



# Klamath

October 19, 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 products that are made of, or incorporate parts made of, brass and/or bronze (collectively "brass products"). A list of examples of the specific types of products at issue is attached. Though the products on the attached list are listed with a product number or SKU, this Notice pertains to all products of the same specific type, not just to those products, the specific numbers for which are listed in the product list. The brass products are made in whole, or in part, 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 whenever they handle these brass products, such as when buying them, when handling them, or when using them. Lead is transferred from the brass products 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 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 October 19, 2003, and will continue every day until the lead is removed from the brass products, 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 products 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 the companys' property and in each of California's 58 counties.

Cordially,  
  
William Verick

424 First Street, Eureka, CA 95501 • 707.268.8900 (phone) 707.268.8901 (fax)

## PRODUCTS LIST

### **CFM CORPORATION**

GRILL LIFE UNIVERSAL 4' HOSE & ADAPTOR #D600-8051 UPC: 060197 001037; GRILL LIFE UNIVERSAL P.O.L. REGULATOR AND HOSE ASSEMBLY #D600-8034 UPC: 060197 001020 This product description pertains not only to the specific models of the products listed, but also for all units of all models of the same types of products.

### **CHAPIN INTERNATIONAL, INC.**

CHAPIN BRASS ADJUSTABLE SPRAY NOZZLE #6-6002 UPC: 023883 660024 This product description pertains not only to the specific model of the product listed, but also for all units of all models of the same types of products.

### **FORNEY INDUSTRIES, INC.**

FORNEY T-STYLE COUPLER #75309 UPC: 032277 753099; 200-300 AMP LIGHT DUTY BRASS GROUND CLAMP "TOUGH & DURABLE FOR EVERYDAY USE" UPC: 032277 543003 This product description pertains not only to the specific models of the products listed, but also for all units of all models of the same types of products.

### **THE HOME DEPOT, INC.**

HUSKY BRASS COUPLER W/3/8" HOSE BARB STYLE "U" 1/4" USA SKU 414-084 UPC 045564 605568 This product description pertains not only to the specific model of the product listed, but also for all units of all models of the same types of products.

### **NEWELL RUBBERMAID, INC.**

BERNZOMATIC BASIC USE PENCIL FLAME TORCH #UL2317, #97497 UPC: 070042 192209 This product description pertains not only to the specific model of the product listed, but also for all units of all models of the same types of products.

### **SEA-DOG CORP**

SEA DOG SAND CAST BRONZE OARLOCK #580770-1 UPC: 035514 580144; SEA DOG SAND CAST BRONZE OARLOCK #580791-1 UPC: 035514 580168; SEA DOG SAND CAST BRONZE OARLOCK #580790-1 UPC: 035514 580151; BRONZE OARLOCK ANGLE MOUNT #580820-1 UPC: 035514 580199 This product description pertains not only to the specific models of the products listed, but also for all units of all models of the same types of products.

### **THE STANLEY WORKS**

STANLEY PROFESSIONAL GRADED 20 PC. ACCESSORY KIT FOR USE WITH AIR COMPRESSORS # 97-124 UPC: 076174 971248 This product description pertains not only to the specific model of the product listed, but also for all units of all models of the same types of products.

### **THERMADYNE INDUSTRIES, INC.**

TURBOTORCH EXTREME MODEL A-8, PART NO. 0386-0103 UPC: 716352 011402 This product description pertains not only to the specific model of the product listed, but also for all units of all models of the same types of products.

### **WAL-MART STORES, INC.**

OZARK TRAIL LANTERN LIGHTER #503A UPC: 056389 105034 This product description pertains not only to the specific model of the product listed, but also for all units of all models of the same types of products.

# SERVICE LIST

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COUNTY OF BUTTE  
25 COUNTY CENTER DR.  
OROVILLE, CA 95965

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GOVERNMENT CENTER  
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220 SOUTH LASSEN ST. STE 8  
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OFFICE OF THE DISTRICT ATTORNEY  
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THE HOME DEPOT, INC.  
ROBERT L. NERDELLI, CEO  
2727 PACES FERRY ROAD  
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NEWELL RUBBERMAID, INC.  
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SEA-DOG CORP  
BRADLEY M. NYSETER, PRESIDENT  
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THE STANLEY WORKS  
JOHN F. LUNDGREN, CEO  
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NEW BRITAIN, CT 06053

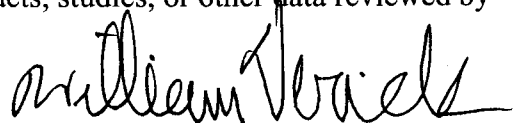
THERMADYNE INDUSTRIES, INC.  
PAUL D MELNUK, CEO  
16052 SWINGLEY RIDGE RD # 300  
CHESTERFIELD, MO 63017-2079

WAL-MART STORES, INC.  
H. LEE SCOTT, PRESIDENT & CEO  
702 SW 8TH STREET MS #0555  
BENTONVILLE, AR 72716-0555

### 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: October 19, 2006

  
William Verick

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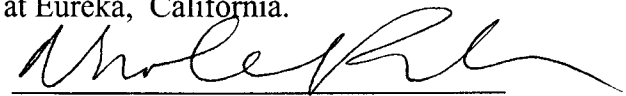
This notice alleges the violation of Proposition 65 with respect to occupational exposures governed by the California State Plan for Occupational Safety and Health. The State Plan incorporates the provisions of Proposition 65, as approved by Federal OSHA on June 6, 1997. This approval specifically placed 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. October 19, 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 October 19, 2006, at Eureka, California.

  
Nicole Frank