1988 and are continuing to this day.
- This Notice of Violation covers the "warning provision" of Proposition 65, which is found at California Health and Safety Code Section 25249.6.
- The names of the listed chemicals involved in these violations are lead and lead compounds ("Lead"). Exposures to Lead occur from use of the products identified in this Notice.
- The specific type of products causing these violations is light fixtures. These light fixtures are made with and contain Lead. A non-exclusive example of this type of products is the Kichler Pewter Outdoor Light.
- Description of Exposures: The light fixtures that are the subject of this Notice contain Lead. Lead is used in various components of the light fixtures. One non-exclusive example of such Lead-containing components is uncoated solder used to hold metal parts of the light fixtures together. Use of these light fixtures results in consumer and occupational exposures to Lead. The route of exposure for the violations is ingestion via hand to mouth contact, dermal absorption directly through the skin, and inhalation of dust containing Lead. Consumer exposures to these products take place when consumers use, install, service or otherwise touch or handle the products. These exposures occur in homes, schools, workplaces and everywhere else in California where these products are used. Occupational exposures to Lead from the products occur throughout the State of California when workers manufacture, assemble, ship, display, sell, store, handle or otherwise come into contact with the products. Persons exposed include workers in factories, warehouses, and distribution centers and clerks in retail stores that come into contact with the products. This Notice only applies to occupational exposures that occur in the State of California. 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 Michael Ruggie and his counsel Eric S. Somers at Lexington Law Group, LLP, 1627 Irving Street, San Francisco, CA 94122, (415) 759-4111.

CERTIFICATE OF MERIT
Health & Safety Code §25249.7(d)

I, Howard Hirsch, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged that the parties identified in the notice have violated Health & Safety Code §25249.6 by failing to provide clear and reasonable warnings.


2. I am an attorney with the Lexington Law Group, LLP, and I represent the noticing party, Michael Ruggie.

3. Members of my firm and 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 exposures to the listed chemical that is the subject of the action.

4. Based on the information obtained through those consultations, and on 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 plaintiff's case can be established and the information did not prove that the alleged violators will be able to establish any of the affirmative defenses set forth in the statute.

5. The copy of the 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 & Safety Code §25249.7(h)(2), i.e.: (1) the identity of the persons consulted with and relied on by the certifier; and (2) the facts, studies or other data reviewed by those persons.

Dated: June 23, 2006



Howard Hirsch
Attorney for Michael Ruggie

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 Street, San Francisco, California 94122.

On June 23, 2006, I served true copies of the following documents:

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

CERTIFICATE OF MERIT; and

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

I placed a true copy of this paper in an envelope addressed to:

See Attached Service List.

I am readily familiar with my firm's practice for collection and processing of correspondence for mailing with the United States Postal Service, to wit, that correspondence will be deposited with the United States Postal Service this same day in the ordinary course of business. I placed the envelope containing the above-mentioned documents for collection and mailing on June 23, 2006, following the ordinary business practice.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on June 23, 2006, at San Francisco, California.

Signed:


Angela Walker

SERVICE LIST

District Attorney of Alameda County 1225 Fallon Street, Room 900 Oakland, CA 94612	District Attorney of Kings County 1400 West Lacey Hanford, CA 93230	District Attorney of Mono County P.O. Box 617 Bridgeport, CA 93517
District Attorney of Colusa County 547 Market Street Colusa, CA 95932	District Attorney of Lake County 255 N. Forbes Street Lakeport, CA 95453	District Attorney of Mariposa County P.O. Box 730 Mariposa, CA 95338
District Attorney of Contra Costa County 725 Court Street, Room 402 Martinez, CA 94553	District Attorney of Humboldt County 825 5th Street Eureka, CA 95501	District Attorney of Monterey County PO Box 1131 Salinas, CA 93901
District Attorney of Alpine County P.O. Box 248 Markleeville, CA 96120	District Attorney of Imperial County 939 Main Street El Centro, CA 92243	District Attorney of Mendocino County P.O. Box 1000 Ukiah, CA 95482
District Attorney of Del Norte County 450 H Street, Ste 171 Crescent City, CA 95531	District Attorney of Lassen County 220 S. Lassen St., Ste 8 Susanville, CA 96130	District Attorney of Napa County 931 Parkway Mall Napa, CA 94559
District Attorney of Amador County 708 Court Street, #202 Jackson, CA 95642	District Attorney of Inyo County P.O. Drawer D Independence, CA 93526	District Attorney of Merced County 2222 "M" Street Merced, CA 95340
District Attorney of Butte County 25 County Center Drive Oroville, CA 95965	District Attorney of Los Angeles County 210 W. Temple Street, Room 345 Los Angeles, CA 90012	District Attorney of Nevada County 201 Church St., Suite 8 Nevada City, CA 95959
District Attorney of El Dorado County 515 Main Street Placerville, CA 95667	District Attorney of Madera County 209 West Yosemite Avenue Madera, CA 93637	District Attorney of Orange County 401 Civic Ctr Drive West Santa Ana, CA 92701
District Attorney of Calaveras County 891 Mountain Ranch Road San Andreas, CA 95249	District Attorney of Kern County 1215 Truxtun Avenue Bakersfield, CA 93301	District Attorney of Modoc County 204 S Court Street Alturas, CA 96101-4020
District Attorney of Fresno County 2220 Tulare Street, #1000 Fresno, CA 93721	District Attorney of Marin County 3501 Civic Center Dr., Room 183 San Rafael, CA 94903	District Attorney of Placer County 11562 "B" Avenue Auburn, CA 95603
District Attorney of Glenn County P.O. Box 430 Willows, CA 95988		District Attorney of San Bernardino County 316 N. Mountain View Avenue San Bernardino, CA 92415

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Quincy, CA 95971

District Attorney of San Diego
County
330 West Broadway, Suite
1320
San Diego, CA 92112

District Attorney of Riverside
County
4075 Main Street, 1st Floor
Riverside, CA 92501

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

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

District Attorney of San Luis
Obispo County
1050 Monterey St, Room 450
San Luis Obispo, CA 93408

District Attorney of San Benito
County
419 Fourth Street, 2nd Floor
Hollister, CA 95023

District Attorney of San Mateo
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400 County Ctr, 3rd Fl
Redwood City, CA 94063

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

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San Francisco City Attorney's
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Ed Weil, Deputy Attorney
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