60 DAY NOTICE OF VIOLATION

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

DATE: January 18, 2011

To: Those Parties Listed on Attachment "A"

From: Ms. Evelyn Wimberley

I. My name is Evelyn Wimberley. I am a cancer survivor. 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 parties listed in Attachment "A" hereto pursuant to California Health & Safety Code §25249.6 et seq. ("Proposition 65). The violations covered by this Notice consist of the product exposures, routes of exposures, and type s of harm potentially resulting from exposure to the toxic chemical ("listed chemical") identified below, as follows:

Product Exposure:	**See Section VII. Exhibit A**
Listed Chemical:	**Lead and Lead Compounds**
Routes of Exposure:	**Dermal absorption, Subcutaneous, Ingestion, Inhalation. This product also releases or discharges the listed Prop 65 chemical into sources of drinking water.**
Types of Harm:	**Carcinogen, Causes Birth Defects and Other Reproductive Harm**

II. NATURE OF ALLEGED VIOLATION (PRODUCT EXPOSURE)

The specific type of product that is causing consumer and occupational exposures in violation of Proposition 65, and that is covered by this Notice, is listed under "Product Category/Type" in Exhibit A in Section VII below. All products within the type covered by this Notice shall be referred to hereinafter as the "products." The sales of these products in California dating at least as far back as January 02, 2011 are subject to this notice. As a result of the sales of these products, exposures to the listed chemical 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 chemical, resulting from contact with the products, California citizen lack the information necessary to make informed decisions on whether and how to eliminate (or reduce) the risk of exposure to the toxic chemical from the reasonably foreseeable use of the products.

California citizens, through the act of buying, acquiring or utilizing the products, are exposed to the listed chemical in homes, workplaces and everywhere else throughout California where these products are used. By way of example but not limitation, exposures occur when consumers handles these products lead comes off on their hands and is then absorbed through the skin or ingested via hand to mouth behavior, hand to food to mouth behavior, or through hand to cigarette to lung behavior. These violations also occur when these California residents drink water that has flowed through these products. Exposure may continue to occur for a significant period after the products are removed from the skin. These activities cause women, pregnant women, and women of child bearing age to be exposed directly through migration of the listed chemical from the products. People likely to be exposed are women, men, infants and children. These violations and threatened violations pertain to Proposition 65 chemicals that are listed as carcinogens and as reproductive toxins.

III. CONTACT INFORMATION

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

Ms. Evelyn Wimberley
c/o Mr. Stephen Ure
Law Offices of Stephen Ure, PC
1518 Sixth Avenue
San Diego, CA 92101
Tel: 619-235-5400

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 Violator's 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 Violator unless such Violator enters into a binding written agreement to: (1) recall products already sold or undertake best efforts to ensure that the requisite health hazard warnings are provided to those whom have received such products; (2) provide clear and reasonable warnings for products sold in the future or reformulate such products to eliminate the Lead exposures; and (3) pay an appropriate civil penalty based on the factors enumerated in California Health & Safety Code §25249.7(b). If the alleged Violator is interested in resolving this dispute without resort to time-consuming and expensive 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 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 withme will resolve my claims, such agreement may not satisfy the public prosecutors.

VI. ADDITIONAL INFORMATION

THIS INFORMATION IS NOT REQUIRED TO BE PROVIDED UNDER TITLE 22CAL.CODE REGS,. §12903 (b)(4).

Identified below is a specific example of a product recently purchased and witnessed as being available for purchase or use in California that is within the category or type of offending product covered by this Notice. Based on publicly available information, the retailers, distributors and/or manufacturuers of the example within the category or type of product 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 catalog by the Violator and other distributors and retailers of the manufacturer.

Product**	Retailer(s)	Manufacturer(s)/Distributor(s)
Power Care – Roto Blaster Turbo Nozzle	Home Depot	Techtronic Industries North America Inc.

VII. EXHIBIT A

Product Category/Type	Such As*	Toxins
Garden/Home/Power Washer	UPC 0 4639655056 9	Lead and Lead Compounds

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

Attachment "A"

Techtronic Industries North America Inc.
Lee Sowell, President,
P.O. Box 35 Highway 8,
Pickens, SC 29671

Home Depot, Inc.
Mr. Marvin Ellison, Executive Vice President
2455 Paces Ferry Rd. NW
Atlanta, GA 30339-4024

