



## Office of the San Diego City Attorney

**Mara W. Elliott**  
City Attorney

April 30, 2018

The Honorable Mark Stone  
Chair, Assembly Judiciary Committee  
1020 N Street, Room 104  
Sacramento, CA 95814

### *Assembly Bill 2074 (Bonta) - SUPPORT*

Dear Chairperson Stone:

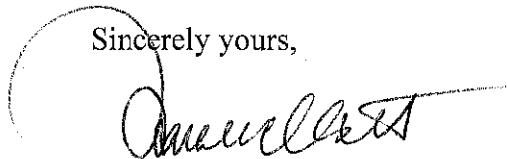
The San Diego City Attorney's Office supports Assembly Bill 2074 (Bonta), which seeks to remove a significant hurdle to homeowners holding poison paint manufacturers legally accountable for injuries by establishing that lead paint companies are responsible to prove they did not produce, sell, distribute or promote the lead-based paint used during a particular time or area. It would also allow homeowners to hold companies jointly liable if there were multiple companies selling or distributing paint at that time and area. Codifying this "risk contribution" theory in statute allows those poisoned by lead-based paint who are unable to identify the exact manufacturer of the lead paint pigment a new avenue to litigate cases they may not otherwise be able to litigate.

In 2011, the San Diego City Council voted unanimously to join a coalition of ten cities and counties in litigation brought on behalf of the People of 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 judgment in favor of the People, ordering the Manufacturers to pay \$1.15 billion to fund (1) inspection for and abatement of lead paint and lead-contaminated dust from interiors of homes and lead-contaminated soil around homes built in 1980 or earlier in the ten counties and cities; (2) remediation of structural deficiencies in the homes that would cause the lead control measures to fail; and (3) public education and outreach necessary for the program. In 2017, the Court of Appeal upheld the judgment as to pre-1951 homes only and remanded the case to the trial court for further proceedings. In February of this year, the California Supreme Court denied requests by the Manufacturers to hear an appeal.

All homes built before 1978 are presumed to contain lead paint, and the ten jurisdictions in the case are estimated to have more than 1.5 million housing units of pre-1951 housing. We anticipate that the need for inspectors and abatement contractors will increase with the implementation of the abatement plan ordered by the court. Our goal is to ensure that there are sufficient certified lead-abatement inspectors and contractors to abate lead paint in as many homes as possible and in accordance with all applicable standards.

For these reasons, the San Diego City Attorney's Office supports AB 2074 and respectfully requests your favorable consideration of this important public health issue when the bill is reviewed by the Assembly Judiciary Committee on May 1, 2018.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Mara W. Elliott", written over a circular stamp or mark.

Mara W. Elliott  
City Attorney

MWE:vj