Clifford A. Chanler, State Bar No. 135534 1 Eric S. Somers, State Bar No. 139050 2 CHANLER & ASSOCIATES Suite 110 3 1700 Montgomery Street San Francisco, CA 94111 Tel: (415) 391-1122 4 Fax: (415) 391-1157 NOV 13 1995 5 **HOWARD HANSON** 6 Attorneys for Plaintiff MARIN COUNTY CLERK AS YOU SOW by P. Fan, Deputy 7 SUPERIOR COURT OF CALIFORNIA 8 9 IN AND FOR THE COUNTY OF MARIN 10 11 AS YOU SOW, a non-profit Case No. 164439 corporation, 12 STIPULATION FOR ENTRY OF Plaintiff 13 JUDGMENT AND JUDGMENT ON STIPULATION 14 MILLER-STEPHENSON CHEMICAL COMPANY, INC.; and DOES 1 15 through 1000, 16 Defendants. 17 18 19 20 21 22

23

24

25

26

27

28 d

IT IS HEREBY STIPULATED, by and between plaintiff As 1 2 You Sow and defendant Miller-Stephenson Chemical Company, 3 Inc., through their respective representatives, that judgment in the above-entitled action be entered in accordance with the 4 5 terms of the settlement agreement between the parties, which 6 is attached hereto as Exhibit A. 7 8 G the 9 Dated: August 3), 1995 Somers Attorneys for Plaintiff 10 AS YOU SOW 11 12 13 Dated: August by: Attorneys for Defendant 14 Miller-Stephenson Chemical ompany, Inc. 15 16 17 IT IS HEREBY ORDERED that judgment be entered in 18 accordance with the terms of the stipulation between the 19 20 parties. 21 22 23 Dated: August , 1995 the Superior Court 24 25 26 27 28

# SETTLEMENT AGREEMENT

On October 17 1995 in San Francisco, California, As You Sow ("AYS") and Miller-Stephenson Chemical Company, Inc. ("Miller-Stephenson") agreed to the following terms and conditions:

# WHEREAS:

AYS is a not-for-profit public interest foundation dedicated to promoting consumer awareness, protecting the environment and improving human health; and

Miller-Stephenson is a Connecticut company that manufactures and distributes products such as solvent flux removers, aerosol sprays, epoxy adhesives, conductive coatings, conformal coatings, acrylic coatings, curing agents, stripping agents, epoxy resins, dry lubricants, specialty lubricants, and paints, some of which contain toluene and/or methylene chloride; and

On January 1, 1991, toluene was officially listed by the State of California as a chemical known to the State of California to cause birth defects or other reproductive harm, pursuant to Health & Safety Code §25249.8; and

On April 1, 1988, dichloromethane (methylene chloride) was officially listed by the State of California as known to the State of California to cause cancer, pursuant to Health & Safety Code §25249.8; and

A list of the products containing toluene and/or methylene chloride which are covered by this Agreement is provided in Exhibit A (the "Products"). The Products have been manufactured and/or distributed by Miller-Stephenson for sale and/or use in California since April 1, 1989; and

On March 17, 1995, AYS served Miller-Stephenson (and the appropriate public enforcement agencies) with a document entitled "60-Day Notice" which provided Miller-Stephenson with notice that it was allegedly in violation of Health & Safety Code §25249.6 for failing to warn individuals that certain products it manufactures for sale and/or use in California expose users to Proposition-65 listed chemicals, including toluene; and

On July 12, 1995, AYS served Miller-Stephenson (and the appropriate public enforcement agencies) with an additional document entitled "60-Day Notice" which provided Miller-Stephenson with notice that it was allegedly in violation of Health & Safety Code \$25249.6 for failing to warn individuals that certain products it manufactures for sale and/or use in California expose users to toluene and/or methylene chloride; and

On June 23, 1995, AYS filed a complaint entitled As You Sow v. Miller-Stephenson Company; et al. (No. 164439) in Marin County Superior Court alleging violations of Business & Professions Code §17200 and Health & Safety Code §25249.6, on behalf of individuals in California who allegedly are exposed to Proposition 65-listed chemicals in certain Miller-Stephenson products; and

# NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

- 1. PRODUCT WARNINGS. Miller-Stephenson agrees that as of August 1, 1995, it shall not ship (or cause to be shipped) any of the Products for sale or use in the State of California unless each such Product has, affixed to its container, a sticker bearing one of the following warning statements:
  - 1.1. For Products that contain methylene chloride:

"WARNING: This products contains a chemical known to the State of California to cause cancer."

1.2. For Products that contain toluene:

"WARNING: This product contains a chemical known to the State of California to cause birth defects or other reproductive harm."

1.3 For Products that contain both methylene chloride and toluene:

"WARNING: This product contains chemicals known to the State of California to cause cancer and birth defects or other reproductive harm."

The warning stickers shall be prominent and displayed on the Product containers with such conspicuousness, as compared with other words, statements, or designs thereon, as to render them likely to be read and understood by an ordinary individual. The warning stickers shall be printed in black ink on a white background. Exemplars of satisfactory warning stickers are attached hereto as Exhibit B. Miller-Stephenson shall use the larger of the appropriate label whenever reasonable to do so in light of the size of the product container.

PRODUCTS IN COMMERCE. In an effort reasonably to ensure that individuals receive Proposition 65 warnings during their use of Products shipped before August 1, 1995, and in light of the expected short storage shelf life of the Products, Miller-Stephenson agrees that by November 1, 1995, it shall provide interim warning materials to (a) its customers to whom Miller-Stephenson supplied the Products in California between

January 1, 1995 and August 1, 1995; (b) other persons whom Miller-Stephenson knows or has reason to believe acquired the Products for sale, use or distribution in California between January 1 and August 1, 1995; and (c) all other persons in California whom Miller-Stephenson can identify with reasonable effort whom it reasonably believes acquired before August 1, 1995 the Products and whom, as of the date of this Agreement, Miller-Stephenson reasonably believes continues to have such Products on hand. The interim warning materials shall include sufficient warning stickers, a Notice Letter providing instructions for the placement of the stickers, and a Notice and Acknowledgment postcard. The Notice Letter is attached hereto as Exhibit C. The Notice and Acknowledgment postcard is attached hereto as Exhibit D. After 15 days, if a customer has not returned the Notice and Acknowledgement postcard, Miller-Stephenson shall suspend shipments of the Products to such customer until such customer agrees to place the stickers on the Products.

