



Office of the San Diego City Attorney

Mara W. Elliott
City Attorney

April 30, 2018

The Honorable Autumn R. Burke
Chair, Assembly Revenue and Taxation Committee
1020 N Street, Room 167A
Sacramento, CA 95814

Assembly Bill 3009 (Quirk) - SUPPORT

Dear Chairperson Burke:

The San Diego City Attorney's Office supports passage of Assembly Bill 3009, which would enact a \$1 charge 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 a statewide initiative passes that states that lead paint is not a public nuisance.

In 2011, the San Diego City Council voted unanimously to join a coalition of ten cities and counties in litigation brought on behalf of the People of State of California against former lead paint manufacturers ("Manufacturers"). The litigation alleged that the Manufacturers sold lead-contaminated paint that they knew was highly toxic to young children and created a public nuisance that threatens the health of California's children to this day. In 2014, a judge issued judgment in favor of the People, ordering the Manufacturers to pay \$1.15 billion to fund (1) inspection for and abatement of lead paint and lead-contaminated dust from interiors of homes and lead-contaminated soil around homes built in 1980 or earlier in the ten counties and cities; (2) remediation of structural deficiencies in the homes that would cause the lead control measures to fail; and (3) public education and outreach necessary for the program. In 2017, the Court of Appeal upheld the judgment as to pre-1951 homes only and remanded the case to the trial court for further proceedings. In February of this year, the California Supreme Court denied requests by the Manufacturers to hear an appeal.

All homes built before 1978 are presumed to contain lead paint, and the ten jurisdictions in the case are estimated to have more than 1.5 million housing units of pre-1951 housing. We anticipate that the need for inspectors and abatement contractors will increase with the implementation of the abatement plan ordered by the court. Our goal is to ensure that there are sufficient certified lead-abatement inspectors and contractors to abate lead paint in as many homes as possible and in accordance with all applicable standards.

AB 3009 will ensure that paint manufacturers, rather than taxpayers, fund lead paint remediation. It is for this reason that the City of San Diego supports the bill, which will be reviewed by the Assembly Revenue and Taxation Committee on April 30, 2018.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Mara W. Elliott". The signature is written in a cursive style with a large initial "M".

Mara W. Elliott
City Attorney

MWE:vj