Attorney General's Office Attn: Edward G. Weil P.O. Box 70550 Oakland, CA 94612-0550	District Attorney COLUSA COUNTY 547 Market Street, Ste. 102 Colusa, CA 95932	District Attorney DEL NORTE COUNTY 450 H Street, Room 171 Crescent City, CA 95531
District Attorney ALPINE COUNTY PO Box 248 Markleeville, CA 96120	District Attorney CONTRA COSTA COUNTY 725 Court Street, Fourth Floor Martinez, CA 94553	District Attorney EL DORADO COUNTY 515 Main Street Placerville, CA 95667
District Attorney AMADOR COUNTY 708 Court Street #202 Jackson, CA 95642	District Attorney FRESNO COUNTY 2220 Tulare Street, Ste. 1000 Fresno, CA 93721	District Attorney GLENN COUNTY PO Box 430 Willows, CA 95988
District Attorney BUTTE COUNTY 25 County Center Drive -- Administration Building Oroville, CA 95965	District Attorney HUMBOLDT COUNTY 825 5th Street Eureka, CA 95501	District Attorney IMPERIAL COUNTY 940 West Main Street, Ste. 102 El Centro, CA 92243
District Attorney CALAVERAS COUNTY 891 Mountain Ranch Road San Andreas, CA 95249	District Attorney INYO COUNTY PO Drawer D Independence, CA 93526	District Attorney KERN COUNTY 1215 Truxtun Avenue Bakersfield, CA 93301
District Attorney KINGS COUNTY 1400 West Lacey Blvd. Hanford, CA 93230	District Attorney LAKE COUNTY 255 N. Forbes Street Lakeport, CA 95453	District Attorney LASSEN COUNTY 220 S. Lassen Street, Ste. 8 Susanville, CA 96130
District Attorney MADERA COUNTY 209 West Yosemite Avenue Madera, CA 93637	District Attorney MARIN COUNTY 3501 Civic Center Drive, Room 130 San Rafael, CA 94903	District Attorney MARIPOSA COUNTY PO BOX 730 Mariposa, CA 95338
District Attorney MENDOCINO COUNTY PO BOX 1000 Ukiah, CA 95482	District Attorney MERCED COUNTY 2222 M Street Merced, CA 95340	District Attorney MODOC COUNTY 204 S. Court Street, Room 202 Alturas, CA 96101
District Attorney MONO COUNTY PO BOX 617 Bridgeport, CA 93546	District Attorney MONTEREY COUNTY PO BOX 1131 Salinas, CA 93902	District Attorney NAPA COUNTY PO BOX 720 Napa, CA 94559
District Attorney SAN DIEGO COUNTY 330 W. Broadway, Suite 1300 San Diego, CA 92101	District Attorney County of Los Angeles 210 West Temple Street, Suite 18000 Los Angeles, CA 90012-3210	District Attorney NEVADA COUNTY 110 Union Street Nevada City, CA 95959
District Attorney ORANGE COUNTY 401 Civic Center Drive West Santa Ana, CA 92701	District Attorney PLACER COUNTY 10810 Justice Center Drive Roseville, CA 95678	District Attorney PLUMAS COUNTY 520 Main Street, Room 404 Quincy, CA 95971

District Attorney RIVERSIDE COUNTY 4075 Main Street Riverside, CA 92501	District Attorney SACRAMENTO COUNTY PO BOX 749 Sacramento, CA 95812	District Attorney SAN BENITO COUNTY 419 4th Street Hollister, CA 95023-3801
District Attorney SAN FRANCISCO COUNTY 880 Bryant Street, Third Floor San Francisco, CA 94103	District Attorney SAN JOAQUIN COUNTY PO BOX 990 Stockton, CA 95202	District Attorney SAN LUIS OBISPO COUNTY 1035 Palm Street San Luis Obispo, CA 93408
District Attorney SAN MATEO COUNTY 400 County Center, Third Floor Redwood City, CA 94063	District Attorney SANTA BARBARA COUNTY 1112 Santa Barbara Street Santa Barbara, CA 93101	District Attorney SANTA CLARA COUNTY 70 West Hedding Street, West Wing San Jose, CA 95110
District Attorney SANTA CRUZ COUNTY 701 Ocean Street, Room 200 Santa Cruz, CA 95060	District Attorney SHASTA COUNTY 1525 Court Street, Third Floor Redding, CA 96001-1632	District Attorney SIERRA COUNTY 100 Courthouse Square Downieville, CA 95936
District Attorney SISKIYOU COUNTY PO BOX 986 Yreka, CA 96097	District Attorney SOLANO COUNTY 675 Texas Street, Ste. 4500 Fairfield, CA 94533	District Attorney SONOMA COUNTY 600 Administration Drive, Room 212J Santa Rosa, CA 95403
District Attorney STANISLAUS COUNTY 832 12th Street, Ste. 300 Modesto, CA 95353	District Attorney SUTTER COUNTY PO BOX 1555 Yuba City, CA 95992	District Attorney TEHAMA COUNTY PO BOX 519 Red Bluff, CA 96080
District Attorney TRINITY COUNTY PO BOX 310 Weaverville, CA 96093	District Attorney TULARE COUNTY 221 South Mooney Blvd., Suite 224 Visalia, CA 93291	District Attorney TUOLUMNE COUNTY 423 No. Washington Street Sonora, CA 95370
District Attorney VENTURA COUNTY 800 South Victoria Avenue Ventura, CA 93009	District Attorney YOLO COUNTY 301 Second Street Woodland, CA 95695	District Attorney YUBA COUNTY 215 Fifth Street, Ste. 152 Marysville, CA 95901
District Attorney ALAMEDA COUNTY 1225 Fallon Street, Room 900 Oakland, CA 94612	District Attorney County of San Bernardino 316 N. Mountain View Ave San Bernardino, CA 92415-0004	Office of the City Attorney CITY OF BURBANK 275 E. Olive Avenue Burbank, CA 91502
Office of the City Attorney CITY OF SACRAMENTO P.O. Box 1948 Sacramento, CA 95812	Office of the City Attorney CITY OF LOS ANGELES 200 N. Main Street Los Angeles, CA 90012	Office of the City Attorney CITY OF TORRANCE 3031 Torrance Blvd. Torrance, CA 90503
Office of the City Attorney CITY OF SAN DIEGO Consumer and Environmental Protection 1200 Third Avenue, Suite 700 San Diego, CA 92101	Office of the City Attorney City of Oakland 505 14th Street 12th Floor Oakland, CA 94612	Office of the City Attorney City of San Jose 200 East Santa Clara Street San Jose, CA 95113

