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State of California
DEPARTMENT OF JUSTICE

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December 9, 2009

W. Bruce Johnson
Chief Executive Officer
Kmart Corporation
3333 Beverly Road
Hoffman Estates, IL 60179

RE: Lead in Children's Products Purchased at Kmart (PHT 107, PHT 116)

Dear Mr. Johnson:

We received a report about three children's products purchased in a Kmart store in Hayward, California, that contain illegal levels of lead. We are writing to ask that you stop selling the products immediately and take other corrective action as needed.

There are two products. The first product is a pair of "Route 66" jeans sold with a belt, SKU 886086252133. The lead is in the belt. Our internal reference number, which we ask you to use in communications with us about this notice, is PHT 107. The second product is a set of boys' belts, one black and one brown, with brand name "Basic Editions" and SKU 084309127231. Our internal reference number is PHT 116. The products were purchased on October 6, 2009. We have enclosed photographs of the products.

The items were purchased by an investigator for the Center for Environmental Health, using a grant from a fund administered by the Public Health Institute. The fund was established through a Proposition 65 settlement between our office and several companies over lead in toys. (*People v. Mattel et al.*, Alameda County Super. Ct., Civ. No. RG 07-356892.) After screening the products for lead, the Center for Environmental Health sent a sample of each to a federally-approved laboratory for further testing. Lab results indicate 955 parts per million ("ppm") lead in the black surface material on the front of the belt for PHT 107, and 7,195 ppm lead in the brown surface material on the back side of the brown belt for PHT 116. We have enclosed the lab reports.

Lead is a toxic metal that damages the nervous system and other organs. Even at low levels of exposure, lead can impact brain development in children. The levels reported above exceed federal lead limits, which deem a children's product with more than 300 ppm lead in an

accessible component a "banned hazardous substance." We ask that you stop selling the products immediately, and send us any test results you have and any representations from the manufacturer or supplier about the lead content in them.

We appreciate your prompt attention to this matter.

Sincerely,

HARRISON M. POLLAK
Deputy Attorney General

For EDMUND G. BROWN JR.
Attorney General

Enclosures

cc (via electronic mail): Michael J. Steel, Esq.
Mark Schoem, Consumer Product Safety Commission

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Certificate of Analysis

No.: 09-013-13524-10
Total Lead Test on Children's Product

Client: Centre for Environmental Health **Address:** 2201 Broadway Suite 302, Oakland, CA 94612, U.S.A	**Contact:** Caroline Cox **Phone:** 510-655-3900 **Fax:** 510-655-9100 **Email:** Caroline@ceh.org
Date Received: November 2, 2009	**Date Reported:** November 13, 2009
Lab Book/Page No.: Lab book 12161, pages 14 to 19	

Date Analyzed: November 12, 2009

Client Sample ID	Description of Tested Sample Parts	Exova Sample ID	Method	Total Lead Content (ppm)
PHT107	Shiny black surface material on front side of the belt on Route 66 jeans	09-13524-38499	CPSC-CH-E1002-08	955

Analyzed by:

2009-11-13

Jack Li, B.Sc.
Analyst, Trace Metals & Specialty Chemicals
Health Sciences

Reported by:

2009-11-13

FOR Peter Susel, B.Sc., C. Chem.
Mgr, Trace Metals & Specialty Chemicals
Health Sciences

This report and service are covered under Exova Canada Inc's. Standard Terms and Conditions of Contract which may be found on our company's website www.exova.com, or by calling 1-866-263-9268.

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Certificate of Analysis

No.: 09-013-13680-6
Total Lead Test on Children's Product

Client: Centre for Environmental Health **Address:** 2201 Broadway Suite 302, Oakland, CA 94612, U.S.A	**Contact:** Caroline Cox **Phone:** 510-655-3900 **Fax:** 510-655-9100 **Email:** Caroline@ceh.org
Date Received: November 17, 2009	**Date Reported:** November 30, 2009
Lab Book/Page No.: Lab book 12161, pages 27 to 31	

Date Analyzed: November 30, 2009

Client Sample ID	Description of Tested Sample Parts	Exova Sample ID	Method	Total Lead Content (ppm)
PHT116	Brown surface material on back side of brown belt	09-13680-38895	CPSC-CH-E1002-08	7195

Analyzed by:

2009-11-30

Jack Li, B.Sc.
Analyst, Trace Metals & Specialty Chemicals
Health Sciences

Reported by:

Peter Susel 2009-11-30

Peter Susel, B.Sc., C. Chem.
Mgr, Trace Metals & Specialty Chemicals
Health Sciences

