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December 18, 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 Kohl's Department Stores, Inc. (hereinafter "Kohl's") 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 leaded glass lamps and/or candle holders (collectively hereinafter "leaded glass lamps"). Specific exampls of the specific types of products at issue are: KOHL'S NATURAL LIVING CANDLE HOLDER STYLE# 389407UPC CODE: 400891 939814; KOHLS NATURAL LIVING TEALIGHT HOLDER STYLE #389707A UPC CODE: 400891 939906. Though a specific model or SKU or product number is given as an example, this notice pertains to all models, and all variations, of the specific type of product of which the named model is an example. The solder, came, and other parts used to manufacture these leaded glass lamps 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 assemble, handle, clean, or otherwise use these products. Lead is transferred from the products 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 product, 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. Kohl's did not and does not provide people with clear and reasonable warnings before they expose them to lead. These violations have occurred every day since at least December 18, 2005, and will continue every day until the lead is removed from the leaded stained glass lamps, 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 leaded glass lamps made outside of California, except as to workplaces Kohl's itself maintains in California. Exposures constituting Proposition 65 environmental exposure violations occur both on and off Kohl's property and in each of California's 58 counties.

Cordially,

William Verick

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SERVICE LIST

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CITY OF SAN JOSE
200 EAST SANTA CLARA STREET
SAN JOSE, CA 95113

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25 COUNTY CENTER DR.
OROVILLE, CA 95965

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COUNTY OF CALAVERAS
GOVERNMENT CENTER
891 MOUNTAIN RANCH ROAD
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COUNTY OF COLUSA
547 MARKET STREET
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450 H ST #171
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P.O. DRAWER D
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COUNTY OF KINGS
1400 W. LACEY BLVD.
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255 N. FORBES ST # 424
LAKEPORT, CA 95453

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SUSANVILLE, CA 96130

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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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2222 M ST.
MERCED, CA 95340

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931 PARKWAY MALL
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NEVADA CITY, CA 95959

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COUNTY GOVERNMENT CENTER #450
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SAN JOSE, CA 95110

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600 UNION AVE
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R LAWRENCE MONTGOMERY, CEO
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MENOMONEE FALLS, WI 53051

R LAWRENCE MONTGOMERY, CEO
KOHL'S DEPARTMENT STORES, INC.
6360 N. LAKE DRIVE
WHITEFISH BAY, WI 53217

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 18, 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 18, 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 18, 2008, at Eureka, California.

Nicole Frank