

California Legislature

May 2, 2018

Mr. Sean Connolly, CEO
ConAgra Grocery Products Company
222 W. Merchandise Mart Plaza, Suite 1300
Chicago, IL 60654

Mr. Robert D. Graham, Vice Chairman & CEO
NL Industries
5430 Lyndon B Johnson Fwy, Suite 17
Dallas, TX 75240

Mr. John G. Morikis, President & CEO
The Sherwin-Williams Company
101 West Prospect Avenue
Cleveland, OH 44115

Dear Mr. Connolly, Mr. Graham, and Mr. Morikis:

We are writing to express our deep concerns about the factually dubious website “NotANuisance.com” that your companies created and are disseminating through paid online advertisements. As elected officials, it is our duty to safeguard the public trust, and we fear that the false propaganda being spread through the vast resources at your disposal is gravely misleading the public.

For decades, your industry sold dangerous, toxic lead paint to California families, even though you knew the severe risks to human health that lead poisoning has on children and families. Your own internal industry documents dismissed concerns over irreversible brain damage in children as a “publicity” problem concentrated in “Negro and Puerto Rican families.”

The words in those internal documents were used as evidence against you in the California court case, *People v. ConAgra Grocery Products (2017)*, which finally held you accountable for poisoning generations of Californians. The California Appellate Court decision that affirmed your responsibility for lead paint clean up declared that your companies “**had actual knowledge of the hazards of lead paint, including childhood lead poisoning**” as you sold toxic lead paint to California homeowners. The California Supreme Court denied your plea for an appeal.

It is offensive that after decades of deceiving the public and fighting to shirk your court-ordered responsibilities, you would again attempt to mislead California homeowners.

Your deceptive website “NotANuisance.com” is brazen in its lies. You falsely claim that the court decision “red tags” millions of California homes and labels them a nuisance. The judges specifically rebutted your false assertion that the “court’s abatement order has ‘declared a nuisance’ on individual properties without notice to the property owners.” **Your claim has no basis in fact.**

The trial court ordered your companies to abate the public nuisance you created, but it did not identify any specific properties. The abatement plan itself is designed to identify and remediate the individual properties upon which the defendants' public nuisance exists. **Not one California home is labeled a "public nuisance" by the legal judgement against your companies.**

The court summed it up as follows: "Property owners can only gain from enrollment in the [toxic lead cleanup] plan; they have nothing to lose." In fact, the court judgement **decreases homeowners' liability for lead paint and puts responsibility to pay for abatement on your three paint companies** in the 10 jurisdictions to which it applies.

California homeowners must know that when your companies say "home values threatened," it is your three companies that are the threat to homeowners. First, you created a toxic mess in their homes, and now you are threatening them with the possibility of frivolous lawsuits.

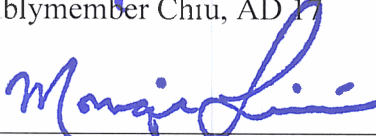
Your deception – and your willingness to hold children's health hostage to avoid cleaning up the dangers you created – are the reasons the California legislature must enact strong new laws to clean up toxic lead paint and protect homeowners from the ongoing threats you pose to their health and their property values.

Our resolve to hold you accountable to your court-ordered responsibilities will not bend to an astroturf campaign generated through false claims and fearmongering. We urge you to remove this website and work as a responsible, civic actor in cleaning up the toxic, lead paint you put in California homes. Please feel free to reach out to us should you have any questions on this matter.


Sincerely



Assemblymember Chiu, AD 17



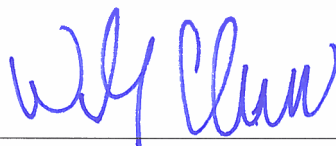
Assemblymember Limon, AD 37



Assemblymember Stone, AD 29



Assemblymember Bloom, AD 50



Assemblymember Carrillo, AD 51



Assemblymember Bonta, AD 18



Assemblymember McCarty, AD 7



Senator Wiener, SD 11