

TOP NEWS

Lead advocates urge city to sue paint manufacturers

Stephen Janis, The Examiner
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BALTIMORE -

Lead poisoning opponents and the Baltimore City Law Department squared off Tuesday during a debate on the merits of using the courts to recoup the costs of removing lead from city housing, which City Council Member Mary Pat Clarke said was costing the city “millions of dollars and causing families to suffer.”

“In this country polluters pay, and the paint companies are polluters,” said Clarke, District 14.

The hearing, on Clarke’s resolution asking the city solicitor, Ralph Tyler, to pursue a lawsuit, had a new sense of urgency as a result of Rhode Island’s recent court victory against several paint manufacturers. Advocates cited the victory as a breakthrough, arguing that Rhode Island’s success meant the city needed to act now.

“It’s time to stop using the city’s kids as canaries in the coal mine by exposing them to lead paint,” said Saul Kerpelman, one of the city’s pre-eminent experts on the lead litigation.

“There is nothing to lose for the city to undertake this suit.”

Kerpelman and other advocates testifying also cited favorable decisions in Milwaukee and California where cases against lead paint manufacturers have been moved forward.

Kerpelman likened the situation to the tobacco lawsuits, where long, concerted legal efforts netted positive results.

“The floodgates are open because of Rhode Island,” Kerpelman said.

But Tyler cautioned that the success of Rhode Island was no guarantee of a similar suit working in Maryland.

“The victory in Rhode Island and the resulting law may or may not work in Maryland,” Tyler said.

Shawoon Reed, 35, of Baltimore, said the suit is the only way to protect children against the lead poisoning that has affected her son.

“The city has all these costs of special education and crime, and it’s all related to lead,” she said.

Reed pointed to her own experience as to why the money is needed to remove lead beforehand, not after the fact. “I was only living in the apartment two months before my child was poisoned,” she said. “We don’t have time to wait.”

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