



Legislation Details (With Text)

File #: Res 0524-2002 **Version:** * **Name:** Lead-based paint, Legal Action

Type: Resolution **Status:** Filed

In control: Committee on Housing and Buildings

On agenda: 10/9/2002

Enactment date: **Enactment #:**

Title: Resolution calling upon the New York State Attorney General to take appropriate legal action against any manufacturer, supplier, or retailer that may have knowingly manufactured, used, or supplied products or substances containing lead-based paint from January 13, 1971 until today.

Sponsors:

Indexes:

Attachments:

Date	Ver.	Action By	Action	Result
10/9/2002	*	City Council	Introduced by Council	
10/9/2002	*	City Council	Referred to Comm by Council	
12/31/2003	*	City Council	Filed (End of Session)	

Res. No. 524

Resolution calling upon the New York State Attorney General to take appropriate legal action against any manufacturer, supplier, or retailer that may have knowingly manufactured, used, or supplied products or substances containing lead-based paint from January 13, 1971 until today.

By Council Members Seabrook, Barron, Foster, Jackson, Jennings, Nelson, Perkins, Quinn, Recchia, Reed, Sanders and Vann; also Council Member Baez

Whereas, Lead is a highly toxic metal that humans can still frequently be exposed to from a number of different sources, that can result in lead poisoning; and

Whereas, The effects of lead poisoning are severe and include attention and learning difficulties, lowered IQ, coordination difficulty, mental retardation, kidney disease, heart disease, and death; and

Whereas, Infants and children are more vulnerable to lead exposure and its dangerous effects because lead is more easily absorbed into growing bodies and because young tissues are more sensitive to lead's damaging effects; and

Whereas, Section 4831 of Title 42 of the United States Code institutes prohibitions against the use of lead-based paint in cooking, drinking, and eating utensils, the use of lead-based paint in residential structures constructed by the Federal government or with Federal assistance, and the use of lead-based paint in toys and furniture; and

Whereas, After the passage of this law on January 13, 1971 paint manufacturers, suppliers, and retailers should have been cognizant of the fact that lead-based paint is a dangerous and potentially toxic substance; and

Whereas, Such manufacturers, suppliers, and retailers should have taken appropriate public safety measures; and

Whereas, Other jurisdictions, including the State of Rhode Island, City of St. Louis, City of Philadelphia, and City of Milwaukee have instituted litigation against paint manufacturers; and

Whereas, The Superior Court of Rhode Island allowed for damage claims based on findings of public nuisance, unjust enrichment, indemnity, unfair trade practices, and conspiracy for post-1970 conduct of paint manufacturers; and

Whereas, The New York State Attorney General recognizes the continued threat of lead-based paint, acknowledging both the threat of lead poisoning and individual rights and responsibilities; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Attorney General to take appropriate legal action against any manufacturer, supplier, or retailer that may have knowingly manufactured, used, or supplied products or substances containing lead-based paint from January 13, 1971 until today.

SJM
LS#534

??

- 2 -