



Klamath

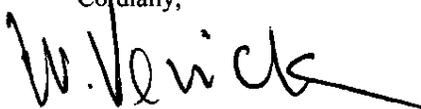
October 31, 2007

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 Cost Plus, Inc. ("Cost Plus") has been, is, will be and threatens 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 the brass valves or stopcocks on lemonade jars and water tanks (hereinafter "brass valved beverage dispensers"), and when they drink beverages that have flowed through the leaded brass valves/stopcocks. A specific example of the products to which this notice pertains is: Blue Speckleware Water Tanks, Sku # 391163; Yellow Speckleware Water Tanks, Sku #378322; Green Speckleware Water Tanks, SKU #378321; Glass Water Tanks, SKU # 378251 These product descriptions pertain not only to the specific models of the products listed, but also for all units of all models of brass valved beverage dispensers. The valves or stopcocks on these brass valved beverage dispensers 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 whenever they handle the brass valves/stopcocks, such as when serving beverages from these products, when washing them, or when drinking beverages that have flowed through the brass valves/stopcocks. 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 brass into the beverages that flow through the brass valves/stopcocks and is then drunk. These lead exposures thus occur via the dermal absorption, subcutaneous, mucous membrane, ingestion and inhalation routes. Cost Plus did not and does not provide people with clear and reasonable warnings before it exposes them to lead. These violations have occurred every day since at least October 31, 2004, and will continue every day until the lead is removed from the brass valves/stopcocks, 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 valved beverage dispenser made outside of California, except as to workplaces Cost Plus itself maintains in California. Exposures constituting Proposition 65 environmental exposure violations occur both on and off Cost Plus, Inc.'s 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)

SERVICE LIST

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CITY HALL ROOM 206
400 VAN NESS
SAN FRANCISCO, CA 94102

OFFICE OF THE CITY ATTORNEY
CITY OF SACRAMENTO
980 9th Street, 10th Floor
SACRAMENTO, CA 95814

OFFICE OF THE CITY ATTORNEY
CITY OF SAN JOSE
151 W. MISSION ST.
SAN JOSE, CA 95110

OFFICE OF THE CITY ATTORNEY
CITY OF LOS ANGELES
200 N. MAIN ST.
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CITY OF SAN DIEGO CONSUMER &
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MARKLEEVILLE, CA 96120

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COUNTY OF AMADOR
708 COURT STREET
JACKSON, CA 95642

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

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF CALAVERAS
GOVERNMENT CENTER
891 MOUNTAIN RANCH ROAD
SAN ANDREAS, CA 95249

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547 MARKET STREET
COLUSA, CA 95932

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COUNTY OF DEL NORTE
450 H ST #171
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COUNTY OF EL DORADO
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PLACERVILLE, CA 95667

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COUNTY OF FRESNO
2220 TULARE ST #1000
FRESNO, CA 93721

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COUNTY OF GLENN
P.O. BOX 430
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939 W. MAIN ST
EL CENTRO, CA 92243

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P.O. DRAWER D
INDEPENDENCE, CA 93526

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COUNTY OF KINGS
1400 W. LACEY BLVD.
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COUNTY OF LAKE
255 N. FORBES ST # 424
LAKEPORT, CA 95453

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ATTORNEY
COUNTY OF LASSEN
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COUNTY OF LOS ANGELES
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LOS ANGELES, CA 90012

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ATTORNEY
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OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF MARIN
HALL OF JUSTICE #183
SAN RAFAEL, CA 94903

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COUNTY OF MARIPOSA
P.O. BOX 730
MARIPOSA, CA 95338

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COUNTY OF MENDOCINO
PO BOX 1000
UKIAH, CA 95482

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF MERCED
2222 N ST.
MERCED, CA 95340

OFFICE OF THE DISTRICT
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204 SOUTH COURT STREET
ALTURAS, CA 96101

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COUNTY OF MONO
P.O. BOX 617
BRIDGEPORT, CA 93517

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P.O. BOX 1131
SALINAS, CA 93902

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931 PARKWAY MALL
P.O. BOX 720
NAPA, CA 94559-0720

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COUNTY OF NEVADA
COURTHOUSE ANNEX
NEVADA CITY, CA 95959

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COUNTY OF ORANGE
401 CIVIC CENTER DR WEST
SANTA ANA, CA 92701

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COUNTY OF PLACER
11562 B AVE
AUBURN, CA 95603-2687

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COUNTY OF PLUMAS
520 MAIN STREET #404
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COUNTY OF RIVERSIDE
4075 MAIN ST.
RIVERSIDE, CA 92501

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419 4TH ST
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COUNTY OF SAN BERNARDINO
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SAN BERNARDINO, CA 92415-0004

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330 W. BROADWAY
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SAN FRANCISCO, CA 94103

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STOCKTON, CA 95202

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COUNTY OF SAN LUIS OBISPO
COUNTY GOVERNMENT CENTER #450
SAN LUIS OBISPO, CA 93408

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HALL OF JUSTICE AND RECORDS
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COUNTY OF SANTA CLARA
70 W. HEDDING ST.
SAN JOSE, CA 95110

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COUNTY OF SANTA CRUZ
701 OCEAN ST. #200
SANTA CRUZ, CA 95060

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YREKA, CA 96097

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COUNTY OF SOLANO
600 UNION AVE
FAIRFIELD, CA 94533

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COUNTY OF SONOMA
600 ADMINISTRATION DR. #212J
SANTA ROSA, CA 95403

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1100 I ST. #200
MODESTO, CA 95354

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YUBA CITY, CA 95993

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COUNTY OF TEHAMA
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REDBLUFF, CA 96080

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COURTHOUSE #224
VISALIA, CA 93291

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800 SOUTH VICTORIA AVE
VENTURA, CA 93009

OFFICE OF THE DISTRICT ATTORNEY
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301 SECOND STREET
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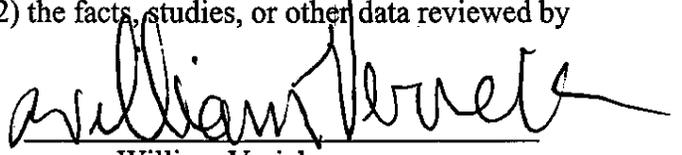
OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF YUBA
215 5TH ST.
MARYSVILLE, CA 95901

BARRY J. FELD, CEO
COST PLUS, INC.
200 4TH STREET
OAKLAND, CA 94607

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 31, 2007


William Verick

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.

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 31, 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 31, 2007, at Eureka, California.


Nicole Frank