THIRD SUPPLEMENTAL 60-DAY NOTICE OF VIOLATION

SENT IN COMPLIANCE WITH CALIFORNIA HEALTH & SAFETY CODE §25249.7(d)

DATE: December 30, 2010

TO: Michael Litner, President – Natco Products Corporation
Francis Blake, Chief Executive Officer – The Home Depot, Inc.
California Attorney General's Office;
District Attorney's Office for 58 Counties; and
City Attorneys for San Francisco, San Diego, San Jose, Sacramento and Los Angeles

FROM: John Moore

I. INTRODUCTION

My name is John Moore. I am a citizen of the State of California acting in the interest of the general public. I seek to promote awareness of exposures to toxic chemicals in products sold in California and, if possible, to improve human health by reducing hazardous substances contained in such items. This Notice is provided to the public agencies listed above pursuant to California Health & Safety Code §25249.6 *et seq.* ("Proposition 65") and supplements the 60-Day Notices of Violation sent on March 19, 2010, July 1, 2010 and November 23, 2010. As noted above, notice is also being provided to the violators, Natco Products Corporation and The Home Depot, Inc. (the "Violators"). The violations covered by this Notice consist of the product exposures, routes of exposures, and types of harm potentially resulting from exposure to the toxic chemicals ("listed chemicals") identified below, as follows:

Product Exposure:	See Section VII. Exhibit A
Listed Chemicals:	Di(2-ethylhexyl)phthalate ("DEHP"); Lead
Routes of Exposure:	Ingestion, Dermal, Inhalation
Types of Harm:	Birth Defects and Other Reproductive Harm

II. NATURE OF ALLEGED VIOLATION (PRODUCT EXPOSURE)

The specific types of products that are causing consumer and occupational exposures in violation of Proposition 65, and that are covered by this Notice, are listed under "Product Category/Type" in Exhibit A in Section VII below. All products within the types covered by this Notice shall be referred to hereinafter as the "products." The sales of these products in California dating as far back as December 30, 2007 are subject to this notice. As a result of the sales of these products, exposures to the listed chemicals have been occurring without clear and reasonable warnings as required by Proposition 65. Without proper warnings regarding the toxic effects of exposures to the listed chemicals, resulting from contact with the products, California citizens lack the information necessary to make informed decisions on whether and how to eliminate (or reduce) the risk of exposure to the toxic chemicals from the reasonably foreseeable use of the products.

A. CONSUMER PRODUCT EXPOSURE (DEHP)

California citizens, through the act of buying, acquiring or utilizing the products, are exposed to the listed chemical. By way of example but not limitation, exposures occur when infants and children place the product, or a portion thereof, into their mouth, or otherwise suck, lick, teethe and/or bite the product thereby allowing the listed chemical to leach out of the substrate. These activities cause infants and children to be exposed directly through migration of the listed chemical from the products. In addition, exposures occur as a result of inhalation of indoor air containing airborne particles, ingestion of household dust through hand-to-mouth contact and/or direct dermal contact with the products (which may continue to occur for a significant period after dermal contact with the products stops). People likely to be exposed by the means described above are women of childbearing age, infants and children.

B. CONSUMER PRODUCT EXPOSURE (LEAD)

California consumers, through the act of buying, acquiring or utilizing the products, are exposed to the listed chemical. By way of example but not limitation, exposures occur when California citizens use, display, clean, repair, pack, unpack, arrange, store or otherwise handle the products. These tasks cause consumers to be exposed directly or indirectly through the routine touching of the parts or portions of the products containing readily available surface amounts of the listed chemical. Additionally, exposure can occur through the routine touching and ingesting of other materials that are contaminated with the listed chemical from the products as a result of these tasks. People likely to be exposed include both children and adults.