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PHT 107

PHT107

K1712RT-HT-I

GIRLS

SIZE 10

kmart

DEPT: 49
CAT: 33

SUBCAT: 25
SEAS: 5009
KSN:
0-42464141-3

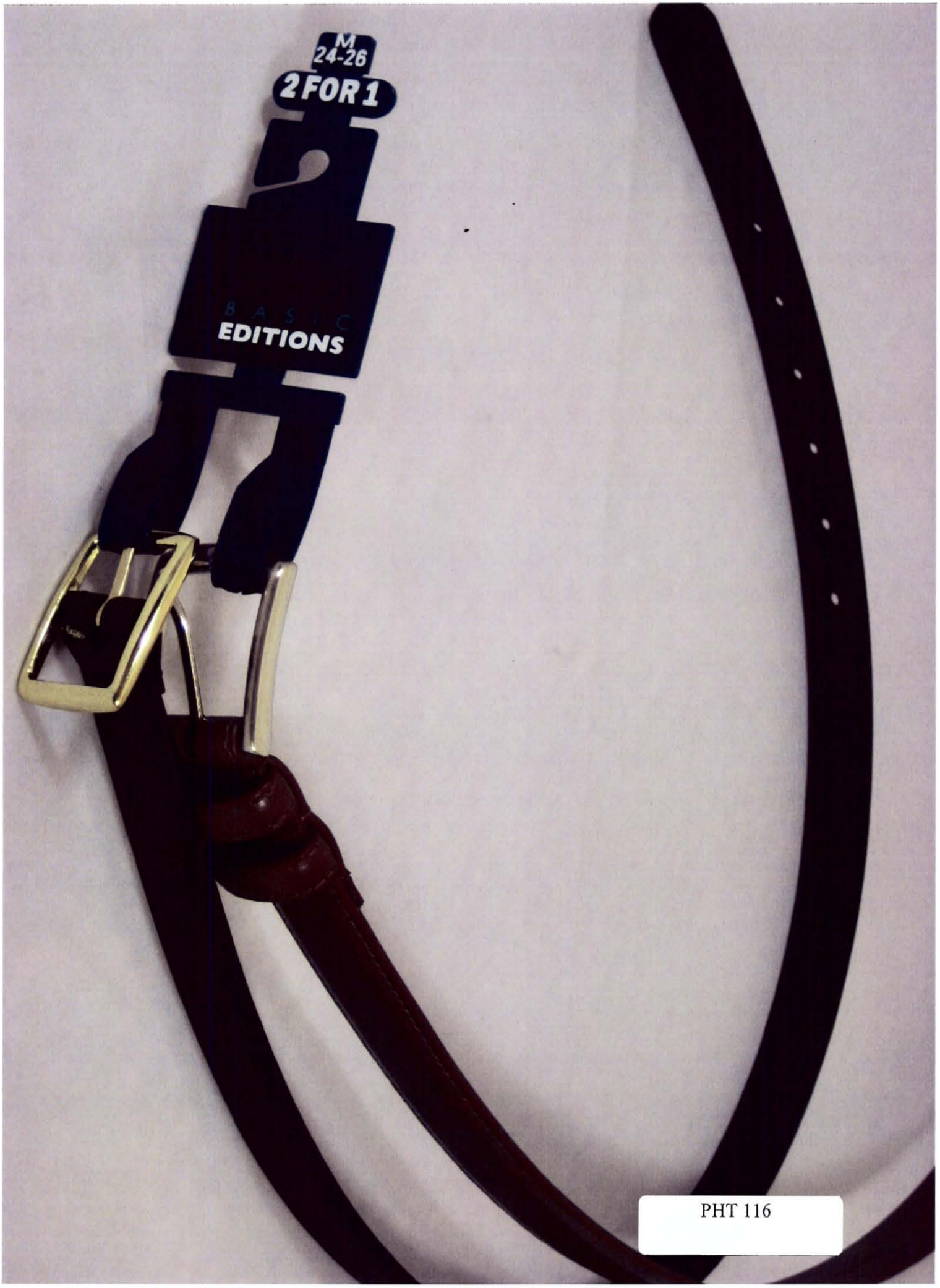
HEIGHT (IN.)	53-55
WEIGHT (LBS.)	66-74

LHK1005

8 86086 25213 3

$19.99

PHT 107



PHT 116

DEPT : 40
CAT : 99
SUBCAT: 1
SEAS : 1000
KSN:
$8.99
0 84309 12723 1
PHT116

PHT 116