

July 31, 2006

Robert L. Nardelli
Chairman, President, and CEO
The Home Depot, Inc.
2455 Paces Ferry Rd., Northwest
Atlanta, GA 30339-4024

Re: 60 Day Notice of Intent to Sue The Home Depot, Inc. For Violating California Health & Safety Code Section 25249.6

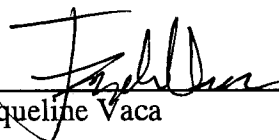
Dear sir:

I am sending you this second letter to give you sixty days notice of my intent to sue your company for violating Proposition 65 (Health & Safety Code Section 25249.6) at your store located at 7100 Warner Avenue, Huntington Beach, CA 92647. The following is the required information for this notice:

1. My name is Jaqueline Vaca, my address is 2012 Cherokee, Tustin, California and my telephone number is (714) 209-6216.
 2. Your company name is The Home Depot, Inc.
 3. The incidents which led to this letter occurred in the last month. I have since returned to the store yesterday and despite the earlier 60 Day Notice you still do not have the required warning.
 4. The name of the listed chemicals are toluene, benzene, ethylbenzene and formaldehyde which are identified on the labels of the paints you sell and mix and which are released into the air when those cans are opened by your staff prior to working with the paints in your "Color Solutions Center" in the paint aisle of your store.
 5. People like me are exposed to these chemicals when they breathe them at your store when the paint cans are opened and poured into the machine prior to mixing the paints by your employees.
 6. The "service" you provide which requires a warning is your Color Solutions Center, located in your "Paints" aisle. In that area customers use color swatches to determine the particular color of paint they want. Your employees take the swatch, choose the paint cans to work with, open them, releasing paint fumes and vapors into the open air, and then pour the paints together in the machine. This releases paint fumes into the open air to be breathed in by customers, like myself, and employees near where the work is done. The paint fumes and vapors contain the chemicals toluene, benzene, ethylbenzene and formaldehyde which are listed
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- by the State of California as requiring a Proposition 65 warning. I saw no warning at all displayed in the paint aisle or at the "Color Solutions Center".
7. I was exposed in early July on a Sunday when I went to your store located at 7100 Warner Avenue, Huntington Beach, CA 92647. The store was busy and while I was in the aisle, behind other people where the Color Solutions Center is located waiting to deal with one of your employees, I became aware of the very strong smell of paint fumes. The fumes were coming from the desk a few feet in front of me where your employees were working with paint from open cans and operating the mixing machine in front of us. There were open cans on the desk and others on the floor around the desk near the mixing machines. My local WalMart, which provides a similar service, has a "Prop 65 Warning" sign in the paint area at the desk. Home Depot knows that the paints it opens and mixes contain these dangerous chemicals because they are listed on the paint cans themselves sold by your company, but does not provide the warning it is required to have, even though other stores in the same business do.
 8. Attached with this letter is the required copy of "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary."
 9. Also with this letter is a "Certificate of Merit".
 10. This letter and supporting information has been sent to the Office of the Attorney General and the Orange County District Attorney. If you wish to talk about this matter please contact my counsel, Anthony G. Graham of Graham & Martin LLP, 950 South Coast Drive, Suite 220, Costa Mesa, CA 92626, telephone number (714) 850-9390.

Yours,



Jaqueline Vaca

CERTIFICATE OF MERIT

I, Jackie Vaca, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged that Home Depot, Inc. has violated Health and Safety Code section 25249.6 by failing to provide a clear and reasonable warning for exposure to paint fumes.

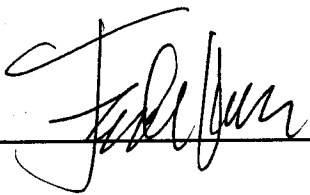
2. I am the person who prepared and sent the 60 Day Notice. I have consulted with one or more persons with relevant and appropriate experience or expertise who have reviewed facts, studies, or other data regarding the alleged exposures to the listed chemicals that are the subject of the action.

3. 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.

4. 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 persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Tustin, California on July 31, 2006.



CERTIFICATE OF SERVICE

I am over the age of 18 and not a party to this case. I am a resident of the county where the mailing occurred. My address is 2012 Cherokee, Tustin, California 92782.

I served the 60-Day Notice of Intent to Sue Under Health & Safety Code Section 24249.6 and "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary", by US Mail on July 31, 2006 on the following persons:

Robert L. Nardelli
Chairman, President, and CEO
The Home Depot, Inc.
2455 Paces Ferry Rd., Northwest
Atlanta, GA 30339-4024

California Attorney General
Proposition 65 Notice
1515 Clay Street, 20th Floor
P O Box 70550
Oakland, CA 94612

Orange County District Attorney
700 Civic Center Dr. W., 2nd Fl.
Santa Ana, CA 92701

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: July 31, 2006

