

Column of Oct. 4, 2013. Editor's Headline: "The Poisoning Industries"

Some industries have infamous histories of deceit. Top executives knew that their products create health hazards; still, they peddled them. Big Food foists health-threatening fare onto unsuspecting consumers. Big Tobacco used actual doctors—not actors dressed up as such—to promote its claim that cigarettes reduce stress and enhance personal appeal. Asbestos was touted as “the miracle mineral” up through the late seventies, when the industry was inundated with lawsuits from workers for its manufacture of a hazardous “workplace material” (workers’ compensation laws prevented employees from suing for work-sustained injuries). The industry continued to use its product for insulation or siding in shopping malls, homes, even schools. Today, when these buildings are demolished without proper attention to asbestos abatement, or when such a building catches fire, serious health hazards result: minuscule asbestos fibers become airborne, are breathed in, and settle in the lungs, where they create the serious damage called asbestosis.

Disregard of consumer health rose to new heights with the lead industry. Court documents include a Sherwin-Williams newsletter from 1900 describing lead as a “deadly cumulative poison,” and in 1904, an article in its company magazine quoted German and French investigations to the effect that lead was “poisonous in a large degree, both for workmen and for the inhabitants of a house.” By 1912, National Lead had excluded women and children from working with lead because of its known dangers. Nonetheless, the industry manufacture lead-based paint for use in homes. Not only that, it advertised its products as enhancing the wellbeing of American families, including ads in 1930s National Geographic claiming “Lead is Good for Your Health.” It attacked scientific findings that proved lead poisoning brought on convulsions, brain damage, even death in small children. By the early 1920s, lead had been added to gasoline to eliminate the annoying knocking in early automobile engines. As Gerald Markowitz and David Rosner document in their 2013 “Lead Wars,” these callous decisions initiated epidemics whose horrific effects are with us to this day.

Conscientious lawmakers sought to stem the tide. In 1949, Maryland enacted its Toxic Finishes Law, making it unlawful to sell toys, playthings, children’s furniture, etc., that contained lead. In response, the Lead Industries Association (LIA) mounted a massive lobbying campaign to have the law repealed, and Maryland’s governor obliged in 1950. Yet LIA internal memos comment that “Childhood lead poisoning continues to be a major problem and source of much adverse publicity.” Still, the industry opposed any warning to consumers of the dangers its product posed to children.

A similar fate befell a federal law establishing, in 1972, that lead-abatement recommendations by CDC (Center for Disease Control) 258 scientific advisory panels’ findings, which covered forty years. In 2002 the Bush administration rejected the CDC recommendations, appointing instead individuals with connections to the lead industry, which “virtually guaranteed that [these individuals] would not be amenable to lowering the standards of acceptable lead exposure despite the mounting evidence of the adverse effects of very low levels.”

It goes without saying that the EPA had a terrible time getting the lead out of gasoline. Its 1972 proposed regulations, cutting in half the lead allowed in gasoline and making it mandatory for

gas stations to offer unleaded gasoline, raised such hue and cry, EPA buckled and left the regulations unenforced. It took a lawsuit from the National Resource Defense Council alleging “unreasonable delay” to force EPA into initiating a five-year reduction in lead from 2 to 0.5 grams per gallon by 1979.

The industry fought back, claiming in 1975 that lead “is naturally present in the environment and most of it is found in soil.” As for lead poisoning in children, the industry blamed it on parents’ inattentiveness to children’s ingestion of peeling paint. As earlier, the industry fingered poor and minority families living in substandard housing, the walls of which even today feature decades-old peeling, crumbling, lead-based paint.

Lead poisoning doesn’t discriminate. Children continue to be exposed, and not just in substandard housing. Young parents remodeling 1930s homes in an upscale neighborhood in St. Paul, Min, found their children violently ill. A mother who had seen the rough cut of “MisLEAD,” insisted her pediatrician test her one-year-old daughter for lead levels in the baby’s blood and was appalled by the results. Lead poisoning’s brain damage is irreversible and untreatable.

Tamara Rubin of Portland, Ore, recently created the foundation Lead Safe America. Two of her children are severely affected. Despite having been banned from gasoline and paint decades ago, lead still damages children’s lives. Today, one in three American children live with brain-endangering lead dust. “Every time I closed a door or window, dust from lead-based paint rained down on the window sills and other surfaces, where my kids touched it,” she says. The government is under tremendous pressure from the industry to downplay the seriousness of ingesting even minute amounts of lead dust, states her film, “MisLEAD.”

Although childhood lead poisoning has all the elements of a serious products liability case, court actions have been unsuccessful in compelling the industry to clean up its act—no thanks to industry deep pockets. The exception is a lawsuit brought by the residents of Herculaneum, Missouri, against Fluor Corporation, owner of the nation’s largest lead smelter, for having polluted the town and poisoning its children. In 2011, a jury awarded the town’s residents \$38 million compensatory and \$320 million punitive damages. Plaintiffs’ lawyers documented how company officials manipulated state and federal officials to avoid regulatory actions.

It would cost billions to remove lead from the walls of the nation’s older homes and schools to end the “blunter of children’s cognition and silent thief of their futures.” Lead poisoning has proved to impair brain functioning, lowering children’s IQs, and giving rise to behavioral impairment, lack of impulse control, ADHD, even criminal activity. Rick Nevin’s study, “Understanding International Crime Trends: The Legacy of Preschool Lead Exposure,” establishes the links between decline in lead poisoning and decline in serious crime over the past thirty years.

Consumers must be vigilant. A plethora of today’s toxic industries continue to manufacture poisonous products. “Lead Wars” pinpoints the plastics industry, particularly its manufacture of bisphenol A (BPA), a known carcinogen used, among other things, in water bottles and baby bottles.