



**OFFICE OF THE COUNTY COUNSEL  
COUNTY OF SANTA CLARA**

70 West Hedding Street  
East Wing, 9th Floor  
San José, California 95110-1770

**James R. Williams  
COUNTY COUNSEL**

**FOR IMMEDIATE RELEASE**

**Contact for Cities and Counties:**

Alex Butcher-Nesbitt: 603-707-6153/abutchernesbitt@mercuryllc.com

Erin Pelton: 202-352-0442/epelton@mercuryllc.com

July 17, 2019

**California Counties and Cities Announce Groundbreaking \$305 Million  
Settlement of Landmark Lead Paint Litigation**

***Funds Will Be Used to Protect Children and Families from Lead Paint Hazards***

**SANTA CLARA COUNTY, CALIF.** — After nearly 20 years of hard-fought litigation, the County Counsels and City Attorneys of ten California jurisdictions have reached a settlement on behalf of the People of the State of California that will provide hundreds of millions of dollars to clean up the lead paint that poisons tens of thousands of children across California each year. Under the settlement agreement, Defendants The Sherwin-Williams Company, ConAgra Grocery Products Company, and NL Industries, Inc., will pay \$305 million to the Counties of Santa Clara, Alameda, Los Angeles, Monterey, San Mateo, Solano, and Ventura; the City and County of San Francisco; and the Cities of Oakland and San Diego to address lead paint-related hazards, which to this day continue to be the most significant environmental hazard for children in California and around the country.

The settlement announced today allows the ten cities and counties to access abatement funds without further delay, ends the threat of further litigation, and gives the cities and counties the flexibility to create more expansive, efficient, and effective clean-up programs tailored to the needs of their communities.

“Today’s settlement holds former manufacturers of lead paint responsible for the harm they have caused to generations of California’s children,” said Santa Clara County Counsel James R. Williams. “This settlement is a victory for children and families throughout California. We have fought to hold these companies accountable for nearly twenty years, and will finally have needed funds to devote to protecting our children from lead poisoning.”

“Lead paint has created a public health crisis for communities in California and across our nation,” said San Francisco City Attorney Dennis Herrera. “This agreement ensures that significant resources will go to address the lead paint crisis and that local governments have the flexibility to best protect children from this pervasive environmental hazard.”

The settlement arises out of *County of Santa Clara, et al. v. Atlantic Richfield Company, et al.*, Santa Clara County Superior Court, Case No. 1-00-CV-788657. In 2000, the Santa Clara County Counsel's Office filed this landmark case to hold former lead paint manufacturers responsible for promoting lead paint for use in homes despite their knowledge that the product was highly toxic. The nine other cities and counties joined the litigation thereafter. Young children are especially vulnerable to lead poisoning, the effects of which are irreversible. Although lead paint was banned for residential use in 1978, it is still present in millions of homes in California and continues to be the leading cause of childhood lead poisoning in California.

In 2014, after a six-week trial, the Santa Clara County Superior Court ruled that three former lead paint manufacturers—The Sherwin-Williams Company, ConAgra Grocery Products, and NL—were liable for knowingly marketing a toxic product—lead paint. The court ordered the defendants to provide the funds needed to clean up lead paint inside homes built before 1978 in the ten cities and counties.

In 2017, the Court of Appeal upheld the Superior Court's decision, but limited the defendants' liability to clean up homes built before 1951. The California Supreme Court and United States Supreme Court each declined to review the Court of Appeal's precedent-setting decision.

Prior to settlement, the parties were continuing to litigate issues related to the final judgment and the process through which defendants would pay for the lead paint clean-up ordered by the California courts. The court had imposed a time limit of four years on the use of the funds allotted to abatement, after which remaining funds would be returned to the defendants. The court also had restricted expenditure of the funds to certain kinds of remediation projects, excluding homes built after 1950 and areas contaminated by exterior paint, for example.

Today's settlement gives cities and counties the flexibility to clean up those and other types of lead paint hazards. It also allows the funds to be targeted for intervention services for children with lead poisoning. In addition, it ensures that the cities and counties can use the funds paid by the defendants without the threat that any of the funds will revert back to the defendants.

The ten cities and counties will divide the settlement funds based on the number of homes with lead paint in each jurisdiction. They will then set up local clean-up programs designed to meet the needs in each city or county.

The case was litigated on behalf of the People of the State of California by the County Counsels and City Attorneys of the County of Santa Clara, the County of Alameda, the City of Oakland, the City and County of San Francisco, the City of San Diego, the County of Los Angeles, the County of Monterey, the County of San Mateo, the County of Solano, and the County of Ventura. The County Counsel and City Attorney's Offices litigated this case in collaboration with the law firms of Cotchett Pitre & McCarthy LLP, Motley Rice LLC, Mary Alexander & Associates PC, the Law Office of Peter Earle, and Altshuler Berzon LLP.

For more information on the history of the case, please visit [www.sccgov.org/leadpaint](http://www.sccgov.org/leadpaint).

## **About the Santa Clara County Counsel's Office**

The Office of the County Counsel serves as legal counsel to the County, its Board of Supervisors and elected officials, every County department and agency, and the County's boards and commissions. With a staff of over 200, the Office is also responsible for all civil litigation involving the County and its officers. Through its Social Justice and Impact Litigation Section, the Office litigates high-impact cases, drafts innovative local ordinances, and develops policies and programs to advance social and economic justice. The Section also defends the County in select cases with the potential to significantly affect the County's ability to provide critical safety net services to vulnerable residents. The Section is part of a growing movement to use the power and unique perspective of local government to better serve the community and to drive long-lasting change at the local, state, and national levels.

## **About the County of Santa Clara, California**

The government of the County of Santa Clara serves a diverse population of 1.9 million residents and is more populous than 14 states. With a \$8.1 billion annual budget, dozens of departments and agencies, and over 21,000 employees, the County provides essential services to its residents, including protecting public health, environmental stewardship, comprehensive healthcare services through its three hospitals and many other medical facilities, child and adult protection services, homelessness prevention and services, roads, park services, libraries, emergency response, local criminal justice system operations, and many other services.

###