

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

Lead in Light Fixtures

January 11, 2008

This Notice of Violation is provided to you pursuant to and in compliance with California Health and Safety Code Section 25249.7(d).

- For general information regarding the California Safe Drinking Water and Toxic Enforcement Act (Proposition 65), see the attached summary provided by the California EPA (copies not provided to public enforcement agencies).
- This Notice of Violation is provided by the Center for Environmental Health ("CEH"), 528 61st Street, Suite A, Oakland, CA 94609, (510) 594-9864. CEH is a nonprofit corporation dedicated to protecting the environment, improving human health and supporting environmentally sound practices. Michael Green is the Executive Director of and a responsible individual within CEH.

Description of Violation:

- The names and addresses of the violators are attached hereto as Exhibit 1.
- The violations have been occurring since at least January 11, 2005 and are continuing to this day.
- This Notice of Violation covers the "warning provision" of Proposition 65, which is found at California Health and Safety Code Section 25249.6.
- The names of the listed chemicals involved in these violations are lead and lead compounds ("Lead"). Exposures to Lead occur from use of the products identified in this Notice.
- The specific type of products causing these violations is light fixtures. These light fixtures are made with and contain Lead. A list of non-exclusive examples of this specific type of products is attached hereto as Exhibit 2.
- Description of Exposures: The light fixtures that are the subject of this Notice contain Lead. Lead is used in various components of the light fixtures. For example, the Products use uncoated casing or solder to hold metal parts of the light fixtures together. Use of these light fixtures results in consumer exposures to Lead. The route of exposure for the violations is ingestion via hand to mouth contact, dermal absorption directly through the skin, and inhalation of dust containing Lead. These exposures take place when consumers use, install, clean, service or otherwise touch or handle the products. These exposures occur in homes, schools, workplaces and everywhere else in California where these products are used. No clear and reasonable warning is provided with these products regarding the carcinogenic or reproductive hazards of Lead.

Resolution of Noticed Claims:

Based on the allegations set forth in this Notice, CEH intends to file a citizen enforcement lawsuit against each of the violators named herein unless the alleged violator enters into a binding written agreement to: (1) recall products already sold; (2) provide a clear and reasonable warning for products sold in the future or reformulate such products to eliminate the Lead exposure; and (3) pay an appropriate civil penalty based on the factors enumerated in California Health and Safety Code Section 25249.7(b). If any of the alleged violators is interested in resolving this dispute without resort to expensive and time-consuming litigation, please feel free to contact CEH through its counsel identified below. It should be noted that CEH cannot: (1) finalize any settlement until after the 60-day notice period has expired; nor (2) speak for the Attorney General or any District or City Attorney who received CEH's 60-day Notice. Therefore, while reaching an agreement with CEH will resolve its claims, such agreement may not satisfy the public prosecutors.

Please direct any inquiries regarding this notice to counsel for the Center for Environmental Health: Howard Hirsch, Lexington Law Group, LLP, 1627 Irving Street, San Francisco, CA 94122, (415) 759-4111.

