



From: One World Technologies, Inc. d/b/a Techtronic Industries Power Equipment and Homelite Consumer Products, Inc. ("TTI")

To: Gardner, Inc.

Re: California Proposition 65 Changes

Date: August 9, 2018

As you likely know, the State of California revised the Safe Drinking Water and Toxic Enforcement Act of 1986, commonly known as Proposition 65 or Prop 65 (hereinafter "Prop 65"). The Prop 65 revisions become effective and enforceable August 30, 2018. Manufacturers are permitted to transition to new warnings effective immediately. The purpose of this letter is to inform your company of the changes TTI will begin making to its Prop 65 warnings, and the changes that Gardner will need to require Authorized Service Centers to take. The transition process will start immediately to ensure full compliance with Prop 65 changes by the effective date.

Per §25603(b), manufacturers may use statutorily provided short-form warnings if the short-form warnings appear on the product or the product's immediate packaging, whichever is visible to the consumer prior to the purchase. TTI has adopted the short-form warning for all products, except for products offered for sale in open bin/open shelving and products subject to Consent Judgments as explained below. Per the statute, short-form warnings must be in a type size no smaller than the largest type size used for other consumer information, and in no case smaller than 6-point type. Further, if the packaging or other warning label provides consumer information in a language other than English, the warning must also be provided in that language. Finally, the triangular warning symbol may appear in black and white if the color yellow is not already used on the product, label, or packaging where the warning is printed. In compliance with the revised Prop 65, TTI will use one of the warnings attached hereto on Exhibit A or Exhibit B in the appropriate font size and color for its products, pursuant to the instructions below.

Online Sales

For online purchases, where a consumer cannot inspect the physical product or product packaging, the short-form warning (Exhibit A) may be used, but the warning must be clearly presented to the consumer prior to purchase (e.g. during the checkout process, prior to actual purchase). Accordingly, for TTI products that Gardner offers for sale Online, Gardner must present the short-form warning to the purchaser prior to purchase.

Telephone Sales

The statute is silent regarding telephone sales. Because the Prop 65 changes focus on warnings being "clear and reasonable" Gardner should verbalize a clear and reasonable warning to the consumer prior to purchase. Because the short-form warnings (Exhibit A) are considered clear and reasonable warnings by the statute, Gardner should verbally read the text of the short-form warning to any consumer completing a purchase over telephone, before the consumer verbally confirms the purchase.

Open Bin/Open Shelf Sales

The short-form warning is not permissible unless used directly on the product, or on a product's immediate packaging. Accordingly, per §25603(a), products that are offered for sale in open bins, open shelves, or any other method without immediate, individual packaging, must use a warning that identifies a chemical listed under Prop 65. Gardner has indicated that various Authorized Service Centers offer TTI products for sale in open bins and open shelving. For such products, Gardner must inform the Authorized Service Centers to display a posted sign, shelf tag, or shelf sign with the safe harbor warning listed on Exhibit B to the shelf or the bin where such products are offered for sale.

Any TTI products subject to an existing Consent Judgment, if any, will continue to use the warning consistent with the Consent Judgment as such Consent Judgments are grandfathered in per the Prop 65 changes. Please contact your TTI contact for further information regarding Consent Judgments.

We encourage you to consult with your legal counsel regarding any questions about the upcoming Prop 65 changes. Please reach out to your TTI contact with questions regarding TTI's Prop 65 warning changes, and your contact will route your questions to the appropriate TTI representative.

Sincerely,

Mark Rowe
General Counsel, Chief Compliance Officer, TTI Power Equipment

Exhibit A

Short-form Warning

-Use the below warning for online sales, telephone sales, and retail sales where the product is individually packaged and TTI has affixed the truncated warning on the immediate packaging, or on the product.

**CALIFORNIA PROPOSITION 65
PROPOSITION 65 DE L'ÉTAT DE CALIFORNIE
CALIFORNIA - PROPUESTA DE LEY NÚM. 65**



WARNING: Cancer and Reproductive Harm – www.P65Warnings.ca.gov



AVERTISSEMENT : Cancer et dommages à la reproduction– www.P65Warnings.ca.gov



ADVERTENCIA: Cáncer y daño reproductivo– www.P65Warnings.ca.gov

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Exhibit B

Safe Harbor Warning

-Use the below warning for any products offered for sale in open bins, open shelves, or any other method in which there is no immediate packaging and no on-product Prop 65 warning.

CALIFORNIA PROPOSITION 65
PROPOSITION 65 DE L'ÉTAT DE CALIFORNIE
CALIFORNIA - PROPUESTA DE LEY NÚM. 65



WARNING: This product can expose you to chemicals including wood dust, which is known to the State of California to cause cancer, and carbon monoxide, which is known to the State of California to cause birth defects or other reproductive harm. For more information go to www.P65Warnings.ca.gov.



AVERTISSEMENT: Ce produit peut vous exposer à des éléments chimiques incluant la poussière de bois, qui est reconnue par l'état de la Californie comme étant une cause du cancer, et le monoxyde de carbone qui est reconnu par l'état de la Californie pour causer des anomalies congénitales et d'autres anomalies de la reproduction. Pour plus d'information, consulter le www.P65Warnings.ca.gov.



ADVERTENCIA: Este producto puede exponerlo a sustancias químicas, incluidos polvo de madera, reconocido como causante de cáncer por el estado de California, y monóxido de carbono, reconocido por el mismo estado como causante de defectos de nacimiento y otros daños reproductivos. Para obtener más información, visite www.P65Warnings.ca.gov.

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