AGN. NO.

MOTION BY SUPERVISORS KATHRYN BARGER AND LINDSEY P. HORVATH

APRIL 15, 2025

REALLOCATION OF SETTLEMENT FUNDS FROM THE LEAD PAINT LITIGATION TO ASSIST RESIDENTIAL PROPERTY OWNERS OF INTACT PROPERTIES SOUTH OF THE EATON FIRE BURN SCAR WITH SOIL TESTING FOR LEAD

The 2025 Eaton Fire was an unprecedented urban wildfire which devastated the Altadena area and resulted in thousands of burned structures. The Eaton Fire and the other contemporaneous wildfires in Los Angeles County required the declarations of a State of Emergency by the Governor, a Local Emergency by the Chair of the Board of Supervisors, and a Local Health Emergency by the County's Health Officer. Not only did the Eaton Fire and other fires cause immense structural damage, but they caused damage to the environment by releasing fire debris that contained Volatile Organic Chemicals (VOCs) and heavy metals into the air and soil. Exposure to these toxins may result in a risk to human health.

To assess the potential fire-related impacts to the soil in and around the urban burn areas, the County retained an Environmental Consulting firm, Roux Associates, to conduct representative soil sampling. The soil sampling assessment provides a representative analysis of soil conditions form intact parcels near the fires. The soil samples were taken from parcels with fire-destroyed structures within the burn areas, with intact structures within the burn areas and intact structures outside of the burn area. Although the results from this soil testing are preliminary, there was an unanticipated result for intact properties that are downwind (south) from the Eaton Fire burn area in Altadena. Preliminary testing results indicate that a high percentage of soil samples taken from parcels with intact structures downwind from the Eaton Fire burn area had exceedances for lead above California's residential screening level. This finding is consistent with the known age of the Altadena housing stock, as older housing stock built prior to 1978 is presumed to have lead-based paint. In addition, the finding of lead in downwind soil is consistent with reports of elevated lead in air samples collected in the days following the fire. Importantly, it was not evident that other potentially fire-related chemicals significantly impacted the soil.

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Lead is a toxin and presents health risks to those who inhale or ingest it. It is especially important to prevent hand-to-mouth lead exposure for children, as their biological systems are still developing, and may result in negative health impacts. The Department of Public Health (DPH) recommends that persons living in areas near and downwind from the Eaton burn area take appropriate precautions to mitigate the potential for exposure to lead in soil. Persons concerned about the lead level in soil on their property are encouraged to test their soli for lead contamination and, if appropriate, consult an environmental professional to evaluate their property.

In 2018, the County settled a public nuisance litigation with former manufacturers of lead-based paint. The litigation settlement agreement allows the County to use settlement funds to address public health hazards and property damage related to lead paint. Under the direction from the Board of Supervisors, DPH partnered with the Los Angeles County Development Authority (LACDA) to create the Lead Paint Hazard Mitigation Program (Program). At the direction of the Board, DPH and LACDA entered into a Memorandum of Understanding (MOU) that delineated Program responsibilities and funding requirements. To date, the Program has remediated lead-based paint hazards from nearly eleven hundred homes throughout Los Angeles County and will continue to do so for the remainder of this decade.

Because of this unanticipated soil testing result in the areas downwind from the Eaton burn area, some residents may desire to evaluate and test the soil on their property to determine if any mitigation measures are necessary.

WE, THEREFORE, MOVE that the Board of Supervisors:

1. Direct the Department of Public Health (DPH), in coordination with the Los Angeles County Development Authority (LACDA), to allocate up to $3 Million Dollars of the Lead Paint Hazard Mitigation Program settlement fund to assist property owners of intact residential properties located downwind in and within one-mile of the Eaton Fire burn area with costs for laboratory testing of soil for lead:

    a. Instruct DPH and LACDA to amend the existing Memorandum of Understanding, if necessary, to account for this reallocation of settlement funds;

    b. Permit DPH to enter into emergency sole source contracts with certified soil testing laboratories, at usual and customary rates, for laboratory testing services; and

    c. Direct the Department of Public Health to report back to the Board in 30 days on the status of the laboratory testing assistance.

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