



# Klamath

June 29, 2006

EDWARD G. WEIL  
DEPUTY ATTORNEY GENERAL  
OFFICE OF THE ATTORNEY GENERAL  
P.O. BOX 70550  
OAKLAND CA 94612-0550

Greetings:

This office and the Mateel Environmental Justice Foundation ("Mateel") give you notice that the private businesses on the attached service list have been, are, will be and threaten 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 brass padlocks. A list of specific examples of the specific types of products at issue is attached. The bodies of these brass locks are made from leaded brass, which contains lead and lead compounds ("lead"), which are chemicals known to cause cancer, birth defects and other reproductive harm. California residents are exposed to lead when they handle these locks while using them to secure their property, or when they are unlocking them to gain access to their property. Lead is transferred from the brass locks 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 from the skin to the mouth via oral contact either directly with the brass, 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. These lead exposures thus occur via the dermal absorption, subcutaneous, mucus membrane, ingestion and inhalation routes. The listed businesses did not and do not provide people with clear and reasonable warnings before they expose them to lead. These violations have occurred every day since at least June 29, 2003, and will continue every day until the lead is removed from the brass locks, 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 brass locks made outside of California, except as to workplaces these companies themselves maintain in California. Exposures constituting Proposition 65 environmental exposure violations occur both on and off these private businesses and in each of California's 58 counties.

Cordially,



William Verick

## PRODUCT LIST

### **AMERICAN LOCK COMPANY/MASTER LOCK COMPANY**

AMERICAN LOCK SOLID BRASS PADLOCK #42CC UPC: 037325 090119: This product description pertains not only to the specific model of the product listed, but also for all units of all models of similar types of products.

### **EZ-FLO INTERNATIONAL, INC.**

EZ-FLO 1-1/2" BRASS PADLOCK PART NO. 57158 UPC: 091712 571582: This product description pertains not only to the specific model of the product listed, but also for all units of all models of similar types of products.

### **HAMPTON PRODUCTS INTERNATIONAL CORPORATION/MOUNTAIN SECURITY**

MOUNTAIN SECURITY 2" SOLID BRASS PADLOCK #201-50001 UPC: 039208 955409: This product description pertains not only to the specific model of the product listed, but also for all units of all models of similar types of products.

### **HICKORY HARDWARE, INC.**

FIRST WATCH 2" PADLOCK #4140: This product description pertains not only to the specific model of the product listed, but also for all units of all models of similar types of products.

### **ORCHARD SUPPLY HARDWARE CORPORATION**

BRASS PADLOCK Item#73301 SKU#6690580 MODEL#25B3040 UPC:732799 823200: This product description pertains not only to the specific model of the product listed, but also for all units of all models of similar types of products.

### **RITE-HITE CORPORATION**

RITE-HITE SECURITY TOP SECURITY SOLID BRASS PADLOCK MODEL NO: FJL01-250L UPC: 758309 433745: This product description pertains not only to the specific model of the product listed, but also for all units of all models of similar types of products.

### **SEARS ROEBUCK AND CO.**

CRAFTSMAN HIGH SECURITY 2 IN. BRASS COMBINATION LOCK #958707 NO UPC and CRAFTSMAN 2-3/8 IN. BRASS PADLOCK #958706 UPC: 078217 587065: This product description pertains not only to the specific models of the products listed, but also for all units of all models of similar types of products.

# SERVICE LIST

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ATTORNEY  
COUNTY OF BUTTE  
25 COUNTY CENTER DR.  
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ATTORNEY  
COUNTY OF CALAVERAS  
GOVERNMENT CENTER  
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COUNTY OF TUOLUMNE  
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VENTURA COUNTY DISTRICT  
ATTORNEY'S OFFICE  
c/o GREGORY BROSE D.D.A.  
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JOHN N. HEPPNER, PRESIDENT  
MASTER LOCK COMPANY  
137 W. FOREST HILL AVE.  
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EZ-FLO INTERNATIONAL, INC.  
SALEEM A LAHLOUH, PRESIDENT  
2750 E MISSION BLVD  
ONTARIO, CA 91761

HAYWARD K KELLEY III, PRESIDENT  
HAMPTON PRODUCTS  
INTERNATIONAL CORPORATION  
50 ICON STREET  
FOOTHILL RANCH, CA 92610

JOHN WESTENDORF, PRESIDENT,  
HICKORY HARDWARE  
109 KIRBY DRIVE  
PORTLAND, TN 37148

ORCHARD SUPPLY HARDWARE  
CORPORATION  
ROBERT LYNCH, CEO  
3333 BEVERLY ROAD, B2-130B  
HOFFMAN ESTATES, IL 60179

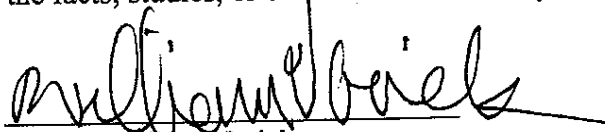
MICHAEL WHITE, CEO  
RITE-HITE CORPORATION  
P.O. BOX 245020  
MILWAUKEE, WI 53224

AYLWIN B LEWIS, PRESIDENT  
SEARS, ROEBUCK AND CO.  
3333 BEVERLY ROAD, B2-130B  
HOFFMAN ESTATES, IL 60179

### 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 29, 2006

  
William Verick

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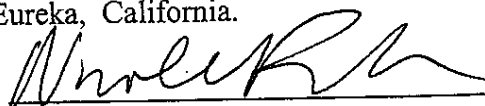
This notice alleges the violation of Proposition 65 with respect to occupational exposures governed by the California State Plan for Occupational Safety and Health. The State Plan incorporates the provisions of Proposition 65, as approved by Federal OSHA on June 6, 1997. This approval specifically placed 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, Nicole Frank, 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 29, 2006 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 29, 2006, at Eureka, California.

  
Nicole Frank