



## What happened?

- In 2000 several California public entities filed a lawsuit against former lead paint manufacturers for their role in creating a public nuisance by promoting lead paint for use in homes. Although lead paint was banned for residential use in 1978, it remains present in millions of homes in California and continues to poison tens of thousands of California children each year.
- The County of Santa Clara served as the lead public entity in the case brought on behalf of the People of the State of California as other cities and counties joined the litigation, including the City and County of San Francisco; the Cities of Oakland and San Diego; and the Counties of Alameda, Los Angeles, Monterey, San Mateo, Solano, and Ventura.
- In 2014 the Santa Clara County Superior Court ruled that the former lead paint manufacturers were responsible for creating a public nuisance by marketing lead paint for interior use despite knowing that the product was toxic, especially to children. The remedy was to have the lead paint companies pay for abatement of lead in all pre-1978 homes in the prosecuting jurisdictions.
- In 2017 the Court of Appeal upheld the Superior Court's decision but limited the scope of the remedy to pre-1951 homes in the ten entities.
- On October 15, 2018 the U.S. Supreme Court denied requests by the former lead paint manufacturers to review the California Court of Appeal's decision. The matter remains in the Santa Clara Superior Court where the companies will be required to pay to identify and clean up lead paint in millions of homes built before 1951 in the prosecuting jurisdictions.
- The Superior Court has determined that the amount of the abatement fund will be \$409 million allocated proportionally among the prosecuting jurisdictions. The abatement funds must be spent in a four-year period. Any amounts not utilized to identify and abate the lead hazards will revert to the defendant companies.

## What is next?

- The prosecuting jurisdictions are awaiting final direction from the courts.
- San Mateo County is seeking input regarding the possibility of contracting for services: outreach and enrollment; lead mitigation, including managing relocation of residents; and lead assessments and inspections.