



# Klamath

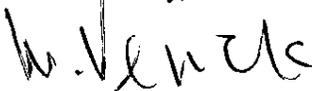
October 17, 2007

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") 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 leaded brass components (brass group heads, boilers, tubes, fittings, steam wands and porta filters, collectively hereinafter "leaded brass plumbing") in espresso and coffee machines ("espresso machines") and when they drink beverages, the water for which has flowed through the leaded brass plumbing in these machines. A list of specific examples of the specific types of products at issue is attached. The leaded brass plumbing through which water flows in these espresso machines is 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 whenever they handle the leaded brass plumbing in these machines, such as when adjusting, maintaining or repairing the machines, or when drinking beverages (such as coffee drinks or tea) that are made from water that has flowed through the leaded brass plumbing. Lead is transferred from the brass to peoples' 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. Lead also leaches from the leaded brass plumbing into the water that flows through this plumbing and is then made into drinks that are drunk. 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 17, 2004, and will continue every day until the lead is removed from the brass plumbing in these machines, 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 espresso machine 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 private businesses' property and in each of California's 58 counties.

Cordially,



William Verick

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## SERVICE LIST

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702 SW 8TH STREET  
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EDWARD A MUELLER, CEO  
HOWARD LESTER, CEO  
WILLIAMS-SONOMA, INC  
3250 VAN NESS AVE  
SAN FRANCISCO, CA 94109

## PRODUCTS LIST

### **COSTCO WHOLESALE CORPORATION**

PRIMA ESPRESSO MAKER V41006; GAGGIA BABY D MODEL# 11300 S/N# 1106205434 12/06; FARBERWARE MILLENIUM ESPRESSO MAKER W/ 15 BAR PUMP #FES15B; SAECO AROMA This product description pertains not only to the specific models of the products listed, but also for all units of all models of brass espresso machines.

### **CMA SpA**

EURO 2000 JUNIOR RANCILIO S 26 This product description pertains not only to the specific model of the product listed, but also for all units of all models of brass espresso machines.

### **DUALIT LTD**

DUALIT ESPRESSO US CHROME MODEL# 84024 This product description pertains not only to the specific model of the product listed, but also for all units of all models of brass espresso machines.

### **GRUPPO CIMBALI SpA**

LA CIMBALI ESPRESSO DOMUS TRONIC BLACK #893756 This product description pertains not only to the specific model of the product listed, but also for all units of all models of brass espresso machines.

### **J. C. PENNEY CORPORATION, INC**

SAECO STAINLESS STEEL AROMA INOX PUMP ESPRESSO MACHINE This product description pertains not only to the specific model of the product listed, but also for all units of all models of brass espresso machines.

### **LIFETIME BRANDS, INC.**

FARBERWARE MILLENIUM ESPRESSO MAKER W/ 15 BAR PUMP #FES15B This product description pertains not only to the specific model of the product listed, but also for all units of all models of brass espresso machines.

### **LINENS 'N THINGS, INC.**

DUALIT ESPRESSO US MODEL 84024 S/N# 0410; ESPRESSIONE CAFE RETRO MODEL # 1385 ESPRESSO MACHINE This product description pertains not only to the specific models of the products listed, but also for all units of all models of brass espresso machines.

### **RANCILIO MACCHINE PER CAFFE SpA / RANCILIO NORTH AMERICA, INC.**

RANCILIO S 26; RANCILIO SYLVIA This product description pertains not only to the specific models of the products listed, but also for all units of all models of brass espresso machines.

### **SAECO INTERNATIONAL GROUP SpA / SAECO USA, INC**

SAECO STAINLESS STEEL AROMA INOX PUMP ESPRESSO MACHINE; GAGGIA BABY GAGGIA D MODEL #11300; SAECO AROMA This product description pertains not only to the specific models of the products listed, but also for all units of all models of brass espresso machines.

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

ESPRESSIONE CAFE RETRO MODEL # 1385 ESPRESSO MACHINE; BRIEL DOMUS DUE #ES161AMB-TB This product description pertains not only to the specific models of the products listed, but also for all units of all models of brass espresso machines.

### **TARGET CORPORATION**

SAECO AROMA; ESPRESSIONE CAFE RETRO MODEL #1385 ESPRESSO MACHINE This product description pertains not only to the specific models of the products listed, but also for all units of all models of brass espresso machines.

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

SAECO STAINLESS STEEL AROMA INOX PUMP ESPRESSO MACHINE; DUALIT ESPRESSO US CHROME MODEL# 84024 This product description pertains not only to the specific models of the products listed, but also for all units of all models of brass espresso machines.

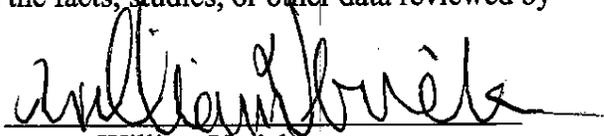
### **WILLIAMS-SONOMA, INC.**

ELEKTRA CASA SEMI AUTOMATICA CHROME; PAVONI 8CUP CHROME EUROPICOLA This product description pertains not only to the specific models of the products listed, but also for all units of all models of brass espresso machines.

**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 17, 2007

  
William Verick

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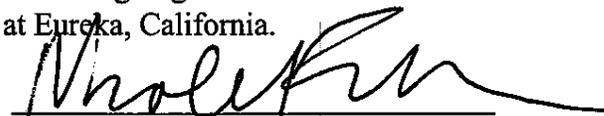
This notice alleges the violation of Proposition 65 with respect to occupational exposures governed by the California State Plan for Occupational Safety and Health. The State Plan incorporates the provisions of Proposition 65, as approved by Federal OSHA on June 6, 1997. This approval specifically placed 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 October 17, 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 October 17, 2007, at Eureka, California.

  
Nicole Frank