C. OCCUPATIONAL EXPOSURE (LEAD)

Similarly, men and women in California use or otherwise handle the products as a part of their jobs and are, therefore, subject to occupational exposures to the listed chemical. Employees are exposed at any California business locations of the apparent manufacturer, distributor and retailer (and their agents, assigns and divisions) as well as all other California locations where the products, or the component parts thereof that include the listed chemical are, by way of example but not limitation, used, packed, unpacked, labeled, arranged, displayed, cleaned, stocked, stored, repaired or otherwise handled. These tasks cause employee exposure directly and/or indirectly to the listed chemical through the routine touching of the parts or portions of the products containing readily available amounts of the listed chemical on the surface. Additionally, exposure can occur through the routine touching and ingesting of other materials that are contaminated with the listed chemical from the products as a result of these tasks. These products are also used by sole proprietors and other persons in settings not covered by the federal Occupational Safety Health Act ("OSHA"). This Notice alleges the violation of Proposition 65 with respect to occupational exposure governed by the California State Plan for Occupational Safety and Health (the "State Plan"). The State Plan incorporates the provisions of Proposition 65, as approved by OSHA on June 6, 1997. This approval specifically placed certain conditions with regard to occupational exposures 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 compliance contained in the general hazard communication requirement 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 California Attorney General.

III. CONTACT INFORMATION

Please direct all questions concerning this notice to me through my counsel's office at the following address:

John Moore
c/o Clifford A. Chanler
The Chanler Group
Parker Plaza
2560 Ninth Street, Suite 214
Berkeley, CA 94710
Telephone: (510) 848-8880

IV. PROPOSITION 65 INFORMATION

For general information concerning the provisions of Proposition 65, please feel free to contact the Office of Environmental Health Hazard Assessment's ("OEHHA") Proposition 65 Implementation Office at (916) 445-6900. For the Violators' reference, I have attached a copy of "Proposition 65: A Summary" which has been prepared by OEHHA.

V. RESOLUTION OF NOTICED CLAIMS

Based on the allegations set forth in this Notice, I intend to file a citizen enforcement lawsuit against the alleged Violators unless such Violators enter into a binding written agreement to: (1) provide clear and reasonable warnings for products sold in the future or reformulate such products to eliminate the DEHP and lead exposures; and (2) pay an appropriate civil penalty based on the factors enumerated in California Health & Safety Code §25249.7(b). If the alleged Violators are interested in resolving this dispute without resorting to time-consuming litigation, please feel free to contact my counsel identified in Section III above. It should be noted that neither my counsel nor I can: (1) finalize any settlement as to new products covered by this Notice until after the 60-day notice period has expired; nor (2) speak for the Attorney General or any District or City Attorney who received this Notice. Therefore, while reaching an agreement with me will resolve my claims, such agreement may not satisfy the public prosecutors.

VI. ADDITIONAL NOTICE INFORMATION

Identified below are specific examples of products recently purchased and witnessed as being available for purchase or use in California that are within the categories or types of offending products covered by this Notice. Based on publicly available information, the retailers, distributors and/or manufacturers of the examples within the categories or types of products are also provided below. I believe and allege that the sale of the offending products also has occurred without the requisite Proposition 65 "clear and reasonable warnings" at one or more locations and/or via other means including, but not limited to, transactions made over-the-counter, business-to-business, through the internet and/or via a catalog by the Violators and other distributors and retailers of the manufacturer.

*Product**	*Retailer(s)*	*Manufacturer(s)/Distributor(s)*
The Gold Label Collection Vinyl, Beige (#0 38698 00136 8)	The Home Depot, Inc. Alameda County, Northern California	Natco Products Corporation
The Gold Label Collection Vinyl, Diamond, Tan (#0 38698 00136 8)	The Home Depot, Inc. Alameda County, Northern California	Natco Products Corporation
The Gold Label Collection Vinyl, Diamond, Blue (#0 38698 00136 8)	The Home Depot, Inc. Alameda County, Northern California	Natco Products Corporation
The Gold Label Collection Vinyl, White (#0 38698 00136 8)	The Home Depot, Inc. Alameda County, Northern California	Natco Products Corporation
The Gold Label Collection Vinyl, Tulip and Leaf (#0 38698 00136 8)	The Home Depot, Inc. Alameda County, Northern California	Natco Products Corporation
The Gold Label Collection Vinyl, Diamond, Black (#0 38698 00136 8)	The Home Depot, Inc. Alameda County, Northern California	Natco Products Corporation
Car Go Mat 3 Piece Set, #364-80-83, #359CMF.53.4 (#0 38698 61398 1)	Kohl's Corporation Merced County, Northern California	Natco Products Corporation

