

LEAD PAINT LITIGATION

TIMELINE OF EVENTS

- 1978:** The U.S. Consumer Products Safety Commission outlawed the use and sale of lead-based paint.
- 1986:** The California Legislature declared childhood lead exposure “**the most significant childhood environmental health problem in the state,**” and noted that “**it is well known that the environment is widely contaminated with lead; that excessive lead exposure causes acute and chronic damage to a child's renal system, red blood cells, and developing brain and nervous system;** that at least one in every 25 children in the nation has an elevated blood lead level; and that the **cost to society of neglecting this problem may be enormous.**” As a response to this massive public health problem, the Legislature created the Childhood Lead Poisoning Prevention Program (“CLPPP”), which is designed to treat those children who are *already* poisoned by lead. Cal. Health & Saf. Code, § 124125.
- 1991:** The California Legislature passed the **Childhood Lead Poisoning Prevention Act 1991**, which enhanced screening standards, set standards for the CLPPP to follow, and assessed a fee on companies who had significantly contributed historically to environmental lead contamination. Eighty-five (85) percent of the fee is assessed on the gasoline industry.
- 1999:** California legislature declares that paint found on a pre-1979 structure is presumed to be lead-based paint. 17 Cal. Code Regs., § 35043.

- 2000:** Cotchett, Pitre & McCarthy, LPP and Santa Clara County file a lawsuit on behalf of the People of the State of California against the Atlantic Richfield Company, the Sherwin-Williams Company, ConAgra Grocery Products, NL Industries, and E. I. DuPont de Nemours and Company for the manufacture, distribution, promotion and sale of lead-based paint to California residents.
- 2006:** The Court of Appeal for the Sixth District holds that the People of California stated a cause of action for public nuisance and may obtain abatement. *County of Santa Clara v. Atlantic Richfield Co.* (2006) 137 Cal.App.4th 292.
- 2010:** The California Supreme Court rejects the defendants' further attempts to prevent the People from pursuing their public nuisance claim. *County of Santa Clara v. Superior Court* (2010) 50 Cal.4th 35.
- 2012:** The U.S. Centers for Disease Control declared **that there is no safe level of lead in a person's blood**, and found that low levels of lead exposure cause IQ defects, attention-related behavioral problems, and academic under-achievement. Low levels of lead can also cause cardiovascular, immunological, and endocrine problems. Under the CDC's new criteria, there are **an additional 10,875 lead-poisoned children who live in the public entity jurisdictions in 2009 alone**. The CDC also confirmed that **lead-based paint hazards are the primary source of childhood exposure to lead in the U.S**, and because lead-paint is present in one-third of the nation's dwellings, additional investment is needed to reduce lead hazards in older homes.
- 2013:** There are **5,046,851 homes** located in the ten public entity jurisdictions that brought suit against the defendants that are presumed, by law, to contain lead-based paint.