3. MSDS REVISIONS. Beginning immediately, Miller-Stephenson will initiate revisions to its current MSDSs for the Products so that the warning or warnings will be consistent in wording with the warning language specified in ¶1 of this Agreement. Final printed MSDSs incorporating the revised warnings will begin to be distributed in the normal course of business but in any event no later than October 1, 1995. An examplar of a satisfactory MSDS is attached hereto as Exhibit E.

# 4. SETTLEMENT AMOUNT.

- 4.1. Penalties. Pursuant to Health & Safety Code §25249.7(b), upon execution of this Agreement, Miller-Stephenson shall pay a civil penalty of \$2,500. Penalty monies shall be apportioned by AYS in accordance with Health & Safety Code §25192.
- 4.2. Restitution and Investigation Costs. Miller-Stephenson agrees to pay \$16,000 to AYS upon execution of this Agreement. The restitutionary component of this sum, made pursuant to Business & Professions Code §17203, shall be distributed to the West County Toxics Coalition, a non-profit environmental group located in Richmond, California. The cost component of this sum will be used by AYS to help defray its investigation fees and costs, expert fees, reasonable attorneys' fees, and any other costs incurred as a result of investigating, bringing this matter to Miller-Stephenson's attention, litigating and negotiating a settlement in the public interest.

- 5. AYS RELEASE. AYS, by this Agreement, waives all rights to institute action against Miller-Stephenson, its distributors or retailers which sell the Products, whether under Proposition 65, Business & Professions Code §§17200 et seq., or any other statute or common law claim based on Miller-Stephenson' failure to warn users about exposure to Proposition 65 chemicals from any of the Products identified in Exhibit A.
- 6. MILLER-STEPHENSON RELEASE. Miller-Stephenson, by this Agreement, waives all rights to institute any form of legal action against AYS, its members, officers, directors, attorneys and representatives (the "AYS Releasees") based on any statute or provision of common law and for all actions or statements made by the AYS Releases in the course of seeking enforcement of Proposition 65 against Miller-Stephenson.
- 7. STIPULATED JUDGMENT. The parties shall file a stipulated judgment to be approved pursuant to CCP \$664.6 by the Marin County Superior Court in accordance with the terms of this agreement.
- 8. SEVERABILITY. In the event that any of the provisions of this Agreement are held by a court to be unenforceable, the validity of the enforceable provisions shall not be adversely affected.
- 9. ATTORNEYS' FEES. In the event that a dispute arises with respect to any provision(s) of this Agreement, the prevailing party shall be entitled to recover costs and reasonable attorneys' fees.
- 10. CHANGE IN LAW. In the event that a new or revised law, rule, regulation, or final decision of any legislative, judicial, or executive body limits or otherwise renders inapplicable the warning provisions of Proposition 65 to any of the Products listed on Attachment A to this Agreement, the warnings provision under paragraph 1 of this Agreement shall similarly be so limited or rendered inapplicable. Miller-Stephenson shall provide AYS with 30 days' notice of its intent to so limit the warnings provisions under paragraph 1 of this Agreement, and shall provide AYS with an explanation of the basis for its contention that such new or revised law, rule, regulation, or final court decision limits or otherwise renders inapplicable the warning provisions of Proposition 65 to the Products listed on Attachment A to this Agreement. Nothing in this paragraph shall effect the amounts to be paid under paragraph 4 of this Agreement.
- 11. GOVERNING LAW. The terms of this Agreement shall be governed by the laws of the State of California.

12. CORRESPONDENCE.

All correspondence to AYS shall be mailed to:

Eric Somers, Esq. Chanler & Associates 1700 Montgomery Street, Suite 110 San Francisco, CA 94111

All correspondence to Miller-Stephenson shall be mailed to:

Lawrence P. Riff, Esq. Lane Powell Spears Lubersky 333 South Hope Street, Suite 2400 Los Angeles, CA 90071

- 13. NO ADMISSION. Nothing in this Agreement shall be construed as an admission by Miller-Stephenson of any fact, finding, issue of law, or violation of law, nor shall compliance with this Agreement constitute or be construed as an admission by Miller-Stephenson of any fact, finding, conclusion, issue of law, or violation of law. However, this paragraph shall not diminish or otherwise affect the obligation, responsibilities, and duties of Miller-Stephenson under this Agreement.
- 14. AUTHORITY TO EXECUTE. The undersigned are authorized to execute this Agreement on behalf of their respective parties and have read, understood and agree to all of the terms and conditions of this Agreement.

AGREED TO:	AGREED TO:	
	William J Bunnon	
AS YOU SOW	MILLER-STEPHENSON COMPANY	

12. CORRESPONDENCE.

All correspondence to AYS shall be mailed to:

Eric Somers, Esq. Chanler & Associates 1700 Montgomery Street, Suite 110 San Francisco, CA 94111

All correspondence to Miller-Stephenson shall be mailed to:

Lawrence P. Riff, Esq. Lane Powell Spears Lubersky 333 South Hope Street, Suite 2400 Los Angeles, CA 90071

- 13. NO ADMISSION. Nothing in this Agreement shall be construed as an admission by Miller-Stephenson of any fact, finding, issue of law, or violation of law, nor shall compliance with this Agreement constitute or be construed as an admission by Miller-Stephenson of any fact, finding, conclusion, issue of law, or violation of law. However, this paragraph shall not diminish or otherwise affect the obligation, responsibilities, and duties of Miller-Stephenson under this Agreement.
- 14. AUTHORITY TO EXECUTE. The undersigned are authorized to execute this Agreement on behalf of their respective parties and have read, understood and agree to all of the terms and conditions of this Agreement.

