

Exhibit E

# Kane Legal Lead Poisoning Handbook

Volume No. 2



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## **Section 1 – How Do Children Get Lead Poisoning?**

As parents, we do everything in our power to protect our children. When our children are poisoned by the lead paint in our homes, the effects are devastating.

Lead poisoning causes severe neurological damage in children, robbing them the ability to read, write, concentrate and think abstractly.

At Kane Legal, we are committed to helping the families of victims of lead poisoning.

The terrible thing about childhood lead poisoning is that children get lead poisoning by “just being kids”.

The leading medical and government authorities have concluded that children younger than four years of age are at the greatest risk of lead poisoning and its harmful effects. This is because infants in this age group have a tremendous amount of hand-to-mouth activity. They play on the floor and put their hands in their mouths. As they begin “cruising” and walking, they hold onto walls and window sills and put their hands in their mouths.

When there is chipping and peeling lead paint in a child’s home, the tiny chips and leaded dust gets on their hands and into their mouths and the poisoning process begins. According to the National Center for Disease Control (CDC), lead paint is the predominant cause of childhood lead poisoning in the United States.

No matter what landlords and their insurance companies say, it is not your fault.

## **Section 2 - Medical Effects of Lead Poisoning**

As parents, we do everything in our power to protect our children. When our children are poisoned by the lead paint in our homes, the effects are devastating. Lead poisoning causes severe neurological damage in children, robbing them of the ability to read, write, concentrate and think abstractly. At Kane Legal, we are committed to helping the families of victims of lead poisoning.

Lead poisoning has been termed the "stealth disease" because of the way it occurs and the devastating neurologic damage it causes in children at doses that do not cause outward physical signs of poisoning.

Poisoning occurs when children eat tiny paint chips or inhale harmful leaded dust. Chalking lead paint creates dust that settles on toys and other objects. The dust is ingested by the young child in normal hand-to-mouth activity. Leaded house dust that is inhaled even in the smallest amounts is just as lethal as that which is ingested. One paint chip the size of a thumbnail, ingested by a young child, can cause permanent brain damage.

Dr. John Rosen, a pediatrician responsible for treating lead poisoned children at Montefiore Medical Center in the Bronx, states: "Lead at remarkably low concentrations has the unique capability of robbing kids of such skills as reading, writing, concentration and abstract thinking. The set of things that are

required for academic success and employment success can be lost forever, and all of that comes at a remarkable societal cost."

The difficulty of detecting lead poisoning means that blood lead levels are used to identify children with dangerous amounts of lead. In October, 1991, concluding a lengthy study, the federal government's Centers for Disease Control (CDC) redefined toxicity as blood lead levels at or above 10 micrograms per deciliter (mg/dL), the level at which some adverse health effects have been observed. No lowest threshold has been identified for the harmful effects of lead, although some studies have suggested harmful effects at levels even lower than 10 mg/dL.

Many experts believe that when a child's blood lead level exceeds 10 mg/dL, there is a high probability of permanent neurological damage. Even at these relatively low exposures, decreased intelligence, short-term memory loss, reading under-achievement, impairment of visual-motor function, loss of auditory memory, poor perceptual integration, poor classroom behavior, and impaired reaction time occur in children.

Virtually every part of the body is affected by lead. Lead has no biological value and competes with metals that are essential to the body, such as zinc, iron and calcium. For example, lead interferes with bone formation by blocking absorption of calcium, which affects memory storage and the differentiation of cells in the nervous system. Lead is stored in the bone, matrix, and in pregnant women, this lead can be passed on to the unborn child.

Lead's effect on the brain results in less ability to store information and draw upon past information and less ability to inhibit responses to environmental stimuli. Lead also attacks the peripheral nervous system, which controls the muscles and organs outside the brain, causes decrease in muscle strength and at high doses, the syndromes of the wrist-drop and the foot-drop.

Lead accumulates in the kidneys, causing kidney disease and having far-reaching endocrinologic effects. There is a major impact on the enzymatic functions of the liver and on the immune system function of the spleen. It results in anemia by interfering with the synthesis of hemoglobin. Lead affects the reproductive functions of both men and women by interference with enzymes that process testosterone and other androgens

### **Section 3 - Sources of Lead Poisoning**

As parents, we do everything in our power to protect our children. When our children are poisoned by the lead paint in our homes, the effects are devastating. Lead poisoning causes severe neurological damage in children, robbing them of the ability to read, write, concentrate and think abstractly. At Kane Legal, we are committed to helping the families of victims of lead poisoning.

