



Office of the San Diego City Attorney

Mara W. Elliott
City Attorney

February 21, 2019

The Honorable Mark Stone
State Capitol
P.O. Box 942849
Sacramento, CA 95814

Support for Assembly Bill 206 (Chiu)

Dear Chairman Stone:

The San Diego City Attorney's Office is a leader in the effort to protect California's children from dangerous lead paint products by holding companies responsible for abating the public nuisance they knowingly created when they manufactured and sold toxic products to unsuspecting families.

In 2000, a group of California cities and counties sued a number of companies that had manufactured, marketed, and sold lead paint and lead pigments to California families, despite knowing since at least 1875 that lead paint was toxic and posed serious health risks. Children are particularly vulnerable and the ingestion of lead paint by infants and toddlers can cause irreversible neurological damage. The City of San Diego joined the lawsuit in 2011.

In 2013, the trial court issued a \$1.15 billion judgment in favor of the cities and counties, ruling that NL Industries, ConAgra, and Sherwin-Williams were liable for the harm that they created in all pre-1978 housing. In November 2017, the California Court of Appeal for the Sixth Appellate District upheld the judgment but only for homes built before 1951. In February 2018, the California Supreme Court denied review. The paint companies then tried to appeal this decision to the United States Supreme Court, but the court turned down the case in October 2018. The companies must now pay into a \$409 million fund to remove toxic lead paint from affected homes, including tens of thousands in San Diego.

AB 206 (Chiu) will protect homeowners who participate in the abatement program from legal action by the defendants in this lawsuit. For years, lead paint companies have attempted to shift responsibility for the costs of lead abatement to homeowners instead of paying their fair share as determined by multiple California courts. The threat of litigation would deter homeowners from participating in the abatement program, meaning that tons of lead paint will continue to threaten the lives of our children despite two decades of litigation success. AB 206 resolves this issue.

We urge an aye vote on AB 206 (Chiu).

Sincerely yours,

A handwritten signature in blue ink that reads "Mara W. Elliott".

Mara W. Elliott
City Attorney