AGREED TO:	AGREED TO:
sowad Maillan	
AS YOU SOW	MILLER-STEPHENSON COMPANY

# EXHIBIT A

- MS-190 1.
- MS-190 HD 2.
- З.
- MS-192 MS-192 HD
- 5. MS-111
- 6. MS-111 N
- 7. MS-462
- 8. MS-465
- 9. MS-467
- 10. MS-470 MS-472
- 11. 12. MS-477
- 13. MS-485
- 14. 15. MS-450
- MS-487

6

CHISEO WALITA. 1-1114

WARNING: This product contains a chemical known to the State of Californie to course cancer,

WARMING: This product contains a chemical known to the State of California to couse candar.

WARNING: This product contains a chemical known to the State of California to cause cancer.

1 WARNING: This product contains a chamical known to the State of California to cause concer.

WARNING: This product contains a chemical known to the State of California to cause concer.

WARMING: This product contains a chemical known to the State of Castornia to cause cancer.

WARMING: This product contains a chemical known to the State of California to cause cander.

WARMING: This product contains a chemical known to the State of California to cause cancer.

WARMING: This product conceins a chemical known to the State of Callornia to course cencer.

WARNING: This product contains a chamical known to the State of California to cause on

WARNING: This product contains a chemical known to the State of Californie to cause concer.

WARNING: This product contains a chemical known to the State al California to cause cancer.

WARNING: This product contains a chamical known to the State of California to cause cancer.

WARNING: This product contains a chemical known to the State of California to cause cancer.

WARNING: This product contains a chemical known to the State of California to cause cancer.

WARNING: This product contains a chemical known to the State of Callemia to cause cancer.

WARNING: This product contains a chemical known to the State of Callomie to cause concer.

WARNING: This product contains a chemical known to the State of California to course cancer.

WARNING: This product contains a chemical known to the State of California to cause cancer.

WARNING: This product contains a chemical known to the State of California to cause concer.

WARNING: This product contains a chemical known to the State of Callornia to cause cancer.

WARNING: This product contains a chemical known to the State of California to cause cancer.

WARNING: This product contains a chemical known to the State of California to cause cancer.

WARNING: The product contains a co-mical known to the State af California to cause cancer.

WARNING: This product centains a chemical known to the State of Caffornia to cause carreer.

WARNING: This product contains a chemical known to the State ul Callornio to cause cancer

WARNING: This product contains a chemical known to the State of California to cause cancer

WARMING: This product contains a chemical known to the State of California to causa cancer.

WARNING: This product contains a chamical known to the State of California to Causa cancer.

WARNING: This product contains a chamical known to the State of California to cause cancer.

WARNING: This product contains a chemical known to the State of Callomb to cause cancer.

WARNING: This product contains a chemical known to the State of California to cause sencer.

WARMING: This product contains a chamical known to the State of California to cause cancer.

WARNING: This product contains a chamical known to the State of California to cause cancer.

WARNING: This product contains a chamical known to the State of California to cause cancer.

WARNING: This product contains a chamical known to the State of California to cause cancer,

WARNING: This product contains a chemical known to the State of California to ceusa concur.

WARNING! This product contains a chemical brown to the State WARNING: This product pontains a chemical known to the State

of Celifornia to cause cancer.

of California to cause cancer.

WARNING: This product contains a chamical known to the State of California to cause cancer,

WARNING: This product contains a chemical known to the State of California to seuse correct.

WARNING; This product contains a chamical known to the State of California to cause concer.

WARNING: This product contains a chamical known to the State of Callfornie to cause cancer.

WARNING: This product contains a chemical known to the State of California to cause cancer.

WARNING: The product compline a chemical known to the State of Collomia to obuse concer.

WARNING: This product contains a chemical known to the State of California to cause cancer.

WARNING: This product contains a charrical known to the State at California to cause Cancer.

WARNING: This product contains a chamical known to the State of California to pause cancer.

WARNING: This product contains a chemical known to the State of California to couse concer.

WARNING: This product contains a chemical known to the State of California to cause cancor.

WARMING: This product contains a chemical known to the State of California to cause mancer.

WARNING: This product contains a chemical known to the State of California to cause cancer.

WARMING: This product contains a chemical known to the State

WARNING: This product contains a chemical known to the State of California to cause concer.

WARNING: This product contains a chamical known to the State of California to cause cancer.

WARNING: This product contains a chemical known to the State of Caffornia to Genee cancer.

WARMING: This product contains a charactel known to the of California to cause cancer.

WARNING: This product contains a chemical known to the of California to cause cancer.

WARNING: This product contains a chemical known to the : of Castornia to cours cancer.

WARNING: This product contains a chemical known to the : of Cautomia to cause cancer.

WARNING: This product contains a chamical known to the S of California to cause cancer.

WARNING: This product contains a chemical known to the 5 of California to cause camper.

WARNING: This product contains a chamical known to the S

WARNING: This product contains a chamical known to the 5: of California to cause cancer.

WARNING: This product contains a chemical known to the St of California to cause cons

WARNING: This product contains a chemical known to the St. of California to cause cancer.

WARNING: This product contains a chemical known to the Stof California to cause concer.

WARNING: This product contains a chemical known to the Sta of Callornia to cause cancer.

WARNING: This product contains a chemical known to the 50 of California to causa concer.

WARNING: This product contains a chemical known to the 5ts of California to cause canast.

WARNING: This product contains a chemical known to the Sta of California to cause cancer.

WARNING: This product contains a chemical known to the Sta at Calternia to cause cancer.

WARNING: This product contains a chemical known to the Sta of Callornia to cause cancer.

WARNING: This product contains a charactel known to the Sta of California to cause cancer.

WARNING: This product contains a charact known to the So of California to cause cancer.

WARNING: The product contains a chemical known to the Ste of Captornia to cours concer.

WARNING: This product contains a chamical known to the Su of California to cause canger.

WARNING: This product contains a chamical known to the Str of California to couse concer.

WARNING: This product contains a charrical known to the Str of Calfornia to cause concer.

WARNING: This product contains a chamical known to the Sti of California to cause concer.

WARNING: This product contains a chamical known to the St of Callfornia to cause concer.

WARNING: This product contains a chamical known to the St of California to cause concer.

WARNING: This product contains a chamical known to the St of California to camp cancer.

WARNING: This product contains a chamical known to the St of California to cause cancer.

Exhibit B Page 7

FILLS IN I A.

WARMING: This product contains a chamical known to the Solar of California to cause pirth defects or other reproductive ham.

