

Opinion

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Lead paint manufacturers evade responsibility

• Oregon's children, private landlords and public agencies suffer

BY DAVID SUGERMAN
FOR THE PORTLAND OBSERVER

Picture this: A company makes and sells a common household product that is dangerous, very dangerous, and many children suffer brain damage from the product. The product is lead-based paint. It has been identified as a cause of brain damage where it chips, flakes, and wears to dust. Lead dust settles on our children's hands, on their pillows, and on their stuffed animals. Our children eat and inhale lead paint remnants. If the child ingests enough lead, there is a serious risk of brain damage.

What happens when a child suffers brain injury from a dangerous product? Shouldn't a jury consider whether the manufacturer should be held responsible for making the dangerous product.

That would be the expected result, but not in Oregon. Our legislature passed a law that protects manufacturers. Under Oregon law, a person who is injured by dangerous product cannot sue the manufacturer if the product was sold more than eight years prior to the date of injury. If a child suffers brain-damage in Oregon from a product sold more

than eight years ago, the child cannot hold the manufacturer responsible. What then?

The child suffers brain damage and the future looks bleak. The brain-damaged child suffers a lifetime injury because of toxic lead paint. But the maker of lead paint gets off because of the law that protects manufacturers. In that setting, a jury will look at the fault of the landlord or owner of the property. If child resides in publicly subsidized housing, a jury will also look at the fault of the public agency that owns or subsidizes the housing. This isn't something that might happen-it did happen. As the Oregonian reported on January 31, 2000, such a lawsuit was recently settled in Oregon. The paint manufacturers avoided accountability to the child, Latoya Hopkins, in this action. Latoya came in contact with lead poisoning while living in a North Portland house. Latoya mother rented the house with assistance from the federal Section 8 housing program. The house qualified for the program after being inspected by Housing Authority. When Latoya was ten years old, she was found to have the highest blood-lead level ever recorded in Multnomah County, exceeding levels that can cause brain damage, seizures, even death.

While there are many lessons from this experience, one that matters most is that Oregon's protection of manufacturers stands common sense

on its head. The child took the landlord to court for failing to maintain the house and the public agency for failing to inspect the house. But the problem started with the lead paint. The manufacturer-the one that made the toxic lead paint and profited from it-got off in this case with zero accountability. I can only imagine that the landlord and Housing Authority felt as blind-sided by the dangerous product as the family of the child who suffered permanent brain damage.

We talk about fairness in our homes and our neighborhoods. The subject comes up on the bus, at church-even over a latte in a cybercafe. We want fair society and we want our kids to be safe.

Oregon's product liability law does not promote fairness and it certainly doesn't promote safety. Manufacturers are insulated from responsibility for injuries from lead paint. Oregon's protraction of manufacturers sacrifice kids and it exposes landlord and public agencies to large damage claims from injured children. Lead from the sale of lead paint should pay for damage. The legislature has the power to change the rule. Please contact your state representative and state senator and ask them to change the unfair law that is now on the books. Until the legislature changes the law, we can all look forward to more claims by brain-injured children against Landlords and public housing

agencies.
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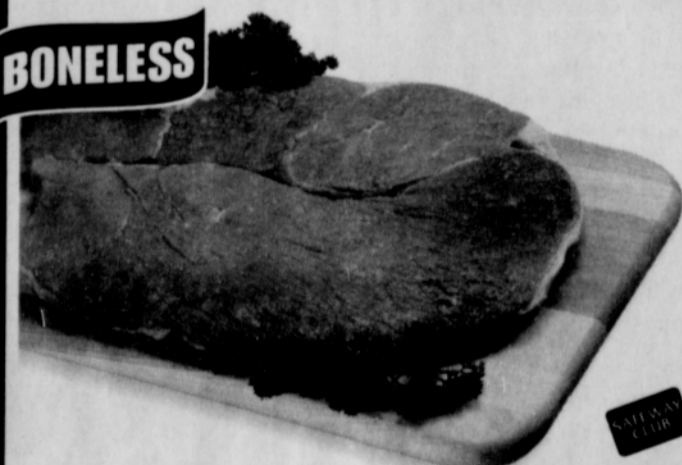
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