VII. EXHIBIT A

Product Category/Type	*Such As**	*Toxins*
Vinyl Flooring containing Di(2-ethylhexyl)phthalate	The Gold Label Collection Vinyl, Beige (#0 38698 00136 8) The Gold Label Collection Vinyl, Diamond, Tan (#0 38698 00136 8) The Gold Label Collection Vinyl, Diamond, Blue (#0 38698 00136 8) The Gold Label Collection Vinyl, White (#0 38698 00136 8) The Gold Label Collection Vinyl, Tulip and Leaf (#0 38698 00136 8) The Gold Label Collection Vinyl, Diamond, Black (#0 38698 00136 8)	Di(2-ethylhexyl)phthalate
Vinyl Mats containing Di(2-ethylhexyl)phthalate	Car Go Mat 3 Piece Set, #364-80-83, #359CMF.53.4 (#0 38698 61398 1)	Di(2-ethylhexyl)phthalate
Vinyl Mats containing Lead	Car Go Mat 3 Piece Set, #364-80-83, #359CMF.53.4 (#0 38698 61398 1)	Lead

*The specifically identified examples of the types of products that are subject to this Notice are for the recipients' benefit to assist in their investigation of, among other things, the magnitude of potential exposure to the listed chemicals from other items within the product categories/types listed in Exhibit A. It is important to note that these examples are not meant to be an exhaustive or comprehensive identification of each specific offending product of the types listed under "Product Category/Type" in Exhibit A. Further, it is this citizen's position that the alleged Violators are obligated to continue to conduct in good faith an investigation into other specific products within the types or categories described above that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the notice recipients' custody or control) during the relevant period so as to ensure that the requisite toxic warnings were and are provided to California citizens prior to purchase.

PROOF OF SERVICE

I, the undersigned, declare under penalty of perjury:

I am a citizen of the United States, over the age of 18 years, and not a party to the within action; my business address is Parker Plaza, 2560 Ninth Street, Suite 214, Berkeley, CA 94710.

On December 30, 2010, I served the following documents:

THIRD SUPPLEMENTAL 60-DAY NOTICE OF VIOLATION SENT IN COMPLIANCE WITH HEALTH & SAFETY CODE §25249.7(d);

PROPOSITION 65: A SUMMARY;

CERTIFICATE OF MERIT; AND

CERTIFICATE OF MERIT ATTACHMENTS (SERVED ONLY ON THE ATTORNEY GENERAL)

on the Violators listed below via First Class Certified Mail through the United States Postal Service by placing a true and correct copy in a sealed envelope, addressed to each Violator and providing each envelope to a United States Postal Service Representative:

Natco Products Corporation
c/o William Tarantino
Morrison & Foerster, LLP
425 Market Street
San Francisco, CA 94105

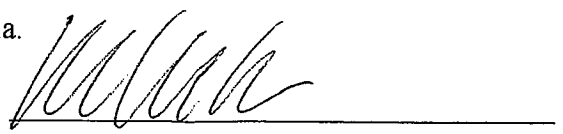
Francis Blake, Chief Executive Officer
The Home Depot, Inc.
2455 Paces Ferry Road SE
Atlanta, GA 30339

as well as providing copies of the notice to the public enforcers by placing a true and correct copy in a sealed envelope, addressed to each party listed below, and served as follows:

Via 2nd Day Air Service by placing such envelope in a Federal Express Drop-Off Box:	The Attorney General of the State of California;
By placing each envelope in a United States Postal Service mailbox, first class postage prepaid:	The District Attorney for Each of the 58 counties in California; and The City Attorney for Los Angeles, San Diego, San Jose, San Francisco and Sacramento

A list of addresses for each of these recipients is attached.