WARNING: This product contains a chemical known to the State of California to cause birth defects or other reproductive harm.

WARNING: This product contains a charrical known to the State of California to cause birth defects or other reproductive harm.

WARNING: This product contains a chemical known to the State of California to cause pirm detects or other reproductive herm.

WARNING: This product contains a chemical known to the State of California to cause birth defects or other reproductive herm.

WARNING: The product contains a chemical known to the State of Cellornia to cause birth delects or other reproductive horm.

WARNING: This product contains a chemical known to the State of California to couse Birth defects or other reproductive narm.

WARNING: This product contains a chamical known to the State of California to cause birth defects or other reproductive norm,

WARNING: This product contains a chemical known to the State of California to cours birth defects or other reproductive horm.

WARNING: This product contains a chemical known to the State of California to cause birth defects or other reproductive harm.

WARNING: This product contains a chemical known to the State of California to cause birth defects or other reproductive harm.

WARNING: This product comzine a chemical known to the State of California to cause birth defects or other reproductive harm.

WARNING: This product complex a chamical known to the State of California to cause birth defects or other reproductive horm.

WARNING: This product contains a chemical known to the State of California to cause birth defects of other reproductive norm.

WARNING: This product contains a chamical known to the State of California to cause birth defects or other reproductive harm.

WaRNING: This graduat contains a chemical known to the State of California to cause birth defeats or other reproductive harm.

WARNING: This product contains a chemical known to the State of California to cause birth defects or other reproductive harm.

WARNING: This product contains a chemical known to the State of Galifornia to cause birth defects or other reproductive harm.

WARNING: This product contains a chemical known to the State of California to cause birth defects or other reproductive nerm.

WARNING: This product contains a chemical known to the State of California to cause birth defects or other reproductive harm.

WARNING: This product contems a chemical known to the State of Califernia to cause birth detects or other reproductive harm.

WARNING: This product contains a chemical known to the State of Callorina to cause birth defects or other reproductive narm.

WARNING: This product contains a chemical known to the State of California to cause birth defects or other reproductive harm.

WARNING: This product contains a chemical known to the State of California to cause birth detects of other reproductive harm.

WARNING: This product contains a chemical known to the State of California to cause birth defects or other reproductive harm.

WARNING: This product contains a chemical known to the State of California to cause birth defects or other reproductive harm.

WARNING: This product contains a cliemical known in the State of Celifornie to cause plant defects or other reproductive narm.

WARNING: This groduct contains a chemical known to the State of California to cause birth defects or other reproductive narm.

WARNING: This product contains a chemical known to the fitted of California to cause birth defeats or other reproductive harm.

WARNING: The product contains a chemical known to the State of California to course birth defects or other reproductive harm.

WARNING: This product contains a chemical known to the State of Cellfornia to cause birth defects or other reproductive hum.

WARNING: This product contains a chamical known to the State of California to cause birth defects or other reproductive harm.

WARNING: This product contains a chemical known to the State of California to cause birth defects or other reproductive harm.

WARNING: This product contains a chemical known to the State of California to couse birth defects or other reproductive name.

WARNING: This product contains a chomical known to the State of California to cause birth defects or other reproductive herm.

WARNING: This product contains a chamical known to the State of California to cause birth defects or other reproductive harm.

WARNING: This product contains a chemical known to the State of Chillothia to cause birth defects or other reproductive horm,

WARNING: This product contains a chamical known to the State of California to cause birth defects or other reproductive herm, WARNING: This product contains a chamical known to the State of California to cause birth defects or other reproductive narm.

WARNING: This product contains a chamical known to the State of California to cause birth defects or other reproductive harm.

WARNING: This product contains a chemical known to the little of California to cause birth defects or other reproductive harm.

WARNING: This product contains a chemical known to the State of Cellfornia to cause birth defects or other reproductive harm.

WARNING: This product contains a chemical known to the State of California to cause birth defects or other reproductive harm.

Warning: This product contains a dhemical known to the State of California to cause pirth defects or other reproductive name.

WARNING: This proquet contains a chemical known to the State of California to cause pirth defects of other reproductive harm.

WARNING: This product contains a chemical known to the State of California to cause pirth defects or other reproductive harm.

WARNING: This product contains a chaminal known to the State of California to cause pirth defects or other reproductive harm.

WARNING: This product contains a chemical known to the State of California to cause birth defects or other reproductive harm.

WARNING: This product contains a charactal known to the State of California to cause pirth defects or other reproductive harm.

WARNING: This product contains a chemical known to the State of California to couse birth defects or other reproductive horm.

WARNING: This product contains a chemical known to the State of Cafifornia to cause birth defects or other reproductive harm.

WARNING: This product contains a chemical known to the State of Cellfornia to cause birth defects or other reproductive harm.

WARNING: This product contains a chemical known to the State of California to cause birth defects of other reproductive harm.

WARNING: This product contains a chemical known to the State

of California to cause birth defects or other reproductive herm.

WARNING: This product contains a chemical known to the State

of California to cause pirth defects or other reproductive harm.

WARNING: This product contains a chemical known to the State of California to cause birth defects or other reproductive harm.

WARNING: This product contains a chartical known to the of California to dause birth defects or other reproductive har

WARNING: This product contains a chemical known to the! of Celifornie to ceuse birth defects or other reproductive har

WARNING: This product contains a chamical known to the !
of California to cause birth defects of other reproductive her

WARNING: This product contains a chamical known to the f of California to cause birth defects or other reproductive han

WARNING: This product contains a chemical known to the 5 of California to cause birth defects or other reproductive har

WARNING: This product contains a chemical known to the S of Castornia to cause birth defects or ether reproductlys harr

WARNING: This product contains a chemical known to the S of California to seems birth defects or other reproductive name.

WARNING: This product conteins a chemical known to the 5 of California to cause birth defects or other reproductive hem

WARNING: This product contains a chamical known to the S of California to cause birth defects or other reproductive name

WARNING: This product contains a chemical known to the Si of California to cause birth defects or other reproductive harm

WARNING: This product contains a chemical known to the Si of California to cause birth defects or other reproductive harm

WARNING: This product contains a chemical known to the St of California to cause birth defects or other reproductive ham:

WARNING: This product contains a chamical known to the S of California to cause birth defects or other reproductive harm

WARNING: This product contains a chemical known to the St

WARNING: This product contains a chamical known to the St of California to cause birth defects or other reproductive Nam.

