Klamath

March 22, 2007

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") hereby give you notice that Pro Specialties Group, Inc. ("Pro Specialties) is in violation of Cal. Health & Safety Code § 25249.6. This office and Mateel are both private enforcers of Proposition 65, both organizations may be reached at the below listed address and telephone number, I may be considered a "responsible individual" at both organizations, and I may be contacted at the same address and telephone number. The above referenced violations occur when Pro Specialties markets decorative lights: the kind of lights people put on their Christmas trees, around their windows and porches and along their eves. These lights are not necessarily associated with Christmas - there are varieties for Halloween, Thanksgiving and many other occasions. A specific example of these lights is NFL Football Lights—Raiders UPC Code No. 657175 083484. The wires of these holiday string lights are coated with polyvinyl chloride ("PVC"). Handling of, and contact with, these PVC-coated wires on these lights exposes people to cadmium, hexavalent chromium compounds, vinyl chloride, lead and lead compounds, lead acetate, lead phosphate, lead subacetate, and di(2-ethylhexyl) phthalate (collectively hereinafter, "Proposition 65 chemicals"). These exposures occur when people handle these lights -- to install them, to take them down, to replace burned out bulbs. When people handle the lights, Proposition 65 chemicals in the PVC come off on their hands and, via hand-to-mouth and hand-to-food then food-to-mouth behavior, the chemicals are ingested. Some of the Proposition 65 chemicals are also absorbed through the skin, some make their way through the skin via abrasions, cuts and punctures, and some of the dust on these lights is inhaled. Exposures are thus via the dermal, ingestion, inhalation and sub-cutaneous routes. These exposures (and resulting violations) occur occupationally, environmentally, and as the result of the sale of consumer products and/or services. In occupational settings, the type of work that is done during which the above-referenced exposures occur is the handling of, and contact with, the PVC coated wires on these holiday string lights including during manufacture, installation, maintenance, handling. These violations have occurred every day since at least March 22, 2004 and will continue every day until reasonable warnings are given to those people exposed. We do not allege occupational-exposure violations as to products Pro Specialties makes outside of California, except as to workplaces that Pro Specialties itself maintains in California. Environmental-exposure violations occur in every county of the State and occur both on and off the property of Pro Specialties.

Cordially,

William Verick

424 First Street, Eureka, CA 95501 • (707) 268-8900 (phone) (707) 268-8901 (fax)

# SERVICE LIST

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CITY OF SAN JOSE
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GOVERNMENT CENTER
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MICHAEL C H LIN, CEO
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SAN DIEGO, CA 92123

## 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: March 22, 2007

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 March 22, 2007, 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 March 22, 2007, at Eureka, California.

Nicole Frank