Office of the City Attorney City Hall, Room 234 1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102-4682	Office of the City Attorney CITY OF ANAHEIM 200 S. Anaheim Blvd. Anaheim, CA 92805	

Appendix A

OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

THE SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACTION 1986
(PROPOSITION 65): A SUMMARY

The following summary has been prepared by the Office of Environmental Health Hazard Assessment, the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly known as "Proposition 65"). A copy of this summary must be included as an attachment to any notice of violation served upon an alleged violator of the Act. The summary provides basic information about the provisions of the law, and is intended to serve only as a convenient source of general information. It is not intended to provide authoritative guidance on the meaning or application of the law. The reader is directed to the statute and its implementing regulations (see citations below) for further information.

Proposition 65 appears in California law as Health and Safety Code Sections 25249.5 through 25249.13. Regulations that provide more specific guidance on compliance, and that specify procedures to be followed by the State in carrying out certain aspects of the law, are found in Title 27 of the California Code of Regulations, Sections 25000 through 27000.

WHAT DOES PROPOSITION 65 REQUIRE?

The "Governor's List." Proposition 65 requires the Governor to publish a list of chemicals that are known to the State of California to cause cancer, or birth defects or other reproductive harm. This list must be updated at least once a year. Over 735 chemicals have been listed as of November 16, 2001. Only those chemicals that are on the list are regulated under this law. Businesses that produce, use, release, or otherwise engage in activities involving those chemicals must comply with the following:

Clear and Reasonable Warnings. A business is required to warn a person before "knowingly and intentionally" exposing that person to a listed chemical. The warning given must be "clear and reasonable." This means that the warning must:(1) clearly make known that the chemical involved is known to cause cancer, or birth defects or other reproductive harm; and (2) be given in such a way that it will effectively reach the person before he or she is exposed. Exposures are exempt from the warning requirement if they occur less than twelve months after the date of listing of the chemical.

Prohibition from discharges into drinking water. A business must not knowingly discharge or release a listed chemical into water or onto land where it passes or probably will pass into a source of drinking water. Discharges are exempt from this requirement if they occur less than twenty months after the date of listing of the chemical.

DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?

Yes. The law exempts:

Governmental agencies and public water utilities. All agencies of the federal, State or local government, as well as entities operating public water systems, are exempt.

Businesses with nine or fewer employees. Neither the warning requirement nor the discharge prohibition applies to a business that employs a total of nine or fewer employees.

Exposures that pose no significant risk of cancer. For chemicals that are listed as known to the State to cause cancer ("carcinogens"), a warning is not required if the business can demonstrate that the exposure occurs at a level that poses "no significant risk." This means that the exposure is calculated to result in not more than one excess case of cancer in 100,000 individuals exposed over a 70-year lifetime. The Proposition 65 regulations identify specific "no significant risk" levels for more than 250 listed carcinogens.

