



Klamath

ENVIRONMENTAL
LAW CENTER

July 21, 2011

PROPOSITION 65 ENFORCEMENT REPORTING
ATTENTION: PROP 65 COORDINATOR
1515 CLAY STREET, SUITE 2000
P.O. BOX 70550
OAKLAND CA 94612-0550

Greetings:

This office and the Mateel Environmental Justice Foundation ("Mateel") give you notice that the private businesses on the attached service list have been, are, will be and threaten 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 the brass plumbing accessories, fittings, valves, hoses, connectors, and tubes (collectively "brass plumbing fittings and accessories") that these businesses market. A list of specific examples of the specific types of products at issue is attached. Though a specific model or UPC number may be given as an example, this notice pertains to all similar types of brass fittings and accessories. The brass fittings and accessories that people handle are made from leaded brass, which 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 handle these fittings and accessories. Lead is transferred from the brass fittings and accessories to peoples' 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 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. The listed companies did not and do not provide people with clear and reasonable warnings before they expose them to lead. These violations have occurred every day since at least July 21, 2008, and will continue every day until the lead is removed from the brass fittings and accessories, 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 brass plumbing fittings and accessories made outside of California, except as to workplaces these companies themselves maintain in California. This notice does not allege any environmental exposure violations.

Cordially,

William Verick

SERVICE LIST

PROPOSITION 65 ENFORCEMENT
REPORTING
ATTENTION: PROP 65 COORDINATOR
1515 CLAY STREET, SUITE 2000
POST OFFICE BOX 70550
OAKLAND, CA 94612-0550

OFFICE OF THE CITY ATTORNEY
CITY OF OAKLAND
505 14TH ST 12TH FLOOR
OAKLAND, CA 94612

OFFICE OF THE CITY ATTORNEY
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
1200 THIRD AVENUE, SUITE 700
SAN DIEGO, CA 92101

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF ALAMEDA
1225 FALLON STREET ROOM 900
OAKLAND, CA 94612

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF ALPINE
P.O. BOX 248
MARKLEEVILLE, CA 96120

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF AMADOR
708 COURT STREET
JACKSON, CA 95642

OFFICE OF THE DISTRICT ATTORNEY
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

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF COLUSA
547 MARKET STREET
COLUSA, CA 95932

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF CONTRA COSTA
P.O. BOX 670
MARTINEZ, CA 94553

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF DEL NORTE
450 H ST # 171
CRESCENT CITY, CA 95531

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

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

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

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF HUMBOLDT
825 5TH ST.
EUREKA, CA 95501

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

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF INYO
P.O. DRAWER D
INDEPENDENCE, CA 93526

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF KERN
1215 TRUXTUN AVE. FLOOR 4
BAKERSFIELD, CA 93301

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

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF LAKE
255 N. FORBES ST # 424
LAKEPORT, CA 95453

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF LASSEN
220 SOUTH LASSEN ST. STE B
SUSANVILLE, CA 96130

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF LOS ANGELES
18000 CRIMINAL COURTS
BUILDING
210 W. TEMPLE ST.
LOS ANGELES, CA 90012

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF MADERA
209 W. YOSEMITE AVE.
MADERA, CA 93637

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF MARIN
HALL OF JUSTICE #183
SAN RAFAEL, CA 94903

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF MARIPOSA
P.O. BOX 730
MARIPOSA, CA 95338

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF MENDOCINO
PO BOX 1000
UKIAH, CA 95482

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF MERCED
2222 M ST.
MERCED, CA 95340

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF MODOC
204 SOUTH COURT STREET
ALTURAS, CA 96101

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF MONO
P.O. BOX 617
BRIDGEPORT, CA 93517

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF MONTEREY
240 CHURCH STREET
P.O. BOX 1131
SALINAS, CA 93902

COUNTY OF NAPA
931 PARKWAY MALL
P.O. BOX 720
NAPA, CA 94559-0720

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF NEVADA
110 UNION STREET
NEVADA CITY, CA 95959

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF ORANGE
401 CIVIC CENTER DR WEST
SANTA ANA, CA 92701

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF PLACER
10810 JUSTICE CENTER DR. STE 240
ROSEVILLE, CA 95678

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF PLUMAS
520 MAIN STREET #404
QUINCY, CA 95971

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF RIVERSIDE
4075 MAIN ST.
RIVERSIDE, CA 92501

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SACRAMENTO
901 G STREET
SACRAMENTO, CA 95814

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SAN BENITO
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, SUITE 1100
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

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SAN MATEO
HALL OF JUSTICE AND RECORDS
REDWOOD CITY, CA 94063

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SANTA BARBARA
1112 SANTA BARBARA ST.
SANTA BARBARA, CA 93101

OFFICE OF THE DISTRICT ATTORNEY
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

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SHASTA
1525 COURT ST.
REDDING, CA 96001

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SIERRA
P.O. BOX 457
DOWNIEVILLE, CA 95936

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

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SOLANO
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
REDBLUFF, CA 96080

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF TRINITY
P.O. BOX 310
WEAVERVILLE, CA 96093

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF TULARE
COURTHOUSE #224
VISALIA, CA 93291

OFFICE OF THE DISTRICT ATTORNEY
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

FREDERICK L GUTERMAN, CEO
SETH GUTERMAN, PRESIDENT
AMERICAN VALVE, INC.
4321 PIEDMONT PKWY
GREENSBORO, NC 27410

FREDERICK L GUTERMAN, CEO
SETH GUTERMAN, PRESIDENT
AMERICAN VALVE, INC.
P.O. BOX 35229
GREENSBORO, NC 27425

ROBERT ANDERSON SCHOEPE, PRESIDENT
FLUIDMASTER, INC.
30800 RANCHO VIEJO RD
SAN JUAN CAPISTRANO, CA 92675

DONALD GROSS, PRESIDENT
GROSS MECHANICAL LABORATORIES, INC.
7240 STANDARD DRIVE
HANOVER, MD 21076

BILLY HODES, PRESIDENT
MIDLAND METAL
P.O. BOX 414410
KANSAS CITY, MO 64141

BILLY HODES, PRESIDENT
MIDLAND METAL
2016 E. 19TH STREET
KANSAS CITY, MO 64127

ROBERT M LYNCH, CEO
ORCHARD SUPPLY HARDWARE STORES
CORPORATION
3333 BEVERLY ROAD
HOFFMAN ESTATES, IL 60179

ALLEN RAVAS, DIRECTOR
ROBERT LYNCH, CEO
ORCHARD SUPPLY HARDWARE LLC
6450 VIA DEL ORO
SAN JOSE, CA 95119

GEOFF EISENBERG, PRESIDENT
WEST MARINE, INC.
500 WESTRIDGE DRIVE
WATSONVILLE, CA 95076

PRODUCT LIST

AMERICAN VALVE, INC.

1/2" BALL VALVE THREADED ENDS G100 UPC CODE: 611918 068725; 3/4" BALL VALVE SOLDER ENDS G100S UPC CODE: 611918 068794; 1/2" FULL PORT GATE VALVE CXC G300S 1/2" NO LEAD UPC CODE: 611918 069111 These product descriptions pertain not only to the specific models of the products listed, but also for all units of all models of similar types of brass hose plumbing fittings and accessories.

FLUIDMASTER, INC.

12" S/S WATER HEATER CONNECTOR 3/4" FIP X 3/4" FIP B1H12 PART#1-120 UPC CODE: 039961 003133; 3/8" COMPRESSION THD 1/2" I.P. PIPE THREAD WATER SUPPLY CONNECTOR B1F12 LEAD FREE 12" LENGTH PART #1-106 UPC CODE: 039961 001412; FAUCET CONNECTOR LEAD FREE 3/8" COMPRESSION THD MALE 3/8" COMPRESSION FEMALE B8F20 20" LENGTH UPC CODE: 039961 002075 These product descriptions pertain not only to the specific models of the products listed, but also for all units of all models of similar types of brass hose plumbing fittings and accessories.

GROSS MECHANICAL LABORATORIES, INC

GROCO FF-500 TAILPIPE BRONZE 1/2" X 3/4" 112864 UPC CODE: 742985 003613; GROCO TAILPIPE BRONZE 90 DEGREE 3/4" 113193 FFC-750; GROCO ELBOW BRONZE NPT 1-1/4" UPC CODE: 742985 004870; GROCO VALVE-BALL FULL FLO IBV-760 400 WO6 UPC CODE: 742985 141841 These product descriptions pertain not only to the specific models of the products listed, but also for all units of all models of similar types of brass hose plumbing fittings and accessories.

