



January 10, 2013

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 are caused by brass plumbing products, such as fittings, valves, nipples, vacuum breakers, hose bibs and sprinkler heads — all made from brass or which incorporate a component made from brass (hereinafter collectively "brass products") — these businesses market. A list of specific examples of the specific types of products at issue is attached. Though a specific model may be given as an example, this notice pertains to all similar types of brass products. The brass products 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 drink water that has flowed through these brass products, or when they handle the brass products. Water that flows through these brass products leaches lead from the brass. People then ingest the lead when they drink the water. Lead is also transferred from the brass products 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 January 10, 2010, and will continue every day until the lead is removed from the brass products, or until clear and reasonable warnings are given. The above-referenced violations are alleged for occupational exposures as well as for consumer exposures. We do not, however, allege occupational exposure violations as to any brass products made outside of California, except as to workplaces these businesses themselves maintain in California. This notice does not allege environmental exposure violations of Proposition 65.

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 DISTRICT ATTORNEY COUNTY OF IMPERIAL 940 W. MAIN STREET, SUITE 102 EL CENTRO, CA 92243-2880	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF RIVERSIDE 4075 MAIN ST. RIVERSIDE, CA 92501	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF TRINITY P.O. BOX 310 WEAVERVILLE, CA 96093	PRESIDENT OR CEO LINCOLN PRODUCTS 18825 E SAN JOSE AVE CITY OF INDUSTRY, CA 91748
OAKLAND CITY ATTORNEY CITY HALL 6TH FLOOR 1 FRANK OGAWA PLAZA OAKLAND, CA 94612	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF INYO P.O. DRAWER D INDEPENDENCE, CA 93526	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SACRAMENTO 901 G STREET SACRAMENTO, CA 95814	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF TULARE COURTHOUSE #224 VISALIA, CA 93291	BILLY HODES, PRESIDENT MIDLAND METAL P.O. BOX 414410 KANSAS CITY, MO 64141
OFFICE OF THE CITY ATTORNEY CITY OF SAN FRANCISCO CITY HALL ROOM 206 400 VAN NESS SAN FRANCISCO, CA 94102	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF KERN 1215 TRUXTUN AVE. FLOOR 4 BAKERSFIELD, CA 93301	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SAN BENITO 419 4TH ST HOLLISTER, CA 95023	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF TUOLUMNE 2 S. GREEN ST. SONORA, CA 95370	BILLY HODES, PRESIDENT MIDLAND METAL 2016 E. 19TH STREET KANSAS CITY, MO 64127
OFFICE OF THE CITY ATTORNEY CITY OF SACRAMENTO PO BOX 1948 SACRAMENTO, CA 95812-1948	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF KINGS 1400 W. LACEY BLVD. HANFORD, CA 93230	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SAN BERNARDINO 316 MT. VIEW AVE. SAN BERNARDINO, CA 92415-0004	VENTURA COUNTY DISTRICT ATTORNEY'S OFFICE 800 SOUTH VICTORIA AVE VENTURA, CA 93009	GREGORY L CHRISTOPHER, CE MUELLER INDUSTRIES, INC. 8285 TOURNAMENT DR., STE 11 MEMPHIS, TN 38125
OFFICE OF THE CITY ATTORNEY CITY OF SAN JOSE 200 EAST SANTA CLARA STREET SAN JOSE, CA 95113	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF LAKE 255 N. FORBES ST # 424 LAKEPORT, CA 95453	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 YUBA 215 5TH ST. MARYSVILLE, CA 95901	REX MARTIN, PRESIDENT NIBCO, INC. 1516 MIDDLEBURY ST ELKHART, IN 46516
OFFICE OF THE CITY ATTORNEY CITY OF LOS ANGELES 200 N. MAIN ST. LOS ANGELES, CA 90012	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF LASSEN 220 SOUTH LASSEN ST. STE 8 SUSANVILLE, CA 96130	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SAN FRANCISCO 850 BRYANT ST #322 SAN FRANCISCO, CA 94103	RAY A GRIFFITH, CEO ACE HARDWARE CORPORATION 2200 KENSINGTON COURT OAK BROOK, IL 60523	
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 LOS ANGELES 18000 CRIMINAL COURTS BUILDING 210 W. TEMPLE ST. LOS ANGELES, CA 90012	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SAN JOAQUIN 222 E. WEBER AVE #202 STOCKTON, CA 95202	FREDERICK L GUTERMAN, CEO SETH GUTERMAN, PRESIDENT AMERICAN VALVE, INC. 4321 PIEDMONT PKWY GREENSBORO, NC 27410	
