

Lead paint case settled for \$720K

3 girls who lived in Albany apartment now suffer from exposure to poison

By **LAURA SUCHOWOLEC**
Gazette Reporter

ALBANY - The case of three sisters poisoned by lead paint in a city apartment has been settled for \$720,000.

The girls suffer from learning problems, hyperactivity and other maladies from their exposure to the airborne lead, said Albany attorney Peter Danziger, who represented them and their mother.

Albany County agreed to pay the largest chunk - \$300,000 - under terms of the settlement reached late Monday in state Supreme Court in Albany.

The owner of the Manning Boulevard apartment where the girls lived in 1993 will pay \$200,000, the painter hired to clean up the lead paint problem after it was detected will pay \$200,000, and the West Hill Improvement Corp. Will pay \$20,000, according to the agreement.

"These children were allowed to live in a contaminated home for five months," Danziger said. "It was lead dust that was the problem, not so much eating paint chips."

The girls' mother, Anna Durham of Albany, sued for damages after her daughters were all diagnosed with elevated lead levels and health problems. A trial began last week but testimony ended Monday after the settlement was reached.

The girls - now ages 12, 10 and 9 - were all exposed to the lead in February 1993 when living in the second-floor apartment of a two-family home owned by Peter Farrell, according to court records.

The oldest girl was 4 and the middle one was 2 when they were discovered to have a lead level more than twice what is considered elevated and in need of action.

The 6-month-old baby sister later was found to have an elevated blood-lead level.

Any case in which a child has a blood-lead level of 0.10 micrograms or more per deciliter must be reported to the Albany County Health Department. If a child's blood-lead level rises to 0.15, a public health nurse is sent to the home to meet with the parents and teach them about lead poisoning prevention.

If a child's blood-lead level reaches 0.20 or above, the County Health Department's environmental unit is dispatched to inspect the home and test its lead levels. The inspectors meet with the landlords and give them instructions on how to deal with any lead levels that are considered too high, then return to inspect the dwelling again once the work is done.

That happened in this case.

In March 1993, the county found a health hazard and work was ordered to clean up the lead paint. Farrell got a \$3,000 grant from the West Hill Improvement Corporation to hire a painter, Anthony Smith, to do the lead abatement and repainting.

Albany County - like others across the state that had lead paint abatement programs - had guidelines for how the abatement should be done. The lawsuit alleged that these guidelines were not followed or enforced.

The work began in June - a month after the oldest girl went to live with her father in Schenectady. But the two younger children continued to suffer from elevated blood-lead levels, according to court records.

The lawsuit alleged that the painter had no experience doing lead paint abatement and created more lead dust, which made the two girls' blood-lead levels get worse.

"It's just another example of the types of problems that I've seen investigating hundreds of these cases," Danziger said.

The mother moved to a shelter with her two youngest daughters in late 1993, Danziger said.

A lawyer for Albany County didn't return a phone call seeking comment Tuesday.