MIDLAND METAL

SEA FIT 90 DEGREE ELBOW 1/2" PIPE THREAD BRONZE 1857267 B0061 UPC CODE: 642688 441036; SEA FIT ADAPTER 3/4" X 3/4" MALE HOSE THREAD X BRASS BARB #1916899 A0055 UPC CODE: 642688 300425; SEA FIT TEE 1/2" PIPE THREAD BRONZE 1858844 B0061 UPC CODE: 642688 442538; ELBOW BRONZE 1 1/4" UPC CODE: 642688 441067; SEAFIT 3/4" BRONZE TEE 3/4" PIPE THREAD #185885 UPC CODE: 642688 442545 These product descriptions pertain not only to the specific models of the products listed, but also for all units of all models of similar types of brass hose plumbing fittings and accessories.

ORCHARD SUPPLY HARDWARE STORES

ORCHARD SUPPLY HARDWARE LLC

THRIFCO ICEMAKER SUPPLY KIT 15' COPPER TUBING SELF TAPING VALVE 714-T UPC CODE: 048314 007148; THRIFCO SADDLE CLAMP W/VALVE 1/4" OD TUBE X 1/8" MIP VALVE FITS 1/2" OF 3/4" WATER PIPE 702-T UPC CODE: 048314 007025; THRIFCO ICE MAKER ADAPTER WITH 1/4" X 1/8" ANGLE NEEDLE VALVE 878-T UPC CODE: 048314 008787; THRIFCO #70 COMPRESSION 90 DEGREE ELBOW 3/8" COMP X 3/8" FIP 1392-T UPC CODE: 048314 013927; THRIFTY FLEX CONNECTOR ADAPTER 15/16 X 3/4 MIP 1373-T UPC CODE: 048314 013736; THRIFCO #70 COMPRESSION 902 DEGREE ELBOW 3/8 COMP X 3/8 FIP 1392-T UPC CODE: 048314 013927; THRIFCO #66 FEMALE ADAPTER 5/16" COMP X 1/8" FIP 1354-T UPC CODE: 048314 013545 These product descriptions pertain not only to the specific models of the products listed, but also for all units of all models of similar types of brass hose plumbing fittings and accessories.

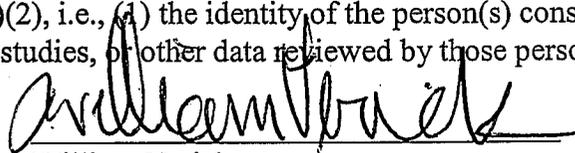
WEST MARINE, INC.

GROCO FF-500 TAILPIPE BRONZE 1/2" X 3/4" 112864 UPC CODE: 742985 003613; GROCO TAILPIPE BRONZE 90 DEGREE 3/4" 113193 FFC-750; GROCO ELBOW BRONZE NPT 1-1/4" UPC CODE: 742985 004870; GROCO VALVE-BALL FULL FLO IBV-760 400 WO6 UPC CODE: 742985 141841; SEA FIT 90 DEGREE ELBOW 1/2" PIPE THREAD BRONZE 1857267 B0061 UPC CODE: 642688 441036; SEA FIT ADAPTER 3/4" X 3/4" MALE HOSE THREAD X BRASS BARB #1916899 A0055 UPC CODE: 642688 300425; SEA FIT TEE 1/2" PIPE THREAD BRONZE 1858844 B0061 UPC CODE: 642688 442538; ELBOW BRONZE 1 1/4" UPC CODE: 642688 441067; SEAFIT 3/4" BRONZE TEE 3/4" PIPE THREAD #185885 UPC CODE: 642688 442545 These product descriptions pertain not only to the specific models of the products listed, but also for all units of all models of similar types of brass hose plumbing fittings and accessories.

CERTIFICATE OF MERIT

I, William Verick, hereby declare: This Certificate of Merit accompanies the attached notice(s) of violation 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: July 21, 2011


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 July 21, 2011, I caused the attached NOTICE OF VIOLATION 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 NOTICE OF VIOLATION 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 July 21, 2011, at Eureka, California.


Nicole Frank