

THE STATE BAR OF TEXAS  
TEXAS YOUNG LAWYERS ASSOCIATION

# LEAD POISONING AND YOU



## **What is lead poisoning?**

Lead is a highly toxic metal that is virtually indestructible. Lead poisoning is a serious illness caused by swallowing or breathing too much lead.

## **What are the most common ways to get lead poisoning?**

Lead is used in many products and materials found in our homes and places of business. Although it can be found in drinking water from the use of certain types of plumbing materials containing lead, the most common and well-known source of lead poisoning is lead-based paint.

Dangerous lead deposits can be found not only in paint chips, but also in dust and dirt where lead-based paints have flaked off or have been disturbed during renovations. Lead dust deposits quickly, is hard to clean up, and many times is invisible to the naked eye. People, particularly children, can be poisoned by breathing airborne lead dust or by simply getting lead dust on their hands or other objects, such as toys, and putting them into their mouths.

To reduce the threat of lead poisoning, Congress passed laws in 1978 outlawing the manufacture and use of lead-based paint. Unfortunately, the law does not apply to the layers of lead-based paint that were used before the law went into effect. Thus significant amounts of lead-based paint still remain in houses, apartments, and buildings constructed before the ban went into effect. In fact, it is estimated that 75% of privately owned housing units in the United States built before 1980 still contain dangerous lead-based paint. If you see peeling paint, this is a potential indicator that lead-based paint may exist.

## **What are the common physical symptoms and effects of lead poisoning?**

Lead poisoning can profoundly affect the human body. Oftentimes it occurs with few, if any, signs or symptoms, and

the damage can be irreversible. Early symptoms may include headaches, stomach-aches, tiredness, mood changes, digestive problems, poor appetite, and nausea.

The long-term effects of lead poisoning depend on the length and level of exposure. Low levels of lead poisoning can cause developmental, learning, and behavioral problems, including impaired growth, loss of intellect, hyperactive behavior, ADD, and ADHD. High levels of lead poisoning can cause brain damage, mental retardation, anemia, liver damage, kidney damage, and hearing loss. Very high levels of lead poisoning can cause brain swelling, convulsions, coma, and even death.

### **Who are the most common victims of lead poisoning?**

Infants and young children are the most common victims of lead poisoning, since they are more likely to eat paint chips, be on the floor where lead-based paint chips, dirt, or dust can be found, and place contaminated objects into their mouth. Children are more vulnerable to lead poisoning because it is more easily absorbed into a growing body, and a child's brain, still in its developmental stages, is much more susceptible to injury from poisons and other toxic substances, like lead.

### **How do I find out if I have lead poisoning?**

Exposure to lead is determined by measuring levels in the blood. If you or someone you know is the victim of lead poisoning, you should have a blood-lead test performed by a doctor. For children, a blood-lead level of 10 micrograms per deciliter or above is cause for concern, but be sure to seek the advice of a doctor no matter what level is measured.

### **How can I protect myself from lead poisoning?**

The best way to protect you and your family from lead poisoning is to inspect your surroundings and ask questions immediately about potential lead sources. For example, if you are about to purchase a home constructed before 1978, the seller is required by law to disclose the existence of lead-based paint. If you do not see this disclosure, ask your realtor or the

seller for one. If you are going to rent a home, apartment, or office building constructed before 1978, ask the landlord for written assurance that no lead-based paint exists.

Regardless of whether you rent or purchase a place to live or do business, you should personally inspect the premises to look for peeling paint, lead pipes, vinyl mini-blinds, or anything else that you believe could be a source of lead. You may even want to hire an inspector to do this for you. Additionally, if you intend to repair or renovate a structure constructed before 1978, you should satisfy yourself that no lead-based paint exists. If it does, you should have the work performed by a qualified construction firm, who will take precautions against leaving lead deposits and properly clean the area when they are finished.

If your home or business does contain lead paint, do not try to remove the lead yourself. Improper removal can make the situation worse. Hire a qualified contractor to do the work. Also, keep children away from areas known to have lead and frequently wash surfaces near the area with soap and water or lead-specific cleaning products.

### **Legally, what should I do if I believe I have lead poisoning?**

If you have reason to believe you have lead poisoning, consult a qualified attorney immediately to determine your rights. If you have injuries due to lead poisoning, you may be able to recover damages in a civil lawsuit in a number of circumstances—e.g. if you are the tenant of a building where lead-based paint exists; if you purchased a home containing lead-based paint that was not disclosed as required by law; or if construction crews did not take proper precautions while renovating your home, apartment complex, or other building.

**NOTE: Statutes of limitation require a party to file his or her claim within a certain time limit or the party's claim could be barred forever.** In most cases, you must file suit

within two years from the date you knew, or should have known, about the lead poisoning or other wrongdoing that is the subject of your complaint. If a child has lead poisoning, the statute of limitations may not begin to run until he or she turns 18 years old, however, other statutes of limitation might apply. The start of your statute of limitations period will depend on the facts and circumstances of your particular case, and certain exceptions may apply. The law of statute of limitations is complicated, and you should be aware that the law could change. Accordingly, it is imperative that you consult a qualified attorney immediately to ensure that any claims you or you family might have do not expire.

### **Where can I go for more information about lead poisoning?**

The following organizations can provide more information regarding the hazards of lead poisoning and what you can do to protect yourself and your family:

National Lead Information Center  
801 Roeder Road, Suite 600, Silver Spring, MD 20910  
(800) 424-5323  
[www.epa.gov/lead/nlic.htm](http://www.epa.gov/lead/nlic.htm)

Centers for Disease Control and Prevention  
1600 Clifton Rd., Atlanta, GA 30333  
(800) 311-3435  
[www.cdc.gov/nceh/lead/factsheets/leadfcts.htm](http://www.cdc.gov/nceh/lead/factsheets/leadfcts.htm)

Alliance to End Childhood Lead Poisoning  
227 Massachusetts Ave., N.E., Suite 200,  
Washington, D.C. 20002  
(202) 543-1147  
[www.aeclp.org](http://www.aeclp.org)

*This guide is intended as a brief overview of the dangers and legal remedies available in the event of lead poisoning. It is not intended as a comprehensive analysis of the topic or the applicable laws, and should not be considered as a substitute for the advice of a lawyer*



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