

Get The Lead Out

"Lead poisoning is considered to be the most serious environmental threat to children's health."
-- State of Tennessee Department of Health web site

'There is no truth to the urban legend that some lipsticks contain lead.'
-- Snopes.com and UrbanLegands.about.com

Breathing air, drinking water, eating food or swallowing or touching dirt that contains lead can cause serious health problems, according to the U.S. Centers for Disease Control and Prevention ("CDC").

Q. Why is lead dangerous?

In adults, explains the CDC, lead poisoning can increase blood pressure and irritability and cause infertility, nerve disorders, and muscle and joint pain. It can also affect the ability to concentrate and remember.

Lead is especially dangerous for infants and children. A child who swallows large amounts of lead may develop anemia, severe stomach ache, muscle weakness, and brain damage. Even low levels of lead are linked to lower IQ scores.

Q. Should children be screened for lead poisoning?

Yes. Lead poisoning can affect any child, regardless of race, economic status, or living conditions. Children should receive a finger stick blood test at 12 months and at 24 months of age. Children from 3 to 6 years old without proof of a prior blood test should be tested.

Q. How do children and adults get exposed to lead?

In the U.S., lead is no longer used in gasoline, in paint, or in glazed porcelain. Two continuing risks are lead paint on furniture made before 1978 and in homes built before 1978. Refinishing of old furniture or remodeling or renovation of older homes can result in dangerous lead dust exposure unless safety precautions are used.

Lead can be absorbed into drinking water from older plumbing pipes which were soldered using lead. Lead is also present in some jewelry, and is absorbed through the skin. Exposure to soil contaminated with lead can also make people very sick.

Many stores sell Christmas tree light strands made using lead. The warning notices on the packaging are usually ignored and thrown away after the lights are purchased. Some teens and adults also buy flexible plastic light tubes for decoration in their rooms, not realizing that handling these tubes exposes them to lead used to manufacture these tubes overseas.

Q. Are there laws about disclosing lead paint?

Yes. Sellers and landlords of properties built before 1978 are required to provide buyers and renters, including lease renewals, with a lead hazard information booklet developed by the EPA and the Consumer Product Safety Commission and published by the National Lead Information Center. In addition, sellers and landlords must disclose the presence of lead based paint hazards and provide any lead hazard evaluation reports to the buyer. Failure to comply can lead to serious penalties. The government can impose civil penalties up to \$10,000 for each violation, treble damages, court costs, attorneys fees, injunctive relief, and even criminal sanctions ranging from a fine of \$10,000 for each violation up to one year in prison.

Home sellers should consult a real estate lawyer to make sure that the proper disclosures have been made to their buyers. Landlords should consult a lawyer to determine whether their current leases require updating to meet lead disclosure requirements.

For more information, contact the National Lead Information Center at 1-800-424-LEAD.

by Jim Hawkins, Managing Attorney, Gallatin office, Legal Aid Society

Note: This column is not intended to take the place of legal advice. All cases are different and need individual attention. Consult with a private attorney of your choice to review the facts and law specific to your case.

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