

# NICHOLAS & TOMASEVIC LLP

ATTORNEYS AT LAW

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225 Broadway, 19<sup>th</sup> Floor

San Diego, CA 92101

July 13, 2020

**Via Certified Mail**

Harbor Freight Tools USA, Inc.  
Corporate Creations Network Inc.  
4640 Admiralty Way, 5th Floor  
Marina Del Rey, CA 90292

Harbor Freight Tools USA, Inc.  
Attn: Legal Department  
3491 Mission Oaks Blvd  
Camarillo, CA 93012

Harbor Freight Tools USA, Inc.  
Attn: Legal Department  
26541 Agoura Road  
Calabasas, CA 91302-2093

Re: **Withdrawal of Proposition 65 Notice of Violation**

To Whom It May Concern:

Please take notice that Environmental Health Advocates, Inc. hereby withdraws its amended 60-Day Notice of Violation (AG# 2019-00738), a copy of which is enclosed with this letter.

Please do not hesitate to contact our office with any questions.

Sincerely,



Jake Schulte

# NICHOLAS & TOMASEVIC LLP

ATTORNEYS AT LAW

Tel: 619-325-0492  
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225 Broadway, 19<sup>th</sup> Floor  
San Diego, CA 92101

March 20, 2020

**Via Certified Mail**

Harbor Freight Tools USA, Inc.  
Corporate Creations Network Inc.  
4640 Admiralty Way, 5th Floor  
Marina Del Rey, CA 90292

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**Re: Proposition 65 Amended Notice of Violation**

To Whom It May Concern:

**This notice amends the original notice AG# 2020-00547 dated March 4, 2020. This amendment corrects the identified chemical to Diisononyl Phthalate (DINP).**

We represent Environmental Health Advocates, Inc., an organization in the State of California acting in the interest of the general public. This letter serves as notice that the parties listed above are in violation of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act, commencing with section 25249.5 of the Health and Safety Code ("Proposition 65"). In particular, the violations alleged by this notice consist of types of harm that may potentially result from exposures to the toxic chemical Diisononyl Phthalate (DINP). This chemical was listed as a carcinogen on December 20, 2013.

The specific type of product that is causing exposures in violation of Proposition 65 is detailed below:

	<b><u>Product Name</u></b>	<b><u>Manufacturer</u></b>	<b><u>Retailer / Distributor</u></b>	<b><u>Item Number / UPC</u></b>
1.	Harbor Freight Tools Stair Carpet Tucking Tool	Harbor Freight Tools USA, Inc.	Harbor Freight Tools USA, Inc.	UPC 792363956000

The routes of exposure to the chemical(s) in violation include dermal absorption, ingestion, and inhalation by consumers. These exposures occur through the reasonably foreseeable use of the products. The sales of this product has been occurring since at least January of 2020, is continuing to this day and will continue to occur as long as the product subject to this notice is sold to and used by consumers.

Proposition 65 requires that a clear and reasonable warning is provided with these products regarding the exposures to DINP caused by ordinary use of the product. The Parties are in violation of Proposition 65 by failing to provide such warning to consumers and as a result of the sales of these products, exposures to DINP have been occurring without proper warnings.

Pursuant to Proposition 65, notice and intent to sue shall be provided to violators 60 days before filing a complaint. This letter provides notice of the alleged violation to the parties listed above and the appropriate governmental authorities. A summary of Proposition 65 is attached.

If you have any questions or wish to discuss any of the above, please contact me.

Sincerely,



Jake Schulte

Enclosures