WARNING: This product contains a chemical known to the 6t of California to cause birth defects or other reproductive harm

WARNING: This product contains a chemical known to the 50 of California to cause birth defects or other reproductive harm

WARNING: This product contains a chemical known to the St of California to cause birth defects or other reproductive harm.

WARNING: This product contains a chamical known to the Sr. of California to cause birth defects or other reproductive harm

WARNING: This product contains a chemical known to the St. of California to cause birth defects or other reproductive harm

WARNING: This product contains a chemical known to the Su of California to cause birth defects or other reproductive harm

WARNING: This product contains a chemical known to the St. of California to cause birth defects or other reproductive ham

WARNING: This product contains a chemical known to the Str of California to cause birth defects or other reproductive harm

WARNING: This product contains a chamical known to the S: of California to cause birth defects or other reproductive harm

WARNING: This product contains a chemical known to the St. of California to cause birth defects or other reproductive harm

WARNING: This product contains a chamical known to the 5t of California to cause birth defeats or other reproductive harm

WARNING: This product contains a chamical known to the St, of California to cause birth defects or other reproductive name

WARNING: This product contains a chemical known to the St of California to couse outto defects or other regroductive harm

Exhibit B Page 8

LHBEU YLLTLE, FINY

WARNING: This product contains a chemical knows to the State of California to cause cancer.

WARNING: This product contains a chemical known to the State of California to cause cancer.

WARNING: This product contains a chamical known to the State of California to cause cancer.

WARNING: This product contains a chemical known to the State of California to cause cancer.

WARNING: This product contains a chemical known to the State of California to cause cancer.

WARNING: This product contains a chemical known to the State of California to cause cancer.

WARNING: This product contains a chemical known to the State of California to cause cancer.

WARNING: This product contains a chemical known to the State of California to cause cancer.

WARNING: This product contains a chemical known to the State of California to cause cancer.

WARNING: This product contains a chemical known to the State of California to cause cancer.

WARNING: This product contains a chemical known to the State of California to cause cancer.

WARNING: This product contains a chemical known to the State of California to cause cancer.

WARNING: This product contains a chemical known to the State of California to cause cancer. WARNING: This product contains a chemical known to the State of California to cause cancer.

WARNING: This product contains a chemical known to the State of California to cause cancer.

WARNING: This product contains a chemical known to the State of California to cause cancer.

WARNING: This product contains a chemical known to the State of California to cause cancer,

WARNING: This product contains a chemical known to the State of California to cause cancer.

WARNING: This product contains a chemical known to the State of California to cause cancer.

WARNING; This product contains a chemical known to the State of California to cause cancer.

WARNING: This product contains a chemical known to the State of California to cause cancer.

WARNING: This product contains a chemical known to the State of California to cause cancer.

WARNING: This product contains a chemical known to the State of California to cause cancer.

WARNING: This product contains a chemical known to the State of California to cause cancer.

WARNING: This product contains a chemical known to the State of California to cause cancer.

WARNING: This product comzins a chemical known to the State of California to cause cancer.

WARNING: This product contains a chemical known to the State of California to cause cancer.

WARNING: This product contains a chemical known to the State of California to cause cancer.

WARNING: This product contains a chemical known to the State of California to cause cancer.

WARNING: This product contains a chemical known to the State of California to cause cancer.

WARNING: This product contains a chemical known to the State of California to cause cancer.

WARNING: This product contains a chemical known to the State of California to cause cancer.

WARNING: This product contains a chemical known to the State of California to cause cancer.

WARNING: This product contains a chemical known to the State of California to cause cancer.

WARNING: This product contains a chemical known to the State of California to cause cancer.

WARNING: This product contains a chemical known to the State of California to cause cancer.

WARNING: This product contains a chemical known to the State of Californie to cause cancer.

WARNING: This product contains a chemical known to the State of California to cause cancer.

LHGYS MUING . FILLY

WARNING: This product contains a chemical knows to the State of California to cause birth defects or other reproductive harm.

WARNING: This product contains a chemical known to the State ( California to cause birth defects or other reproductive harm.

WARNING: This product contains a chemical known to the State of California to cause birth defects or other reproductive harm.

WARNING: This product contains a chemical known to the State ( California to cause birth defects or other reproductive harm.

WARNING: This product contains a chemical known to the State of California to cause birth defects or other reproductive harm.

WARNING: This product contains a chemical known to the State c California to cause birth defects or other reproductive harm.

WARNING: This product contains a chemical known to the State of California to cause birth defects or other reproductive harm.

WARNING: This product contains a chemical known to the State of California to cause birth defects or other reproductive harm.

WARNING: This product contains a chemical known to the State of California to cause birth defects or other reproductive harm.

WARNING: This product contains a chemical known to the State of California to cause birth defects or other reproductive harm.

WARNING: This product contains a chemical known to the State of California to cause birth defects or other reproductive harm.

WARNING: This product contains a chemical known to the State of California to cause birth defects or other reproductive harm.

WARNING: This product contains a chemical known to the State of California to cause birth defects or other reproductive harm.

WARNING: This product contains a chemical known to the State of California to cause birth defects or other reproductive harm.

WARNING: This product contains a chemical known to the State of California to cause birth defects or other reproductive harm.

WARNING: This product contains a chemical known to the State of California to cause birth defects or other reproductive harm.

WARNING: This product contains a chemical known to the State of California to cause birth defects or other reproductive harm.

WARNING: This product contains a chemical known to the State of California to cause birth defects or other reproductive harm.

WARNING: This product contains a chemical known to the State of California to cause birth defects or other reproductive harm.

WARNING: This product contains a chemical known to the State of California to cause birth defects or other reproductive harm.

WARNING: This product contains a chemical known to the State of California to cause birth defects or other reproductive harm.

WARNING: This product contains a chemical known to the State of California to cause birth defects or other reproductive harm.

WARNING: This product contains a chemical known to the State of California to cause birth defects or other reproductive harm.

WARNING; This product contains a chemical known to the State of California to cause birth defects or other reproductive harm.

