

Is Your Bathtub a Lawsuit Waiting to Happen?

by Stephen Wendel

There is a serious but hidden health issue that all property owners should be aware of. I write this alert as a concerned parent and as a contractor serving the apartment industry, during the Environmental Protection Agencies' National Lead Poisoning Prevention Week. The issue is lead exposure from old worn porcelain bathtubs. The EPA is making an effort to warn the public of lead hazards, but even the EPA's warnings and brochures and web site fail to list this very common source of lead exposure.

The problem is that the porcelain coating on many old bathtubs contains lead. Lead commonly leaches into bath water when the tub has become worn or chipped as old tubs normally do. Children are particularly vulnerable to lead exposure in general, but in the bath children tend to soak and play and commonly drink the bath water. Lead exposure dangers are most commonly attributed to leaded paints, but today contaminated bath water is a far more likely hazard than the ingestion of old wall paint.

Claud Linges, President of the American Lead Consultants has said, "We find lead in tubs 50% of the time when inspecting older homes." Other estimates are as high as 75% of those tested. According to the EPA, the consequences of lead exposure are severe. Hyperactivity, learning disability, delayed motor development, irritability and "behavior problems" are ALL symptoms of lead poisoning in children. Nearly half a million children living in the US have levels of lead in their blood that are high enough to cause irreversible damage, according to statistics from the Center for Disease Control. That is half a million with irreversible damage. This would suggest that there are many millions of children suffering from symptoms of lead exposure at lower levels.

One of my greatest concerns about this issue is that since the symptoms of lead exposure happen to be almost identical to the "symptoms" described as ADD and ADHD, children suffering lead toxicity are being hastily treated as though they are suffering a mental disorder and given powerful and addictive psychiatric drugs. These drugs are prescribed to children without a blood test that would immediately detect the true cause of the child's condition. So the actual problem not only remains untreated but is compounded by the social stigma of a mental diagnosis, wrong reasons and the serious side effects of highly addictive medications. So property owners thus have the power to avoid and reduce a great deal of personal trauma simply by ensuring their properties are lead free.

I became acutely aware of the problem recently. Relatives of mine bought an old home a couple of years ago, and my wife suggested this year that I test their bathtubs for lead. What we found was that two of the three tubs in their home were leaking large amounts of lead! The children were immediately tested for lead poisoning and two their two youngest children came back with a significantly higher than normal reading. They immediately stopped using the two tubs that tested positive and over a period of weeks, observed a difference in the vitality and behavior of the children. Fortunately, the problem was detected before it became a more significant exposure. But others are not so fortunate.

Although the media has also largely overlooked the issue, I did find a story reported by the Good Morning America TV show over 10 years ago with an almost identical story. In spite of extensive efforts to identify and eliminate all possible sources of lead exposure in their home such as costly lead paint remediation, the children's blood levels remained dangerously high. Finally they tested the bathtub with a lead testing kit. This previously undetected source proved

to be the primary cause of the lead exposure. After ceasing to use the tub for a few months the children's lead levels returned to a normal range.

The history of lead is a long and deadly one and children are the most vulnerable; no amount of lead in their bloodstreams is considered safe. Many scholars believe that the wide use of lead in piping water contributed to the fall of Rome. Lead has been used in porcelain for a large portion of the twentieth century. The U.S. government began phasing out leaded gasoline in 1973, after research showed that lead exposure harms the nervous system. It banned the sale of residential lead-based paint in 1978.

There is a simple and cost-effective solution. What anyone concerned about the possibility of lead in their bathtubs should do is:

1. Obtain a lead testing kit available from your local home improvement supply store or order a free test kit at the below listed website which is supplying one free test swab on request. Then test your tubs for lead. You can get away with using one test swab for more than one tub until you get a positive reading - then you have to use a different tester. You probably don't need to test all of your tubs since a single positive result will confirm that there is a problem in the building that should be addressed.
2. If the lead test is positive, you can either replace the tub entirely or encapsulate the lead by refinishing the tub. Refinishing is far more practical and cost effective than replacing. Apartment owners may be held legally liable and are certainly morally obligated to address any known source of lead exposure in their buildings. The good news is that offending bathtubs can usually use a cosmetic improvement and reglazing takes care of both problems.

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