



Klamath

ENVIRONMENTAL
LAW CENTER

November 13, 2008

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 Cooper Tools, Inc. 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 galvanized chains (collectively hereinafter, "galvanized products"). Specific examples of the specific types of products at issue are GALVANIZED CHAIN SKU# 208-1669; GALVANIZED CHAIN SKU# 208-1636; GALVANIZED CHAIN #1208-1644; 12081636 PROOF COIL CHAIN 5/16"; 3/8" ROSE CLIP AND CHAIN. These product descriptions pertain not only to the specific models of the products listed, but also for all units of all models of galvanized chains. The surface zinc coating on these galvanized products contains lead as an intended constituent. Lead is a chemical known to cause cancer, birth defects and other reproductive harm. California residents are exposed to lead when they handle these galvanized products while installing them and while using them for their intended purpose. Lead is transferred from the leaded-zinc coating 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 galvanizing, from oral contact 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, mucous membrane, ingestion and inhalation routes. Cooper Tools, Inc. 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 November 13, 2005, and will continue every day until the lead is removed from the galvanized 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 galvanized products made outside of California, except as to workplaces Cooper Tools, Inc. itself maintains in California. Exposures constituting Proposition 65 environmental exposure violations occur both on and off Cooper Tools, Inc.'s property and in each of California's 58 counties.

Cordially,

William Verick

SERVICE LIST

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SAN FRANCISCO, CA 94102

OFFICE OF THE CITY ATTORNEY
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CITY OF SAN JOSE
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25 COUNTY CENTER DR.
OROVILLE, CA 95965

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ATTORNEY
COUNTY OF CALAVERAS
GOVERNMENT CENTER
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INDEPENDENCE, CA 93526

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215 5TH ST.
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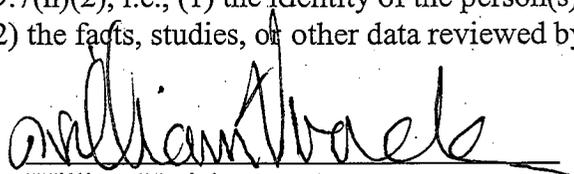
GARY A MAASE, CEO
COOPER TOOLS, INC.
600 TRAVIS, SUITE 5600
HOUSTON, TX 77002

GARY A MAASE, CEO
COOPER TOOLS, INC.
1000 LUFKIN RD
APEX, NC 27539

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: November 13, 2008


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 November 13, 2008, 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 November 13, 2008, at Eureka, California.


Nicole Frank