WARNING: This product contains a chemical known to the State of California to cause birth defects or other reproductive harm.

WARNING; This product contains a chemical known to the State of California to cause birth defects or other reproductive harm.

WARNING: This product contains a chemical known to the State of California to cause birth defects or other reproductive herm.

WARNING: This product contains a chemical known to the State of California to cause birth defects or other reproductive harm.

WARNING: This product contains a chemical known to the State of California to cause birth defects or other reproductive harm.

WARNING: This product contains a chemical known to the State o: California to cause birth defects or other reproductive harm.

WARNING: This product contains a chemical known to the State of California to cause birth defects or other reproductive harm.

WARNING: This product contains a chemical known to the State of California to cause birth defects or other reproductive harm.

WARNING: This product contains a chemical known to the State of California to cause birth defects or other reproductive harm.

WARNING: This product contains a chemical known to the State of California to cause birth defects or other reproductive harm.

WARNING: This product contains a chemical known to the State of California to cause birth defects or other reproductive harm.

WARNING: This product contains a chemical known to the State of California to cause birth defects or other reproductive harm.

WARNING: This product contains a chemical known to the State of California to cause birth defects or other reproductive harm.

WARNING: This product contains a chemical known to the State of California to cause birth defects or other reproductive harm.

#### EXHIBIT C

[Miller-Stephenson Letterhead]

# IMPORTANT LEGAL NOTICE

Date:

1

Attention:

All Customers of Miller-Stephenson

Subject:

California Proposition 65 Warnings

\*

This letter is to advise you that the products listed in the attached warning chart expose users to chemicals known to the State of California to cause cancer, or reproductive harm, or both. Pursuant to the Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65"), individuals <u>must</u> be given clear and reasonable warning before being exposed to these chemicals.

Although Miller-Stephenson Company ("Miller-Stephenson") is revising its labels to contain proper warnings, some of the products entered the chain of distribution prior to Miller-Stephenson's warning program.

In order to ensure that you are in compliance with Proposition 65, please examine your inventory of the Miller-Stephenson products to ensure that each Miller-Stephenson product bears a Proposition 65 warning. If any Miller-Stephenson products do not carry such a warning, please place one of the appropriate enclosed warning stickers on the container, lid or label of the product.

The sticker must be affixed so that it is conspicuous and likely to be read and understood by an ordinary individual under customary conditions of sale or use. DO NOT PLACE THE STICKER ON THE BOTTOM OF CONTAINERS, ON PACKAGING THAT COULD BE DISCARDED PRIOR TO SALE, OR WHERE IT COULD OBSTRUCT OTHER SAFETY AND WARNING LANGUAGE.

There are three types of stickers. Affix the appropriate sticker onto each product by following the WARNING CHART included with this letter.

Failure to provide proper warnings for the products may subject you to legal action by various environmental groups, or the California Attorney General, wherein monetary penalties of up to \$2,500 per violation could be sought.

Should you have any questions or comments about this matter, please call our Customer Service Department at 1-800-DOX-DOXT for further information or to request additional warning stickers.

Sincerely,

[Miller-Stephenson Official] Miller-Stephenson Company, Inc.



# RETURN POSTCARD FROM CUSTOMERS

The undersigned certifies that this customer has received (a) the Important Legal Notice letter regarding Proposition 65 warning requirements, (b) the attached warning chart, (c) warning stickers. The undersigned further certifies that this customer will comply with Proposition 65 warning requirements by affixing the warning stickers provided to them in the manner directed.

	-	[Name & Title]	
	_	[Customer Name]	
	<del>-</del>	[Address]	<del></del>
Please send me	additional s	tickers.	





# **Material Safety Data Sheet**

# **IDENTIFICATION**

Name:

MS-475N

Acrylic Conformal Coating

Chemical Family:

N.A.

SARA/TITLE III STATUS:

Reported/Included.

Formula: N.A.

TSCA Inventory Status:

Reported.

MANUFACTURER/DISTRIBUTOR:

Miller-Stephenson Chemical George Washington Highway Danbury, Conn. 06810 Medical Emergency Phone:

(203) 797-2212

Transportation Emergency Phone:

(800) 424-9300

# PHYSICAL DATA:

Boiling Point (OF): 119.0°F

Percent Volatile by Volume: 90.4

Density: 1.11 g/cc at 77°F

Vapor Pressure: N.A.

Vapor Density (Air=1): N.A.

Solubility in H2O: Negligible

pH Information: Neutral

Evaporation Rate (CC14=1): N.A.

Form: Liquid

Appearance: Clear

Color: Colorless

Odor: Aromatic

#### HAZARDOUS COMPONENTS:

 Material (s):
 CAS No.:

 Methyl Ethyl Ketone
 78-93-3

 Toluene
 108-88-3

 1.1-dichloro-1-fluoroethane
 1717-00-6

 1.1.1,2-Tetrafluoroethane
 811-97-2

Approximate %:

1.4 12.0 52.0

25.0

Exhibit E Page 14

#### HAZARDOUS REACTIVITY

١,

Stability: Material is stable. However, avoid spraying near open flames or red hot coils. Do not

heat aerosol containers above 49°C/120°F.

Incompatibility: Finely divided reactive metals and strong oxidants.

Decomposition: 'Can be decomposed by high temperatures (open flames, glowing metal surfaces, etc.)

forming hydrochloric and hydrofluoric acids, and carbonyl halides such as phosgene.

Polymerization: Will not occur.

#### FIRE AND EXPLOSION DATA

Flash Point: Not Determined. Method: N.A.

Autoignition Temperature: Not Determined. Flammable Limits in Air, % by Vol.: Not Determined.

Autodecomposition Temperature: Not Determined.

Fire and Explosion: Pressurized aerosol containers at elevated temperatures may vent, rupture or burst

and add to flying and falling debris. Intense heat may cause decomposition.

Extinguishing Media: Foam, dry chemical, carbon dioxide, water spray or fog.

Special Fire Fighting Instruction: Self-contained breathing apparatus (SCBA) may be required if aerosols

rupture and contents are spilled under fire conditions. Water may be used

to cool containers to reduce pressure.