Executed on December 30, 2010, at Berkeley, California.



Eleanor Chen-Ranstrom

CERTIFICATE OF MERIT

Health and Safety Code Section 25249.7(d)

I, Clifford A. Chanler, 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 and Safety Code §25249.6 by failing to provide clear and reasonable warnings;

2. I am the attorney for the noticing party;

3. 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 ***alleged*** exposure to the listed chemicals that are the subject of this action;

4. 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 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 this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including information identified in Health and 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 30, 2010

Clifford A. Chanler

SERVICE LIST

The Honorable Nancy O'Malley
Alameda County District Attorney
1225 Fallon Street, Room 900
Oakland, CA 94612

The Honorable William Richmond
Alpine County District Attorney
270 Laramie Street, PO BOX 248
Markleeville, CA 96120

The Honorable Todd Riebe
Amador County District Attorney
708 Court Street
Jackson, CA 95642

The Honorable Michael Ramsey
Butte County District Attorney
25 County Center Drive
Oroville, CA 95965

The Honorable Jeffrey Tuttle
Calaveras County District Attorney
891 Mountain Ranch Road
San Andreas, CA 95249

The Honorable John R. Poyner
Colusa County District Attorney
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Colusa, CA 95932

The Honorable Robert J. Kochly
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Martinez, CA 94553

The Honorable Michael Riese
Del Norte County District Attorney
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Crescent City, CA 95531

The Honorable Vernon Pierson
El Dorado County District Attorney
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Placerville, CA 95667

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Eureka, CA 95501

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Imperial County District Attorney
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El Centro, CA 92243

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The Honorable Jon E. Hopkins
Lake County District Attorney
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Ukiah, CA 95482

The Honorable Larry Morse II
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The Honorable Gary Woolverton
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The Honorable Dean Flippo
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The Honorable Gary Lieberstein
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Napa, CA 94559

The Honorable Clifford Newell
Nevada County District Attorney
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Nevada City, CA 95959

The Honorable Tony Rackauckas
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The Honorable Bradford Fenocchio
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Riverside, CA 92501

The Honorable Jan Scully
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Sacramento, CA 95814

The Honorable Candice Hooper-Mancino
San Benito County District Attorney
419 4th Street, Second Floor
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The Honorable Michael Ramos
San Bernardino County District Attorney
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San Bernardino, CA 92415

The Honorable Bonnie Dumanis
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San Diego, CA 92101

The Honorable Kamala Harris
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San Francisco, CA 94103

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Stockton, CA 95201

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San Luis Obispo, CA 93408

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Redwood City, CA 94063

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Santa Barbara, CA 93101

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Santa Cruz, CA 95060

The Honorable Gerald Benito
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Redding, CA 96001

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Sierra County District Attorney
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Downieville, CA 95936

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Modesto, CA 95354

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Sutter County District Attorney
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The Honorable Gregg Cohen
Tehama County District Attorney
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Trinity County District Attorney
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Weaverville, CA 96093

The Honorable Phillip Cline
Tulare County District Attorney
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Visalia, CA 93291

The Honorable Donald Segerstrom, Jr
Tuolumne County District Attorney
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The Honorable Gregory Totten
Ventura County District Attorney
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Ventura, CA 93009

The Honorable Jeff Reisig
Yolo County District Attorney
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Woodland, CA 95695

The Honorable Patrick McGrath
Yuba County District Attorney
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200 North Main Street
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The Honorable Jan Goldsmith
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San Diego, CA 92101

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P.O. Box 1948
Sacramento, CA 95812

The Honorable Dennis J. Herrera
Office of the City Attorney, San Francisco
City Hall, Room 234
San Francisco, CA 94102

The Honorable Richard Doyle
Office of the City Attorney, San Jose
200 East Santa Clara Street
San Jose, CA 95113

Office of the California Attorney General
Proposition 65 Enforcement Reporting
ATTN: Prop 65 Coordinator
1515 Clay Street, Suite 2000
Oakland, CA 94612-0550