

**MOTION BY SUPERVISOR HILDA L. SOLIS  
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**January 30, 2018**

**Legislative Intent Regarding Lead Paint**

Recently, a proposed \$2 billion bond Initiative has been filed with the California Attorney General. This proposed Initiative will likely appear on ballot for the November 2018 election. The Initiative is sponsored by three former manufacturers of lead paint, ConAgra, NL Industries and Sherwin-Williams. The Initiative is framed as the Healthy Homes and Schools Act of 2018. The purported premise of the Initiative is to remediate homes and schools that contain a variety of environmental hazards.

In reality, the Initiative is written to help its sponsors escape hundreds of millions of dollars of liability. Specifically, it proposes to change longstanding California law by prohibiting lead paint from being a public nuisance, and makes that change retroactive to two weeks prior to a landmark ruling by the California Court of Appeal that affirmed the liability of Sherwin-Williams, National Lead and ConAgra for public nuisance. After 18 years of litigation, the County of Los Angeles along with San Francisco, Santa Clara and seven other local governments prevailed in a public nuisance lawsuit against

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these companies. The Court found these companies to be liable for creating a massive public nuisance by affirmatively promoting lead paint for residential use, while knowing it was toxic and would poison children. The Court has ordered these companies to fund hundreds of millions of dollars for the clean-up of residences contaminated by lead paint.

This Initiative is deliberate attempt for Sherwin-Williams, National Lead, and ConAgra to evade their liability and shift the cost for clean-up to the California taxpayer. This corporate strategy clearly distorts the Initiative process. It is unfortunate that these corporations think it is appropriate behavior to do anything to avoid liability for decades of harm their paint inflicted on California's children.

**WE, THEREFORE, MOVE THAT,** that the Board of Supervisors support legislation that favors the County's judgment against Sherwin-Williams, National Lead, and ConAgra, and prevents these companies from avoiding their court ordered liability.

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