# HEALTH HAZARD INFORMATION

PRINCIPAL HEALTH HAZARDS:

(INCLUDING SIGNIFICANT ROUTES, EFFECTS SYMPTOMS OF OVER-EXPOSURE, AND MEDICAL CONDITIONS AGGRAVATED BY EXPOSURE.)

Inhalation:

Vapor is heavier than air and can cause suffocation by reducing oxygen available for breathing. Breathing high concentrations of vapor may cause light-headedness, shortness of breath,

headaches, and may lead to narcosis, cardiac irregularities, unconsciousness or death.

Skin:

Contact will cause dryness and may cause slight irritation or dermatitis.

Eye:

Contact will cause irritation.

Oral:

Small amounts aspirated into the lungs during ingestion may cause severe pulmonary injury or death.

Carcinogenicity:

None of the components in this product are listed by IARC, NTP or OSHA as a carcinogen.

Warning: This product contains a chemical known to the State of California to cause birth defects or other

reproductive harm.

Exposure Limits:	TLY (ACGIH)	PEL (OSHA)	Allied Signal
Methyl Ethyl Ketone Toluene 1,1-dichloro-1-fluoroethane 1,1,1,2-Tetrafluoroethane	200 ppm	200 ppm	N.A.
	100 ppm	100 ppm	N.A.
	Not Established	Not Established	500 ppm
	Not Established	Not Established	1000 ppm

Safety Precautions:

Do not spray liquid on hands or direct spray to eyes. Avoid breathing vapors and prolonged

skin exposure. Use only in well ventilated areas. Exercise care when viewing coating under

UV; over exposure to UV may cause keratitis.

#### FIRST AID:

Inhalation: Excessive vapor inhalation: Move patient to fresh air. If necessary, give artificial respiration or

oxygen. Do not give epinephrine, should be considered only as a last resort in life threatening emergencies.

Eye: In case of contact, immediately flush eyes with plenty of water for at least 15 minutes. Call a physician.

Skin: Wash with soap and water. Get medical attention if irritation is present.

Oral: Do not induce vomiting as the hazard of aspirating the material into the lungs is a greater hazard than allowing it to progress

through the intestinal tract. Get medical attention.

Note to Physician: Because of the possible increased risk of eliciting cardiac dysrhythmias, catecholamine drugs, such as epinephrine,

should be considered only as a last resort in life threatening emergencies.

#### PROTECTION INFORMATION:

Generally Applicable Control Measures: Normal ventilation for standard manufacturing procedures is generally adequate. Local

exhaust should be used when large amounts are released. Mechanical ventilation should

be used in low places.

Personal Protective Equipment: Neoprene or rubber gloves should be used to avoid prolonged exposure. Chemical splash goggles

should be available for use as needed to prevent eye contact. Under normal manufacturing

conditions, adequate ventilation is required. Self-contained breathing apparatus (SCBA) is required

if a spill occurs.

Exhibit E Page 17

# DISPOSAL INFORMATION;

Aquatic Toxicity: N.A

Spill, Leak or Release: Ventilate area. Do not flush into sewers. Collect on absorbent material and transfer to steel drums for recovery or disposal. Appropriate eyes, skin and respiratory protection is required.

Waste Disposal: Comply with federal, state and local regulations. Do not puncture or incinerate aerosol cans.

SHIPPING INFORMATION;

Proper Shipping Name:

DOMESTIC (DOT)

INTERNATIONAL AIR (IATA)

Aerosols, Non-Flammable N.O.S. Aerosols, Non-Flammable N.O.S.

Hazard Class:

Non-Flammable Gas, 2.2

Non-Flammable Gas, 2.2

UN #:

1950

1950

DOT/IATA Label:

Non-Flammable Gas

Non-Flammable Gas

#### ADDITIONAL INFORMATION;

Storage Conditions: Do not store near sources of heat, in direct sunlight or where temperatures exceed 49°C/120°F. Do not puncture or incinerate cans. Rotate stock to shelf life of one year.

# NPCA-HMIS Ratings:

Health - 2
Flammability - 1
Reactivity - 1

Personal Protection rating to be supplied by user depending on use conditions.

#### SARA/TITLE III HAZARD CATAGORIES AND LIST:

Product Hazard Cat	egories:	<u>Lists:</u>	
Acute Health	- Yes	Extremely Hazardous Substance	- No
Chronic Health	- No	CERCLA Hazardous Substance	- Yes*
Fire Hazard	- No	Toxic Chemicals	- Yes*
Reactivity Hazard	- No		
Pressure Hazard	- Yes	*Methyl Ethyl Ketone, and Toluene co	mponents

only.

Date Revised: January 1994

Person Responsible: Joanna Saffo

Miller-Stephenson Chemical Company, Inc.

George Washington Highway

Danbury, Connecticut 06810 U.S.A.

(203) 743-4447

# miller-stephenson



# Material Safety Data Sheet

# **IDENTIFICATION**

Name:

MS-472N

Urethane Conformal Coating

Chemical Family:

N.A.

SARA/TITLE III STATUS:

Reported/Included.

Formula: N.A.

TSCA Inventory Status:

Reported.

MANUFACTURER/DISTRIBUTOR:

Miller-Stephenson Chemical

George Washington Highway

Danbury, Conn. 06810

Medical Emergency Phone:

(203) 797-2212

Transportation Emergency Phone:

(800) 424-9300

PHYSICAL DATA:

Boiling Point (OF): 96.8°F

Percent Volatile by Volume: 91.0%

Density: 1.20 g/cc at 77°F

Vapor Pressure: N.A.

Vapor Density (Air=1): N.A.

Solubility in H2O: Negligible

pH Information: Neutral

Evaporation Rate (CC14=1): N.A.

Form: Liquid Form

Appearance: Light Amber in liquid state

Color: Colorless

Odor: Ether-like

# **HAZARDOUS COMPONENTS:**

Material (s):	CAS No.:	Approximate %:
1,1-dichloro-1-fluoroethane	1717-00-6	22.0
Methylene Chloride	75-09-2	57.0
Toluene	108-88-3	7.0
Xylene	1330-20-7	2.75
Toluene Diisocyanate	584-84-9	< 0.20

MS-472N Page 2 of 5

# HAZARDOUS REACTIVITY

١.

