



San Diego City Attorney Mara W. Elliott

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Appellate Court Upholds Landmark Verdict Ordering Removal of Lead Paint from pre-1951 Homes

A state appeals court has ordered three paint manufacturers to get the lead out of San Diego homes that were built before 1951.

In the 17th year of a landmark case over lead paint toxins, a three-justice panel of the California Sixth District Court of Appeal unanimously upheld a lower court decision ordering the paint manufacturers to clean up lead paint in homes in San Diego and nine other California cities and counties.

Yesterday's ruling held Sherwin-Williams Company, NL Industries, Inc., and Con-Agra Grocery Products Company liable for the public nuisance caused by lead paint found in pre-1951 homes and upholds a vast majority of the lower court's decision.

“This is a resounding victory for the thousands of children endangered by lead paint in their homes,” City Attorney Mara W. Elliott said. **“My office aggressively protects the public against harmful products and holds accountable the responsible parties.”**

This case was filed in 2000 by then-Santa Clara County Counsel Ann Ravel. San Diego was among nine cities and counties to join the litigation, filed on behalf of the People of California.

The Center for Disease Control and the Childhood Lead Poisoning Prevention Branch report that lead paint is the primary cause of lead exposure for children who live in older homes. The California Legislature declared “childhood lead exposure represents the most significant childhood environmental problem in the state today.” (Health & Saf. Code, § 124125.) It has been linked to growth and development problems affecting behavior, hearing, and learning. In adults, lead paint can damage the brain and nervous system, the stomach, and the kidneys. It can also cause high blood pressure.

The case is remanded to the Santa Clara County Court to determine the extent of damages for homes built prior 1951. The paint companies reported plans to appeal this decision to the California Supreme Court.

“The defendants have delayed justice in this case for 17 years, and their plan to appeal to the California Supreme Court will only serve to put more children at risk,” City Attorney Mara W. Elliott said.

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