

May 4, 2018

## LEAD PAINT/LEAD POISONING

There several bills related to lead paint abatement and lead exposure this year. There are two primary reasons driving the legislative interest: 1) several cities and counties sued the lead paint industry and prevailed on efforts to hold the paint manufacturers financially responsible for clean up; and 2) recent data from the California Department of Public Health indicates that 88 percent of the children exposed to lead in California are on Medi-Cal, yet only 28% of children on Medi-Cal are tested for lead poisoning.

While children are exposed to lead in myriad ways, poor and minority children are disproportionately affected. Calcium and iron prevent lead uptake in the body; however, poor nutrition can lead to higher risk for lead absorption. Children who lack access to nutritious foods are considered to be at a higher risk for lead exposure. Low-income children run a higher risk of lead exposure from old paint due to a tendency to reside in older, less maintained housing. Lead is a potent neurotoxin and elevated blood lead levels are associated with increased risk of lower intelligence quotient scores, academic failure and aggressive behavior in children. Toxic effects may also include anemia and kidney damage.

| Bill No.                | Author | Description   | Location                                    |
|-------------------------|--------|---|---|
| <a href="#">AB 2073</a> | Chiu   | Protects homeowners from frivolous lawsuits threatened by the lead paint manufacturers if the homeowners participate in the abatement program created by the judgement. This legislation delivers needed assurance that homeowners who do the right thing by removing toxic paint from their homes won't be victimized by frivolous litigation from deep-pocketed paint companies.  | On Assembly Floor                           |
| <a href="#">AB 2934</a> | Stone  | Would allow the California Department of Public Health to contract with counties to certify lead paint inspectors. This bill helps fill a shortage of inspectors to help bring homes up to safe standards.  | Awaiting hearing in Assembly Appropriations |
| <a href="#">AB 2074</a> | Bonta  | Establishes 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 and allowing 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 | On Assembly Floor                           |

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|                         |          | may not otherwise be able to litigate.  |   |
| <a href="#">AB 2995</a> | Carrillo | Classifies the presence of lead-based paint in a home or building as a physical injury to the property, enabling property owners to sue for the cost of abating or removing lead paint to prevent the further deterioration of peoples' health. Secondly, the bill delays the start of the clock on the statute of limitations to when property owners become aware that lead paint is present, rather than starting the clock at the time of purchase.   | On Assembly Floor                           |
| <a href="#">AB 3009</a> | Quirk    | Would enact a \$1 fee on paint manufacturers for all paint sold in California to create a fund for residents of single-family or multi-family dwellings to clean up lead paint that has contaminated their homes. This fee will only be imposed if an initiative passes that states that lead paint is not a public nuisance.   | Awaiting hearing in Assembly Appropriations |
| <a href="#">AB 2803</a> | Limón    | Would provide that residential lead-based paint that affects the health of a considerable number of persons constitutes a public nuisance. Under the bill, a party may be subject to liability for public nuisance if that party promoted lead-based paint for a particular use with actual or constructive knowledge that such use would cause health hazards sufficiently serious to render that use unreasonable, as specified. The bill would provide that, in an action seeking solely abatement of residential lead-based paint, causation may be established without presenting evidence that a particular party caused a particular lead-based paint to be applied in a particular residence, as specified. | On Assembly Floor                           |
| <a href="#">AB 2122</a> | Reyes    | Would require the Department of Health Care Services to ensure that a child enrolled in Medi-Cal receives blood lead screening tests at 12 and 24 months of age, and that children 2 to 6 years of age, receives a blood lead screening test if there is no record of a previous test for that child.   | Awaiting hearing in Assembly Appropriations |
| <a href="#">AB 2976</a> | Quirk    | Would require the Department of Public Health (CDPH) to coordinate with the Department of Health Care Services to gather data to determine whether children are being screened for lead poisoning.  | Awaiting hearing in Assembly Appropriations |
| <a href="#">SB 1041</a> | Leyva    | Would require CDPH to annually notify health care providers who perform periodic health assessments for children about the risks and effects of childhood   | Senate Appropriations Suspense File         |

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|                         |        | <p>lead exposure and the requirement that children enrolled in Medi-Cal receive blood screening tests. This bill also requires health care providers to inform parents and guardians of this information.</p>   |  |
| <a href="#">SB 1097</a> | Hueso  | <p>Would require CDPH's report regarding the effectiveness of appropriate lead poisoning case management efforts to include additional data, as specified. Requires the report to indicate whether the sources of lead poisoning described under this bill have been removed or abated. Requires DPH to post the report its Web site. Requires DPH to incorporate the data collected and the report into the Healthy Communities Data and Indicators Project, as specified.</p> | <p>Awaiting hearing in Senate Appropriations Committee</p> |