



Klamath

ENVIRONMENTAL
LAW CENTER

December 4, 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 the private companies listed 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 brass components of equipment used in connection with torches and welding equipment. These components include brass valves, nozzles, brass quick connects, brass couplers and brass regulators (collectively hereinafter "welding equipment"). The listed businesses market these products. A list of specific examples of the specific types of products at issue is attached. Though a specific model or UPC number may be given as an example, this notice pertains to all similar types of welding equipment. The brass components on this welding equipment that people handle 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 when they handle the brass components on this welding equipment. Lead is transferred from the brass components 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. These lead exposures thus occur via the dermal absorption, subcutaneous, mucous membrane, ingestion and inhalation routes. The listed companies 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 December 4, 2005, and will continue every day until the lead is removed from the brass components on this welding equipment, 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 welding equipment made outside of California, except as to workplaces the companies themselves maintain in California. Exposures constituting Proposition 65 environmental exposure violations occur both on and off the companies private business properties and in each of California's 58 counties.

Cordially,

William Verick

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SERVICE LIST

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SAN FRANCISCO, CA 94102

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200 N. MAIN ST.
LOS ANGELES, CA 90012

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708 COURT STREET
JACKSON, CA 95642

OFFICE OF THE DISTRICT
ATTORNEY
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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COLUSA, CA 95932

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MARTINEZ, CA 94553

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ATTORNEY
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450 H ST #171
CRESCENT CITY, CA 95531

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COUNTY OF EL DORADO
515 MAIN ST.
PLACERVILLE, CA 95667

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FRESNO, CA 93721

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EL CENTRO, CA 92243

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P.O. DRAWER D
INDEPENDENCE, CA 93526

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BAKERSFIELD, CA 93301

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF KINGS
1400 W. LACEY BLVD.
HANFORD, CA 93230

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF LAKE
255 N. FORBES ST # 424
LAKEPORT, CA 95453

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF LASSEN
220 SOUTH LASSEN ST. STE 8
SUSANVILLE, CA 96130

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF LOS ANGELES
18000 CRIMINAL COURTS
BUILDING
210 W. TEMPLE ST.
LOS ANGELES, CA 90012

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209 W. YOSEMITE AVE.
MADERA, CA 93637

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HALL OF JUSTICE #183
SAN RAFAEL, CA 94903

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P.O. BOX 730
MARIPOSA, CA 95338

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PO BOX 1000
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2222 M ST.
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ALTURAS, CA 96101

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P.O. BOX 617
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931 PARKWAY MALL
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NAPA, CA 94559-0720

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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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11562 B AVE
AUBURN, CA 95603-2687

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520 MAIN STREET #404
QUINCY, CA 95971

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4075 MAIN ST.
RIVERSIDE, CA 92501

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901 G STREET
SACRAMENTO, CA 95814

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SAN BENITO
419 4TH ST
HOLLISTER, CA 95023

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SAN BERNARDINO
316 MT. VIEW AVE.
SAN BERNARDINO, CA 92415-0004

OFFICE OF THE DISTRICT ATTORNEY
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330 W. BROADWAY
SAN DIEGO, CA 92101

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850 BRYANT ST #322
SAN FRANCISCO, CA 94103

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222 E. WEBER AVE #202
STOCKTON, CA 95202

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SAN LUIS OBISPO
COUNTY GOVERNMENT CENTER #450
SAN LUIS OBISPO, CA 93408

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COUNTY OF SAN MATEO
HALL OF JUSTICE AND RECORDS
REDWOOD CITY, CA 94063

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1112 SANTA BARBARA ST.
SANTA BARBARA, CA 93101

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SANTA CLARA
70 W. HEDDING ST.
SAN JOSE, CA 95110

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SANTA CRUZ
701 OCEAN ST. #200
SANTA CRUZ, CA 95060

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SHASTA
1525 COURT ST.
REDDING, CA 96001

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COUNTY OF SIERRA
P.O. BOX 457
DOWNIEVILLE, CA 95936

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SISKIYOU
P.O. BOX 986
YREKA, CA 96097

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SOLANO
600 UNION AVE
FAIRFIELD, CA 94533

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SONOMA
600 ADMINISTRATION DR. #212J
SANTA ROSA, CA 95403

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF STANISLAUS
1100 I ST. #200
MODESTO, CA 95354

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1160 CIVIC CENTER BLVD. #A
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COUNTY OF TEHAMA
P.O. BOX 519
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COUNTY OF TRINITY
P.O. BOX 310
WEAVERVILLE, CA 96093

OFFICE OF THE DISTRICT ATTORNEY
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COURTHOUSE #224
VISALIA, CA 93291

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COUNTY OF TUOLUMNE
2 S. GREEN ST.
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800 SOUTH VICTORIA AVE
VENTURA, CA 93009

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301 SECOND STREET
WOODLAND, CA 95695

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

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PRESIDENT OR CEO
WESTERN/ SCOTT FETZER COMPANY
28800 CLEMENS ROAD
WESTLAKE, OH 44145-1197

PRODUCTS LIST

DAYCO PRODUCTS, LLC.

TWIN WELDING HOSE GRADE R TYPE VD 3/16" X 12.5' B & B FITTINGS PART # 7126NLC-150 UPC CODE: 038244 168651 This product description pertains not only to the specific model of the product listed, but also for all units of all models of valves (including the valve handles) regulators, connector hoses with brass fittings, and other brass fittings that are associated with the use of flammable compressed gasses.

SUPERIOR PRODUCTS, INC.

WELDMARK HOSE REPAIR & INSTALLATION KIT PART # WEM WM26 UPC CODE: 747252 050413 This product description pertains not only to the specific model of the product listed, but also for all units of all models of valves (including the valve handles) regulators, connector hoses with brass fittings, and other brass fittings that are associated with the use of flammable compressed gasses.

VEYANCE TECHNOLOGIES, INC.

GOODYEAR WELDING HOSE GRADE R 1/4" X 25' COUPLED #97285 This product description pertains not only to the specific model of the product listed, but also for all units of all models of valves (including the valve handles) regulators, connector hoses with brass fittings, and other brass fittings that are associated with the use of flammable compressed gasses.

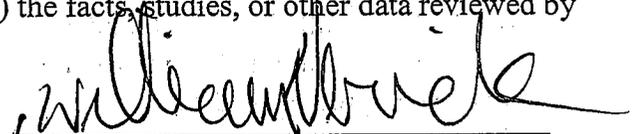
WESTERN SCOTT FETZER COMPANY

WESTERN ENTERPRISES HOTSPOTTER ALL-PURPOSE PROPANE TORCH KIT WP-101 HEAVY DUTY #C10004(ECN-12942); PROSTAR VALVED Y CONNECTION PART # PRS27101 UPC CODE: 698944 098681; PROSTAR VALVED Y CONNECTION PART # PRS27100 UPC CODE: 698944 098674; PROSTAR HELIUM BALLOON INFLATOR PART # PRS23100 UPC CODE: 698944 098650 These product descriptions pertain not only to the specific models of the products listed, but also for all units of all models of valves (including the valve handles) regulators, connector hoses with brass fittings, and other brass fittings that are associated with the use of flammable compressed gasses.

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: December 4, 2008

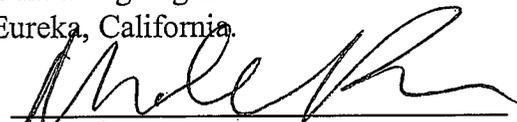

William Verick

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 December 4, 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 December 4, 2008, at Eureka, California.


Nicole Frank