**An Act Enhancing Justice for Families Harmed by Lead**

*Sen. Patricia D. Jehlen (SD.1297) & Rep. David H.A. LeBeouf (H.1491)*

*This bill allows liability for creating foreseeable harm from lead when placing it in commerce and failing to take action to prevent it. It targets those who have failed to uphold the standard of care required toward consumers and their affiliates. Defendants currently avoid liability by claiming that plaintiffs must establish the specific chain of causation of injury from those who placed lead in commerce to the specific person injured by it. However, knowingly placing a harmful substance into commerce is a reckless act which should be grounds to hold actors accountable.* ***\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_***

**Current State of The Issue:**

**What the bill is in response to:**

* Lead is a naturally occurring **neurotoxin**, that **never** breaks down.
* **No treatment or cure** has been found and children who are impacted by lead can never get back what they lost, leading to problems in development and adulthood (**American Academy of Pediatrics**).
* Lead poisoning has the greatest effect on **children under the age of 6 and pregnant females**.
	+ **In children**, according to the Environmental Protection Agency (EPA) lead poisoningis known to cause **behavioral issues**, **lower IQs**, **hyperactivity**, **slower growth**, **hearing problems** and **anemia**, and can even cause **seizure**, **coma**, or **death**.
	+ **In pregnant females** lead poisoning can cause the baby to be **born premature and/or undersized**, **damage the baby’s brain, kidneys and nervous system**, **increase behavioral issues, and put mothers at risk of a miscarriage.**

**Where this is taking place:**

* **71% of homes in Massachusetts** were built before 1978 when lead was banned.
* **Only 17% of homes** built before 1978 **have been inspected**, meaning that **83% of homes** in MA may be putting children and pregnant women at risk (Department of Health).
* **980 schools** in Massachusetts havetested **positive for lead in water** and the majority of test results were above the recommended limit (1 ppb as set by the American Academy of Pediatrics).
* **20 early education centers** out of **only 293** tested were found to have **very high** lead levels according to state regulators (Boston Globe).
* In a 2017 survey by the Massachusetts Department of Health of children 9-47 months of age, **2,754 children** had confirmed venous blood levels of lead **above 5 µg/dL (considered above concern)** and **556** had confirmed levels **above 10 µg/dL (considered lead poisoning).**

**Why this bill:**

* Lead poisoning have and will persist in homes and general commerce until we remove it from our environment.
* People and businesses who have profited from knowingly endangering individuals and families by exposing them to lead should compensate those harmed by this wrongful act.
* Making producers pay and face severe consequences will deter future reprehensible acts and thus allow thousands of children in the future to grow and develop without any fear of lead interfering.

**Who should worry:**

* No responsible businesses are targeted by this act, nor landlords, schools, retailers, and guardians - only those who caused the lead to be in products sold in commerce with knowledge of its likely ill effects.

**Summary of Rights manifested by this law:**

* People have a right not to be poisoned. Producers have a duty to act responsibly towards consumers and in a democratic society should be held accountable for unjust actions.

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