

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

Re: Lead In Faux Leather Furniture

December 9, 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, 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, 2201 Broadway, Suite 302, Oakland, CA 94612, (510) 655-3900. The Center for Environmental Health 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 the Center for Environmental Health.

Description of Violation:

- The names and addresses of the violators are listed on the attached Exhibit 1.
- The violations have been occurring since at least December 9, 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 faux leather furniture. The Lead is contained in these products. Non-exclusive examples of this specific type of product are listed on the attached Exhibit 1.
- Description of Violations: Use of the products identified in this notice results in human exposures to Lead. The faux leather furniture contains Lead. The route of exposure for the violations is direct ingestion when children mouth the products, ingestion via hand to mouth contact after consumers touch or handle the products and dermal absorption directly through the skin when consumers touch or handle the products. These exposures occur in homes, schools, and everywhere else throughout California where these products are touched or handled. 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 the violators named herein unless each 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 alleged violator 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, hhirsch@lexlawgroup.com.

EXHIBIT 1
December 9, 2008 Notice of Violation
Lead in Faux Leather Furniture

Names and Addresses of Responsible Parties	Non-Exclusive Examples of the Products	Item or SKU # or Further Description
Central Park Products, Inc. 5 E. 59 th Street New York, NY 10022-1027	24" High Bar Stool	008617111801
Wal-Mart Stores, Inc. 702 S.W. 8 th Street Bentonville, AR 72716-0215	24" High Bar Stool	008617111801
	Mainstays 24" High Bar Stool	008517111801

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 ("CEH").

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: December 9, 2008



Howard Hirsch
Attorney for 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 this case; my business address is 1627 Irving Street, San Francisco, California 94122.

On December 9, 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 an asterisks).

On this date, I deposited sealed envelopes containing the above-mentioned documents with the United States Postal Service in San Francisco, California, with the postage thereon fully prepaid, addressed to the following individuals:

See Attached Service List.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on December 9, 2008, at San Francisco, California.

Signed: _____

Jennie Romer

SERVICE LIST

District Attorney of Alameda County
1225 Fallon Street, Room 900
Oakland, CA 94612

District Attorney of Colusa County
547 Market Street
Colusa, CA 95932

District Attorney of Contra Costa
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627 Ferry Street
Martinez, CA 94553

District Attorney of Alpine County
P.O. Box 248
Markleeville, CA 96120

District Attorney of Del Norte
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450 H Street, Ste 171
Crescent City, CA 95531

District Attorney of Amador County
708 Court Street, #202
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District Attorney of Butte County
25 County Center Drive
Oroville, CA 95965

District Attorney of El Dorado
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515 Main Street
Placerville, CA 95667

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County
891 Mountain Ranch Road
San Andreas, CA 95249

District Attorney of Fresno County
2220 Tulare Street, #1000
Fresno, CA 93721

District Attorney of Glenn County
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District Attorney of Kings County
1400 West Lacey
Hanford, CA 93230

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255 N. Forbes Street
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825 5th Street
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210 W. Temple Street, Room 345
Los Angeles, CA 90012

District Attorney of Madera County
209 West Yosemite Avenue
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Alturas, CA 96101-4020

District Attorney of Placer
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San Bernardino, CA 92415

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Sacramento, CA 95814

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San Luis Obispo, CA 93408

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400 County Ctr, 3rd Fl
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Courthouse, P.O. Box 457
Downieville, CA 95936

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District Attorney of Santa Cruz
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District Attorney of Shasta County
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District Attorney of Stanislaus
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San Jose, CA 95113

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800 City Hall East
200 N. Main Street
Los Angeles, CA 90012

San Diego City Attorney's Office
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
P.O. Box 70550
Oakland, CA 94612

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