Exhibit 1: List of Violators

Allied Trade Group, Inc.
11730 118th Avenue NE, Suite 100
Kirkland, WA 98034

American-De Rosa Lamparts, Inc.
1945 S. Tubeway Avenue
Commerce, CA 90040-1611

American De Rosa Lamparts LLC
1945 S. Tubeway Avenue
Commerce, CA 90040-1611

Eurofase, Inc.
33 West Beaver Creek Road
Richmond Hill, ON
Canada L4B 1L8

Landmark Lighting, Inc.
2311 Boswell Rd. Ste. 7
Chula Vista, CA 91914

Livex Lighting Inc.
1 Cory Road
Morristown, NJ 079660

Minka Lighting Inc.
1151 Bradford Circle
Corona, CA 92882

Norwell Mfg. Co. Inc.
82 Stevens Street
East Taunton, MA 02718

Progress Lighting, Inc.
701 Millenium Blvd.
Greenville, SC 29607

R.A.M. Lighting Ltd.
300 Bronte Street South
Milton, Ontario
Canada L9T 2X6

Triarch International, Inc.
1190 Northwest 159th Drive
Miami, FL 33169

Vaxcel International Co., Ltd.
121 E. North Avenue
Carol Stream, IL 60188

Exhibit 2: Non-Exclusive Examples of the Products

Non-Exclusive Example of the Products	Item or SKU #	Noticed Parties
Meyda Tiffany (3)60W A19 Med. Incandescent, 16" x 10"	799503 27444	Allied Trade Group, Inc.
3 Light Curved Solid Brass Lantern	36726 LD30 7557PB	American-De Rosa Lamparts, Inc.; American De Rosa Lamparts, LLC
Eurofase Lakewood Rust Halogen Wall Sconce	13703-035	Eurofase Inc.; Allied Trade Group, Inc.
Mission Antique Brass Finish Ceiling Light	990-A	Landmark Lighting, Inc.
Livex Lighting Antique Brass Large Flush Mount Ceiling Fixture	1490472 7013-01	Livex Lighting Inc.; Allied Trade Group, Inc.
Minka Lavery Polished Brass Flush Mount Ceiling Fixture	F34-22	Minka Lighting Inc.
Clear Beveled Polished Brass Exterior Sconce	1067-PB-BE	Norwell Mfg. Co. Inc.
Golden Baroque Tiffany Lantern	P5994-50	Progress Lighting Inc.
Sarum-14" Semi-Flush Mount Ceiling Fixture	62-14SF	R.A.M. Lighting Ltd.
Mission Outdoor Wall Mount	75360-10	Triarch International, Inc.
7" Outdoor Wall Light Antique Brass w/ Motion Sensor	OW6713A-MS	Vaxcel International Co., Ltd.

CERTIFICATE OF MERIT

Health & Safety Code §25249.7(d)

I, Howard Hirsch, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged that the parties identified in the notice have violated Health & Safety Code §25249.6 by failing to provide clear and reasonable warnings.

2. I am an attorney with the Lexington Law Group, LLP, and I represent the noticing party, the Center for Environmental Health.

3. Members of my firm and 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 exposures to the listed chemical that is the subject of the action.

4. Based on the information obtained through those consultations, and on 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 plaintiff's case can be established and the information did not prove that the alleged violators will be able to establish any of the affirmative defenses set forth in the statute.

5. The copy of the 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 & Safety Code §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.

Dated: January 11, 2008



Howard Hirsch
Attorney for the Center for Environmental
Health

PROOF OF SERVICE BY MAIL

I declare that:

I am employed in San Francisco County, California. I am over the age of 18 years and not a party to the within cause; my business address is 1627 Irving Street, San Francisco, California 94122.

On January 11, 2008, I served true copies of the following documents:

NOTICE OF VIOLATION OF CALIFORNIA SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT;

CERTIFICATE OF MERIT; and

THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY (only sent to those on service list marked with asterisks).

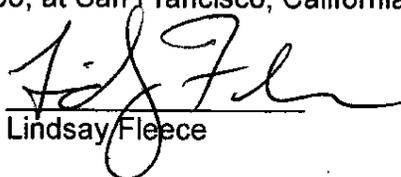
I placed a true copy of this paper in an envelope addressed to:

See Attached Service List.

I am readily familiar with my firm's practice for collection and processing of correspondence for mailing with the United States Postal Service, to wit, that correspondence will be deposited with the United States Postal Service this same day in the ordinary course of business. I placed the envelope containing the above-mentioned documents for collection and mailing on January 11, 2008, following the ordinary business practice.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on January 11, 2008, at San Francisco, California.

Signed:


Lindsay Fleece

SERVICE LIST

District Attorney of Alameda
County
1225 Fallon Street, Room
900
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Colusa, CA 95932

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Napa, CA 94559

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Riverside, CA 92501

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San Jose, CA 95113

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200 N. Main Street
Los Angeles, CA 90012

San Diego City Attorney's
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1200 3rd Avenue #1620
San Diego, CA 92101

San Francisco City Attorney's
Office
City Hall, Room 234
San Francisco, CA 94102

California Attorney General's
Office
Attention: Proposition 65
Coordinator
1515 Clay Street, Suite 2000
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