

**CITY OF BALTIMORE  
COUNCIL BILL 05-0045R  
(Resolution)**

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Introduced by: Councilmembers Clarke, Young, Curran, Harris, Kraft, Conaway, Mitchell

Introduced and read first time: April 18, 2005

Assigned to: Education, Housing, Health, and Human Services Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor

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A RESOLUTION ENTITLED

1 A COUNCIL RESOLUTION concerning

2 **A Request for Legal Action – Lead Paint**

3 FOR the purpose of requesting that the City Solicitor research and study the feasibility of  
4 instituting legal action against the paint and lead pigment industry to recover damages to the  
5 City and its residents.

6 **Recitals**

7 The United States Department of Health and Human Resources considers lead paint  
8 poisoning to be one of the most common and serious environmental diseases in young children  
9 in the United States. Lead poisoning causes serious developmental damage to the mind and  
10 body of young children and is completely preventable. Lead poisoning is highly prevalent in  
11 Baltimore City. Over 140,000 Baltimore housing units still contain lead-based paint, and lead  
12 paint is the single most common source of lead poisoning in children.

13 As early as 1904, interior surfaces coated in lead paint have been recognized as a source of  
14 children’s lead poisoning, and in 1933, the Journal of the American Medical Association  
15 (JAMA) identified lead paint as the primary source of lead poisoning in children. Although the  
16 toxicity of lead paint has been scientifically documented and well known to the paint and lead  
17 pigment industry since the beginning of this century, lead paint continued to be sold and  
18 promoted as safe until its residential use was banned in 1978.

19 The majority of lead pigment used in paint was manufactured between the 1920's and 1950's  
20 by 7 companies, none of which has ever been held responsible for its actions. The largest  
21 manufacturers of lead pigment in the twentieth century, or their successors, continue to be  
22 profitable businesses that had combined net assets of about \$30 billion, in 1995. Lawsuits  
23 against paint manufacturers have been brought by several cities, including Milwaukee, Chicago,  
24 San Francisco, Oakland, and St. Louis, by the Housing Authority of New York City, and by the  
25 State of Rhode Island.

26 The presence of lead paint in Baltimore has required the City government to spend millions  
27 of dollars to identify lead-affected children and to provide them with medical, educational, and

EXPLANATION: Underlining indicates matter added by amendment.  
~~Strike out~~ indicates matter deleted by amendment.

1 social services, as well as to remediate lead paint hazards in the City, and such expenditures will  
2 continue for many years in the future.

3 A lawsuit by the City of Baltimore against the lead paint industry could recover monetary  
4 damages to defray such City expenditures. Extensive evidence and documentation concerning  
5 the culpability of the lead paint and lead pigment industry has already been accumulated by  
6 some potential public and private plaintiffs and their attorneys. The City Solicitor may find that  
7 attorneys for other plaintiffs are interested in assisting the City to pursue a case. Such a legal  
8 action would, if successful, enable the City to spend the proceeds for the benefit of persons who  
9 have been harmed by lead poisoning and to eradicate the lead paint hazards that permit lead  
10 poisoning to continue in Baltimore.

11 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE,** That this body  
12 requests that the City Solicitor research and study the feasibility of instituting legal action  
13 against the paint and lead pigment industry to recover damages to the City and its residents. As  
14 a part of his research and study, the City Solicitor should consider the best manner in which to  
15 pursue legal action, including the possibility of retaining outside council.

16 **AND BE IT FURTHER RESOLVED,** That if during the investigation of the proposed legal  
17 action, the City Solicitor finds that such a lawsuit is not advisable at this time, he shall report  
18 those findings to the City Council.

19 **AND BE IT FURTHER RESOLVED,** That the City Council expresses its intent that any proceeds  
20 from a successful lawsuit should be expended to the greatest extent possible for the benefit of  
21 persons who have been harmed by lead poisoning, to eradicate the lead paint hazards that permit  
22 lead poisoning to continue in Baltimore, and to recover past public expenditures made to reduce  
23 lead poisoning and assist victims.

24 **AND BE IT FURTHER RESOLVED,** That a copy of this Resolution be sent to the City Solicitor,  
25 the Mayor, and the Mayor's Legislative Liaison to the Council.