Chipping and peeling paint is the most common and dangerous source of lead for preschool children.

Lead from painted surfaces can enter a child's body completely undetected. This has been proven in scientific studies and, in everyday living, when parents, doctors and health agencies investigate the sources of lead a child has access to and how they become lead poisoned. Leaded paint naturally erodes

to create a chalky dust and begins to chip and flake away from painted surfaces. The deteriorated leaded paint becomes part of the house dust and is inhaled by young children. The simple act of a child breathing in a leaded environment can begin the poisoning process. It is the reason why property owners and those responsible for property management and maintenance have a legal responsibility to keep their property free of chipping and peeling paint.

In 1978, the Consumer Product Safety Commission banned the manufacture and use of lead-based paint in residential housing. Unfortunately, the ban did not require removal of lead-based paint from surfaces previously coated with this dangerous neurotoxin. Today about 3 million tons of leaded paint remain in approximately 57 million occupied private housing units built prior to 1980. This represents approximately 74 percent of all such housing. Despite legislative efforts to preclude future use of lead-based paint, the Agency for Toxic Substances and Disease Registry (ATSDR) has stated that corrective actions have been a complete failure.

In addition to paint, several lead sources in the home can endanger young children. These include:

- the home's water supply
- soil, ceramic cookware
- older cribs and toys

While these can contribute to a child's lead poisoning, we examine where our clients spent most of their time as infants. The answer is usually "at home" which further supports the medical and scientific fact that lead paint is the primary source for a child's lead poisoning.

## **Section 4 - Treatment for Lead Poisoning**

The treatment for childhood lead poisoning, known as chelation, historically often involved a painful hospital procedure of injections that causes lead to be excreted in the urine. Recently oral chelation drugs have been developed which can be administered without hospitalization. Chelation procedures do not reverse damage already done to the body and it is thought that lead deposited in the brain tissue is not removed by this procedure. Further treatment requires careful clinical and laboratory surveillance of the child to ensure that there is not continued exposure.

Just as important in treatment of lead poisoning is removal of the source of the lead. The removal process can be an extreme danger in itself if the child is on the premises before removal of all traces of lead is accomplished. The increased paint chips and dust in the air and on the surface of floors, rugs, furnishings, and other belongings during removal can result in re-exposure and raise a child's blood lead levels above pre-chelation levels.

## Section 5 - Personal Injury Litigation

Kane Legal works for children and families who have suffered from lead poisoning in lawsuits for money damages caused by a child's lead poisoning. In doing so, we consult with pre-eminent medical and environmental experts to best present our clients' cases.

### **A. Whom Do We Sue?**

Kane Legal has made claims against many different types of people and companies responsible for lead poisoning children. These include:

- Landlords/Property Owners (Individuals and Corporations)
- Property Managers
- Lead Removal Contractors
- Court Appointed Rent Receivers
- Municipalities
- Government Entities

Regardless of whom the liable party is, your child's lead poisoning case revolves around the important fact that you have a legal right to safe, sanitary and habitable housing free from illegal lead paint.

### **B. Our Process**

Kane Legal success working for lead poisoned children is a direct result of our commitment to knowing everything about your case and having the resources to put that knowledge to work. Any lawyer can know the law. We make it our business to know you and all of the complex aspects of your case.

We routinely work with environmental experts in Court to help juries understand how a child gets lead poisoned. Kane Legal also consults with doctors from the lead poisoning prevention clinics throughout the New York/New Jersey metropolitan area to best present the pain and suffering lead poisoned children endure.

We have also retained leading experts to testify in Court for our clients, those who personally did the scientific research and pioneered the field of childhood lead poisoning.

## **Section 6 - Law to Protect Children from Lead Poisoning**

Some of the ways you can protect your children from the risks of lead poisoning in your home are:

1. Have your landlord or superintendent keep all painted surfaces in good condition;
2. Keep infants and toddlers away from window sills, window frames, door frames and baseboards which, in housing built before 1978, are often coated with lead paint;
3. Never dry scrape or burn old paint off of areas in your home. This can release lead dust and tiny lead particles that can stay in the air, in the carpet and in your home for months;
4. Allow the water to run for at least 60 seconds before drinking it or using it for a child's formula or food. This will provide added time to "flush the lead" which may be leeching into your home's water; and
5. Have your children tested for lead poisoning with your pediatrician every six months from the time they are six months old until they reach six years of age. It's a quick and simple blood test and it is worth it.