

CITY OF MILWAUKEE

Form CA-43

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Assistant City Attorney

July 19, 1999

To the Honorable Committee
on Public Safety
Room 205 - City Hall

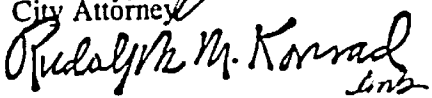
Re: Resolution Authorizing the City Attorney to Investigation and/or Institute
Litigation Against Lead-Based Paint Manufacturers; CCFN 990434

Dear Committee Members:

The proposed resolution directs the City Attorney to investigation and/or institute litigation against lead-based paint manufacturers. Earlier this year, Alderman Michael Murphy made essentially the same request of this office. More recently, the Health Department and the Housing Authority have also requested that this office review the issue to determine what, if any, litigation can be successfully brought against lead-based paint manufacturers under Wisconsin law to recover the cost incurred by the Housing Authority and the City as a result of the wide-spread use of lead-based paint. The City Attorney will investigate this issue and report to the Common Council, irrespective of whether the proposed resolution is adopted. We expect to make a report in the fall.

Very truly yours,


GRANT F. LANGLEY
City Attorney


RUDOLPH M. KONRAD
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RMK:lmb
c: Ronald Leonhardt

MICHAEL J. MURPHY
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January 22, 1999

Grant Langley
City Attorney
City Hall, Room 800

Dear Mr. Langley,

I am writing to request an opinion from your office on the feasibility of the City initiating legal action to recover damages from the paint industry for the harm caused by lead-based paint. As you know, lead-based paint is a serious health and environmental hazard in Milwaukee, particularly for young children who live in older homes. Even though the use of lead-based paint has been illegal for over 20 years, the City is currently spending public funds to help lead-damaged children and to inspect homes and oversee lead abatement work. I would like to know whether the City is legally able to recover any of its costs from the paint companies.

The cities of Boston, New York and Philadelphia have filed class action suits against paint manufacturers to recover damages. In addition, individuals have sued for lead-based paint damages in California, Idaho, Louisiana, New Jersey, New York and Massachusetts. Some commentators have compared these lawsuits to those filed against asbestos and tobacco manufacturers.

Please examine the legal merits of a possible City of Milwaukee lawsuit to recover damages caused by lead-based paint. If you determine that the City should pursue such a lawsuit, please let me know. Thank you for your attention to this matter.

Sincerely,

MICHAEL J. MURPHY, Alderman
16th Aldermanic District

MJM:cac