



June 13, 2018

1100 K Street
Suite 101
Sacramento
California
95814

Telephone
916.327.7500

Facsimile
916.441.5507

The Honorable Bob Wieckowski
Chair, Senate Environmental Quality Committee
State Capitol, Room 4085
Sacramento, CA 95814

**Re: AB 2073 (Chiu) – Public nuisance: abatement: lead-based paint.
As Amended March 22, 2018 – SUPPORT
Awaiting Hearing in the Senate Environmental Quality Committee**

Dear Senator Wieckowski,

The California State Association of Counties (CSAC), representing all 58 of the state's counties, writes in support of Assembly Bill 2073 (Chiu). This measure, as amended, would protect homeowners from threats of legal action by lead paint manufacturers, if the homeowners participate in the abatement program created by a 2017 judgement against lead paint manufacturers.

Lead is a highly toxic metal that is particularly harmful to the health of young children and exposure can cause various medical conditions such as coma, convulsions, reduced educational attainment, and increased antisocial behavior. No level of exposure to lead is considered safe. Household paint that contained lead was sold and used in California until it was banned for residential use in 1978. All homes in the state built before 1978 are presumed to contain lead paint. Deteriorated lead paint contaminates the air, floors, and other surfaces in the home, as well as soil surrounding the home. Deteriorated lead paint is the most common cause of lead poisoning in children living in pre-1978 homes. In 2014 alone, 10,331 children throughout California tested positive for lead poisoning.

Since 2000, a coalition of ten California cities and counties brought litigation on behalf of the People of the State of California against former lead paint manufacturers ("Manufacturers"). The litigation alleged that the Manufacturers sold lead-contaminated paint that they knew was highly toxic to young children and created a public nuisance that threatens the health of California's children to this day. In 2014, a judge issued a \$1.15 billion judgment in favor of the People, ruling that the Manufacturers were liable for the harm that they created. In 2017, the Appellate Court upheld the existence of the nuisance as to pre-1951 homes only and remanded the case to trial court for further proceedings. In February of this year, the California Supreme Court denied requests by the Manufacturers to hear an appeal.

While the Appellate Court decision definitively determined that the lead paint makers were responsible, the Court's decision suggested that the lead paint companies could sue homeowners who participate in an abatement program for comparative fault – the idea that the lead paint manufacturer's liability should be reduced because homeowners bear some responsibility for the paint used in their homes.

AB 2073 would insulate homeowners from threats of legal action by the lead paint manufacturers if the homeowner decides to participate in an abatement program. This action will allow the judgment to be implemented effectively and maximize use of the abatement program. Without this protection, homeowners who remove toxic paint from their homes expose themselves to threats of frivolous lawsuits by the paint companies.

It is for these reasons that CSAC supports AB 2073 and respectfully requests your **AYE** vote. Should have any questions or concerns about our position, please do not hesitate to contact me at jdevencenzi@counties.org or 916.650.8131.

Sincerely,

A handwritten signature in blue ink, appearing to be 'J. Devencenzi', with a stylized flourish extending to the right.

Jessica Devencenzi
Legislative Representative

cc: The Honorable David Chiu, California State Assembly
Member and Consultant, Senate Environmental Quality Committee
Morgan Branch, Consultant, Senate Republican Caucus