Stability: Material is stable. However, avoid open flames or red hot coils.

Incompatibility: Alkali or alkaline earth metals, strong acids and oxidizing agents.

Decomposition: Can be decomposed by high temperatures (open flames, glowing metal surfaces, etc.)

forming hydrochloric and hydrofluoric acids, and carbonyl halides such as phosgene.

Polymerization: Will not occur.

#### FIRE AND EXPLOSION DATA

Flash Point: Not Determined. Method: N.A.

Autoignition Temperature: Not Determined. Flammable Limits in Air, % by Vol.: Not Determined.

Autodecomposition Temperature: Not Determined.

Fire and Explosion: Containers may rupture under fire conditions. Intense heat may cause decomposition with

emission of halogen acids.

Extinguishing Media: Foam, water fog, dry chemical, carbon dioxide.

Special Fire Fighting Instruction: Self-contained breathing apparatus (SCBA) may be required if containers

rupture and contents are spilled under fire conditions. Water may be used to

cool containers to reduce pressure.

Exhibit E Page 20

# HEALTH HAZARD INFORMATION

PRINCIPAL HEALTH HAZARDS:

(INCLUDING SIGNIFICANT ROUTES, EFFECTS SYMPTOMS OF OVER-EXPOSURE, AND MEDICAL CONDITIONS AGGRAVATED BY EXPOSURE.)

Inhalation:

١,

Vapor is heavier than air and can cause suffocation by reducing oxygen available for breathing. Breathing high concentrations of vapor may cause light-headedness, giddiness, shortness of breath and may lead to narcosis, cardiac irregularities, unconsciousness or death. Methylene Chloride is metabolized to CO<sub>2</sub>, raising the carboxy hemoglobin concentration in the blood with resulting symptoms of carbon monoxide poisoning. Methylene Chloride - LC5 - Rat 15,000 ppm/2 hrs.

Oral:

Although oral toxicity is low ingestion is to be avoided. Minute amounts aspirated into the lungs during ingestion may cause severe pulmonary injury or death.

Eye:

Contact will cause extreme irritation.

Skin:

Contact will cause dryness and may cause slight irritation or dermatitis. Methylene Chloride is classified as an irritant. Skin permeation of Methylene Chloride can occur in amounts capable of producing the effects of systemic toxicity.

Skin Disease: Persons with preexisting skin disorders may be more susceptible to the effects of this coating.

Carcinogenicity:

Methylene Chloride is listed as a possible carcinogen by IARC, NTP and OSHA. The State of California has listed Methylene Chloride under Proposition 65 as a chemical known to the State to cause cancer.

Exposure Limits:	TLV (ACGIH)	PEL (OSHA)	Allied Signal
1,1-dichloro-1-fluoroethane Toluene Diisocyanate Xylene Methylene Chloride Toluene	Not Established 0.02 ppm 100 ppm 50 ppm 100 ppm	Not Established 0.02 ppm 100 ppm 50 ppm 100 ppm	500 ppm N.A. N.A. N.A. N.A.

Safety Precautions:

Avoid contact with skin and eyes. Avoid breathing vapors and prolonged

skin exposure. Use only in well ventilated area.

#### FIRST AID:

Inhalation:

Excessive vapor inhalation: Move patient to fresh air. If necessary, give artificial respiration or oxygen.

Do not give epinephrine or similar drugs as such drugs may induce ventricular arrhythmia.

Eye:

Flush eyes with water for at least 15 minutes. Call a physician if irritation results.

Skin:

Wash with soap and water. Get medical attention if irritation is present.

Oral:

Call a physician. Do not induce vomiting as the hazard of aspirating the material into the lungs is a greater hazard than allowing it to progress through the intestinal tract. Give two glasses of water or activated charcoal slurry (50 g activated charcoal in 400 ml  $H_2O$ ). Never give anything by mouth to an unconscious person.

Note to Physician:

Because of possible increased risk of eliciting cardiac dysrhythmias, catecholamine drugs, such as epinephrine, should be considered only as a last resort in life threatening emergencies.

#### PROTECTION INFORMATION:

Generally Applicable Control Measures:

Normal ventilation for standard manufacturing procedures is generally adequate. Local exhaust should be used when large amounts are released. Mechanical ventilation should be used in low places.

Personal Protective Equipment:

Neoprene gloves and chemical splash goggles should be available for use. Under normal manufacturing conditions no respiratory protection is required when using this product. Self-contained breathing apparatus (SCBA) is required if a large spill occurs.

# DISPOSAL INFORMATION;

Aquatic Toxicity: N.A.

Spill, Leak or Release:

Remove any ignition sources. Ventilate area wipe up spill using appropriate

eye, skin and respiratory protection. Wash hands with soap and water.

Waste Disposal:

Comply with federal, state and local regulations.

SHIPPING INFORMATION:

Proper Shipping Name:

DOMESTIC (DOT) Resin Solution, N.O.S. INTERNATIONAL AIR (IATA)

Contains Methylene Chloride

Hazard Class:

UN #:

DOT/IATA Label:

6.1

UN#1593 Wheat/111

# ADDITIONAL INFORMATION:

Do not store near sources of heat, in direct sunlight or where temperatures exceed 49°C/120°F. Do not Storage Conditions: puncture or incinerate aerosol cans. Rotate stock to shelf life of 6 months.

#### **NPCA-HMIS Ratings:**

Health

Flammability

- 1

Reactivity

Personal Protection rating to be supplied by user depending on use conditions.

#### SARA/TITLE III HAZARD CATAGORIES AND LIST:

:

#### Product Hazard Catagories:

Acute Health - Yes Chronic Health - Yes - No Fire Hazard Reactivity Hazard - No Pressure Hazard - No

Lists:

Extremely Hazardous Substance Yes.\* CERCLA Hazardous Substance - Yes\*\* - Yes\*\* Toxic Chemicals

\*Toluene diisocyanate component only. \*\*Toluene diisocyanate, Methylene Chloride, Toluene, Xylene components only.

Date Revised: May 1993

Person Responsible: Joanna Saffo

Miller-Stephenson Chemical Company, Inc.

George Washington Highway

Danbury, Connecticut 06810 U.S.A.

(203) 743-4447