



Klamath

ENVIRONMENTAL
LAW CENTER

December 23, 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 East Bay Restaurant Supply, Inc. (hereinafter "East Bay") 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 for both Mateel and this office. The above referenced violations occur when California residents come into contact with cooking utensils, the handles of which are coated with leaded thermoplastic. 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 models are examples: UPDATE LOC-60 6 OZ 180 ML LADLE BLACK HANDLE UPC CODE: 755576 014998; UPDATE LOC-40 4 OZ LADLE 118 ML GREEN HANDLE UPC CODE: 755576 014981; UPDATE LOC-20 2 OZ LADLE UPC CODE: 755576 014967; UPDATE LOC-10 1 OZ 30ML LADLE UPC CODE: 755576 014950; UPDATE LOC-30 3 OZ LADLE UPC CODE: 755576014974; UPDATE LOC-80 8 OZ LADLE UPC CODE: 755576015001; UPDATE TEAL HANDLE LADLE 1/2 OZ 15ML. The plastic on the handles of these cooking utensils contains high levels of lead and lead compounds ("lead"), chemicals known to cause cancer, birth defects, and other reproductive harm. East Bay makes or markets these cooking utensils. People are exposed to lead at work or elsewhere when they use these cooking utensils and their skin comes into contact with the plastic on the handles. Lead is transferred from the cooking utensils to the hands of the people using these products. The lead then enters their bodies when it is absorbed directly through the skin, through mucous membranes, or through cuts and/or abrasions when they touch their hands to their mouths and other mucous membranes, or when they touch cigarettes or food and then smoke the cigarettes and/or they and/or others ingest the food. These exposures occur via the dermal absorption, mucous membrane, subcutaneous, inhalation and ingestion routes. East Bay did not and does not provide people with clear and reasonable warnings before it exposes them to lead. The above referenced violations have occurred every day since at least December 23, 2005 and will continue every day until the lead is taken out of these products or until warnings are given. These 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 of these products made outside of California, except as to workplaces East Bay itself maintains in California. Exposures constituting Proposition 65 environmental exposure violations occur both on and off East Bay's property and in each of California's 58 counties.

Cordially,

William Verick

SERVICE LIST

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CITY OF SAN FRANCISCO
CITY HALL ROOM 206
400 VAN NESS
SAN FRANCISCO, CA 94102

OFFICE OF THE CITY ATTORNEY
CITY OF SACRAMENTO
PO BOX 1948
SACRAMENTO, CA 95812-1948

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

OFFICE OF THE CITY ATTORNEY
CITY OF LOS ANGELES
200 N. MAIN ST.
LOS ANGELES, CA 90012

OFFICE OF THE CITY ATTORNEY
CITY OF SAN DIEGO CONSUMER &
ENVIRONMENTAL PROTECTION
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SAN DIEGO, CA 92101

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COUNTY OF AMADOR
708 COURT STREET
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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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547 MARKET STREET
COLUSA, CA 95932

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P.O. BOX 670
MARTINEZ, CA 94553

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450 H ST #171
CRESCENT CITY, CA 95531

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

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ATTORNEY
COUNTY OF FRESNO
2220 TULARE ST #1000
FRESNO, CA 93721

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ATTORNEY
COUNTY OF GLENN
P.O. BOX 430
WILLOWS, CA 95988

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825 5TH ST.
EUREKA, CA 95501

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COURTHOUSE, FLOOR 2
939 W. MAIN ST
EL CENTRO, CA 92243

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P.O. DRAWER D
INDEPENDENCE, CA 93526

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ATTORNEY
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BAKERSFIELD, CA 93301

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

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COUNTY OF LAKE
255 N. FORBES ST # 424
LAKEPORT, CA 95453

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220 SOUTH LASSEN ST. STE 8
SUSANVILLE, CA 96130

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LOS ANGELES, CA 90012

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MADERA, CA 93637

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ATTORNEY
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SAN RAFAEL, CA 94903

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MARIPOSA, CA 95338

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COUNTY OF MENDOCINO
PO BOX 1000
UKIAH, CA 95482

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ATTORNEY
COUNTY OF MERCED
2222 M ST.
MERCED, CA 95340

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COUNTY OF MODOC
204 SOUTH COURT STREET
ALTURAS, CA 96101

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P.O. BOX 617
BRIDGEPORT, CA 93517

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P.O. BOX 1131
SALINAS, CA 93902

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931 PARKWAY MALL
P.O. BOX 720
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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COUNTY OF PLACER
11562 B AVE
AUBURN, CA 95603-2687

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COUNTY OF PLUMAS
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QUINCY, CA 95971

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4075 MAIN ST.
RIVERSIDE, CA 92501

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901 G STREET
SACRAMENTO, CA 95814

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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
COUNTY OF SAN DIEGO
330 W. BROADWAY
SAN DIEGO, CA 92101

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SAN FRANCISCO
850 BRYANT ST #322
SAN FRANCISCO, CA 94103

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SAN JOAQUIN
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

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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

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1525 COURT ST.
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P.O. BOX 457
DOWNIEVILLE, CA 95936

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

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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

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SUTTER
1160 CIVIC CENTER BLVD. #A
YUBA CITY, CA 95993

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF TEHAMA
P.O. BOX 519
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WEAVERVILLE, CA 96093

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COURTHOUSE #224
VISALIA, CA 93291

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COUNTY OF TUOLUMNE
2 S. GREEN ST.
SONORA, CA 95370

VENTURA COUNTY DISTRICT
ATTORNEY'S OFFICE
800 SOUTH VICTORIA AVE
VENTURA, CA 93009

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF YOLO
301 SECOND STREET
WOODLAND, CA 95695

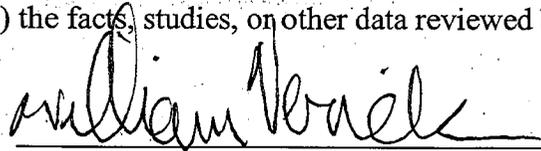
OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF YUBA
215 5TH ST.
MARYSVILLE, CA 95901

JOHN L BREZNIKAR, CEO
EAST BAY RESTAURANT SUPPLY, INC.
49 4TH STREET
OAKLAND, CA 94607

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 23, 2008



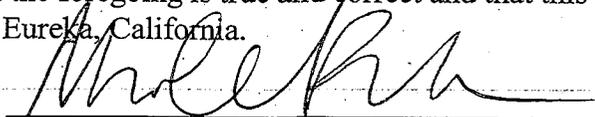
William Verick

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 23, 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 23, 2008, at Eureka, California.



Nicole Frank