Exposures that will produce no observable reproductive effect at 1,000 times the level in question. For chemicals known to the State to cause birth defects or other reproductive harm ("reproductive toxicants"), a warning is not required if the business can demonstrate that the exposure will produce no observable effect, even at 1,000

times the level in question. In other words, the level of exposure must be below the "no observable effect level (NOEL)," divided by a 1,000-fold safety or uncertainty factor. The "no observable effect level" is the highest dose level which has not been associated with an observable adverse reproductive or developmental effect.

Discharge that do not result in a "significant amount" of the listed chemical entering into any source of drinking water. The prohibition from discharges into drinking water does not apply If the discharger is able to demonstrate that a "significant amount" of the list chemical has not, does not, or will not enter any drinking water source, and that the discharge complies with all other applicable laws, regulations, permits, requirements, or orders. A "significant amount" means any detectable amount, except an amount that would meet the "no significant risk" or "no observable effect" test if an individual were exposed to such an amount in drinking water.

HOW IS PROPOSITION 65 ENFORCED?

Enforcement is carried out through civil lawsuits. These lawsuits may be brought by the Attorney General, any district attorney, or certain city attorneys(those in cities with a population exceeding 750,000). Lawsuits may also be brought by private parties acting in the public interest, but only after providing notice of the alleged violation to the Attorney General, the appropriate district attorney and city attorney, and the business accused of the violation. The notice must provide adequate information to allow the recipient to assess the nature of the alleged violation. A notice must comply with the information and procedural requirements specified in regulations (Title 27, California Code of Regulations, Section 25903). A private party may not pursue an enforcement action directly under Proposition 65 if one of the governmental officials noted above initiates an action within sixty days of the notice.

A business found to be in violation of Proposition 65 is subject to civil penalties of up to $2,500 per day for each violation. In addition, the business may be ordered by a court of law to stop committing the violation.

FOR FURTHER INFORMATION...

Contact the Office of Environmental Health Hazard Assessment's Proposition 65 Implementation Office at (916) 445-6900.

§ 27000. Chemicals Required by State or Federal Law to Have been Tested for Potential to Cause Cancer or Reproductive Toxicity, but Which Have Not Been Adequately Tested As Required.

(a) The Safe Drinking Water and Toxic Enforcement Act of 1986 requires the Governor to publish a list of chemicals formally required by state or federal agencies to have testing for carcinogenicity or reproductive toxicity, but that the state's qualified experts have not found to have been adequately tested as required [Health and Safety Code 25249.8)c)].

Readers should note a chemical that already has been designated as known to the state to cause cancer or reproductive toxicity is not included in the following listing as requiring additional testing for that particular toxicological endpoint. However, the "data gap" may continue to exist, for purposes of the state or federal agency's requirements. Additional information on the requirements for testing may be obtained from the specific agency identified below.

(b) Chemicals required to be tested by the California Department of Pesticide Regulation.
The Birth Defect Prevention Act of 1984(SB 950) mandates that the California Department of Pesticide Regulation (CDPR) review chronic toxicology studies supporting the registration of pesticidal active ingredients. Missing or unacceptable studies are identified as data gaps. The studies are conducted to fulfill generic data requirements of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), which is administered by the United Stated Environmental Protections Agency (U.S. EPA). The studies are reviewed by CDPR according to guidelines and standards promulgated under FIFRA. Thus, older studies may not meet current guidelines.

The existence of a data gap for a compound does not indicate a total lack of information on the carcinogenicity or reproductive toxicity of the compound. In some cases, information exists in the open scientific literature, but SB 950 requires specific, additional information. A data gap does not necessarily indicate that an oncogenic or reproductive hazard exists. For the purposes of this list, a data gap is still considered to be present until the study is reviewed and found to be acceptable.

Following is a listing of SB 950 data gaps for oncogenicity, reproduction, and teratology studies for the non-200 pesticidal active ingredients. This list will change as data gaps are filled by additional data or replacement studies.

[Final Paragraph and List Ommitted].

CERTIFICATE OF MERIT

Health and Safety Code Section 25249.7(d)

I, Stephen Ure, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged the party identified in the notice has 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 chemical that is 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 Violator 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: January 18, 2011

Stephen Ure

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 1518 Sixth Avenue, San Diego, CA 92101.

On January 18, 2011 I served the following documents:

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 Violator 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 the Violator and providing such envelope to a United States Postal Service Representative:

Violators: Those Parties Listed on Attachment "A"

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 Box, first class postage pre-paid	The District Attorneys for each of the 58 California Counties and; The City Attorneys for Los Angeles, Sa San Jose, San Francisco, Sacramento, Anaheim, Burbank, Torrance, and Oakland

A list of addresses for each of the recipient's is attached.

Executed on January 18, 2011 San Diego, California

Stephen Ure