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Childhood Lead Poisoning – Combating a Timeless Silent Killer

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The origins of lead poisoning are believed to have begun during the rise of the Roman Empire.[2] The Romans used lead in their pipes that distributed water throughout the city.[3] Additionally, the Romans used lead to preserve food and halt the fermentation of wine.[4] Causing even more exposure to lead, the Romans used lead glaze to coat their drinking glasses and cookware.[5] While the Romans are believed to be the first known victims of lead poisoning, Benjamin Franklin is regarded as the first to self-diagnose the condition. In his letter to Benjamin Vaughan in 1786, Franklin recalls the conversation he had on "the bad effects of lead taken inwardly."[6] Throughout his letter, Franklin reflected on his exposure to lead from rum distilleries, print shops, and from rainwater collected off leaded roofs.[7] The most prolific observation was Franklin's conclusion where he foreshadowed the continuing issue of lead poisoning. