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July 31, 2014

Mr. Donn Diebert
Department of Toxic Substances Control
1001 I Street
Sacramento, CA 95812-0806

Re: Letter dated July 3, 2014 captioned "SUMMARY OF VIOLATIONS – Invensys Controls"

Dear Mr. Diebert,

Further to my letter of even date herewith regarding the above-referenced letter (the "Violation Notice"), I would like to address separately the issue of DTSC's assessment of the proposed program enhancements in the Thermostat Recycling Corporation's 2013 Annual Report.

As with the alleged violation itself, Invensys must dispute this assessment – in part because DTSC did not explain the reasons for its assessment but also because Invensys has recently divested the business unit that joined the TRC and, irrespective of whether or not Invensys is a manufacturer under California Health and Safety Code Section 25214.8.11, subdivision (a), the retained business has not yet had time to familiarize itself with the Report's proposals or indeed the other activities of the TRC.

Once DTSC provides more detail regarding its assessment Invensys (either individually or through the TRC) will be in a position to provide its response. Until then, Invensys reserves all its rights to dispute the assessment on the grounds mentioned above and for any other reason.

Any participation by me or any other representative of Invensys in discussions with DTSC, either individually or in conjunction with the TRC, shall not be deemed to be an acknowledgement of liability or a waiver of any right or defense available to Invensys.

Very truly yours,

Peter M. Kent
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