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF ALAMEDA 1225 FALLON STREET ROOM 900 OAKLAND, CA 94612	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MADERA 209 W. YOSEMITE AVE. MADERA, CA 93637	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SANTA CRUZ HALL OF JUSTICE AND RECORDS REDWOOD CITY, CA 94063	FREDERICK L GUTERMAN, CEO SETH GUTERMAN, PRESIDENT AMERICAN VALVE, INC. P.O. BOX 35229 GREENSBORO, NC 27425	
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF ALPINE P.O. BOX 248 MARKLEEVILLE, CA 96120	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MARIPOSA P.O. BOX 730 MARIPOSA, CA 95338	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SANTA BARBARA 1112 SANTA BARBARA ST. SANTA BARBARA, CA 93101	KEVIN ANDERSON, PRESIDENT ANDERSON METALS CORPORATION 1701 SOUTHERN ROAD P.O. BOX 34200 KANSAS CITY, MO 64120	
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF AMADOR 708 COURT STREET JACKSON, CA 95642	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MENDOCINO PO BOX 1000 UKIAH, CA 95482	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SANTA CLARA 70 W. HEDDING ST. SAN JOSE, CA 95110	FRANK ENTERANTE, PRESIDENT ARROWHEAD BRASS PRODUCTS, INC. 5147 ALHAMBRA AVE LOS ANGELES, CA 90032	
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF BUTTE 25 COUNTY CENTER DR. OROVILLE, CA 95965	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MERCED 2222 M ST. MERCED, CA 95340	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SHASTA 1355 WEST STREET REDDING, CA 96001	PETER D BERKMAN, PRESIDENT B & K INDUSTRIES, INC 2600 ELMHURST ROAD ELK GROVE VILLAGE, IL 60007	
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 MODOC 204 SOUTH COURT STREET ALTURAS, CA 96101	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SIERRA P.O. BOX 457 DOWNIEVILLE, CA 95936	GLENN MOSACK, PRESIDENT CONBRACO INDUSTRIES INC 701 MATTHEWS MINT HILL RD MATTHEWS, NC 28105	
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF COLUSA 547 MARKET STREET COLUSA, CA 95932	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MONO P.O. BOX 617 BRIDGEPORT, CA 93517	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SISKIYOU P.O. BOX 986 YREKA, CA 96097	KUM YANG, PRESIDENT CROWN INDUSTRIES, LLC. 9905 PAINTER AVE., SUITE J WHITTIER, CA 90605	
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF CONTRA COSTA P.O. BOX 670 MARTINEZ, CA 94553	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MONTEREY 240 CHURCH STREET P.O. BOX 1131 SALINAS, CA 93902	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SOLANO 600 UNION AVE FAIRFIELD, CA 94533	FRANK W. ROACH, PRESIDENT & CEO FERGUSON ENTERPRISES, INC PO BOX 2778 12500 JEFFERSON AVENUE NEWPORT NEWS, VA 23602	
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF DEL NORTE 450 H ST #171 CRESCENT CITY, CA 95531	COUNTY OF NAPA 931 PARKWAY MALL P.O. BOX 720 NAPA, CA 94559-0720	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SONOMA 600 ADMINISTRATION DR. #212J SANTA ROSA, CA 95403	TODD TALBOT, PRESIDENT FLUIDMASTER, INC. 30800 RANCHO VIEJO RD SAN JUAN CAPISTRANO, CA 92675	
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF EL DORADO 515 MAIN ST. PLACERVILLE, CA 95667	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF NEVADA 110 UNION STREET NEVADA CITY, CA 95959	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF STANISLAUS 1100 I ST. #200 MODESTO, CA 95354	PETER D. BERKMAN, CEO HOMEWERKS WORLDWIDE, LLC 500 BOND STREET, LINCOLNSHIRE, IL 60069	
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF FRESNO 2220 TULARE ST #1000 FRESNO, CA 93721	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF ORANGE 401 CIVIC CENTER DR WEST SANTA ANA, CA 92701	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SUTTER 1160 CIVIC CENTER BLVD. #A YUBA CITY, CA 95993	LARRY GREENSPON, PRESIDENT LDR INDUSTRIES, INC 600 N KILBOURN AVE CHICAGO, IL 60624	
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF GLENN P.O. BOX 430 WILLOWS, CA 95988	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF PLACER 10810 JUSTICE CENTER DR. STE 240 ROSEVILLE, CA 95678	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF TEHAMA P.O. BOX 519 REDBLUFF, CA 96080	LEEANN MEYERS, PRESIDENT LEE MEYERS COMPANY 999 MABURY RD SAN JOSE, CA 95133	
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF HUMBOLDT 825 5TH ST. EUREKA, CA 95501	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF PLUMAS 520 MAIN STREET #404 QUINCY, CA 95971			

PRODUCT LIST

1/2" X 1/2" HOSE BARB 42800; 1/2" BALL VALVE G200BXB; 1/2" HOSE BIBB M76NK;
3/4" BALL VALVE SOLDER ENDS G1005; 1/2" GATE VALVE SOLDER ENDS G300S
#369232; 1/4" BRASS TEE AMC FREE; 1/4" ID X 1/2" MPT HOSE BARB; 1/2" BRASS TEE
38701-08; 1/2" BRASS TEE; 1/2 FIP X 3/4 HOSE KINK BIBB 253BCLD; 3/4" MIP X 3/4"
HOSE HOSE BIBB WITH VACUUM BREAKER 361BLCD; 3/4" FIP X 3/4" HOSE NO
KINK HOSE BIBB LESS KEY 353LSBCLD; 1/2" FIP X 3/4" HOSE BIBB LOOSE KEY
253LKBCLD; 1/2" GATE VALVE THREADED 100-403NL; 3/4" BALL VALVE
THREADED 107-824NL; PACK GLAND VALVE BALL VALVE BRASS 3/4" 107-844NL;
3/4" STOP VALVE 105-504NL; 3/4" THREADED HOSE BIBB 103-004HC; 3/4" RED
BRASS 90 DEGREE ELBOW 452-004; 3/4" RED BRASS TEE 453-004; 3/4" STOP VALVE
THREADED; 3/4" 90 DEGREE DROP EAR ELBOW; BRASS GATE VALVE 1/2"
LWS70LF103; 12" SS BRAIDED WATER CONNECTOR 3/8" X 1/2" FIP; PROFLO BENT
NOSE GARDEN VALVE 3/4" FIP PF113FC; 45 DEGREE ELBOW 3/4" BRONZE NO LEAD
451125; 3/4" FIP X 3/4" FIP 12" LENGTH WATER HEATER CONNECTOR B1H12; 3/4" FIP
X 3/4" FIP 12" LENGTH WATER HEATER CONNECTOR B1H12; FITS-ALL FAUCET 12"
CONNECTOR B4F12U; 3/4" BRASS/BALL VALVE FEMALE X FEMALE 116-2-34-34
LOW LEAD COMPLIANT; 1/2" BRASS BALL VALVE FEMALE THREAD X FEMALE
THREAD CONNECTION 116-2-12-12 LOW LEAD COMPLIANT; 3/4" BRASS/BALL
VALVE FEMALE X FEMALE 116-2-34-34 LOW LEAD COMPLIANT;
3/4" BALL VALVE W/PEX ENDS 0137848; 1/2" BALL VALVE W/PEX ENDS 0146134;
3/4" GATE VALVE HEAVY DUTY SWEAT BRASS 022 1214; 1/2" 90 DEGREE ELBOW
323 E90-12; 1/2" BRASS TEE 323 T-12; 3/8" BRASS TEE 322 T-38; 1/2" HOSE BIBB 020
7523; 1/2" DROP EAR ELBOW; 3/4" BRASS STREET ELBOW; RB SSS HOSE BIBB 1/2"
290414; 3/4" RB SSS HOSE BIBB - IMPORT 290415; 1/2" FIP NO KINK ROUGH BRASS
HOSE BIBB 290434; SEA FIT 3/8" PIPE THREAD TEE BRONZE; SEAFIT 3/8" PIPE
THREAD BRONZE TEE 1858802; 1/2" PIPE THREAD BRONZE TEE 1858844; SEAFIT 90
DEGREE ELBOW 1/2" PIPE THREAD BRONZE 1857267; SEAFIT 45 DEGREE ELBOW
1/2" PIPE THREAD BRONZE 18589398; SEAFIT 90 DEGREE ST ELBOW 3/4" PIPE
THREAD 1857747; 3/4" TEE C X C X F; 1" MALE FEMALE HOSE END SETS 3363-T; 3/4"
MALE FEMALE END SETS 3362-T; 1/2" MALE-FEMALE HOSE END SETS 3360-T; 5/8"
MALE-FEMALE HOSE END SETS 3361-T; PLUMBING 3/8" BRASS TEE 9317064;
PLUMBING COPPER REPAIR COUPLING COMPRESSION TYPE 1/2" NOM, 5/8" O.D.
COPPER PIPE 5436085-T; DISHWASHER ADAPTER ELBOW 3/4" FHT SWIVEL 1485-T;
FLOAT VALVE 1/2" 6415136-T; 3/4" 90 DEGREE BRASS ELBOW

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: January 10, 2013


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 January 10, 2013, 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 January 10, 2013, at Eureka, California.


Nicole Frank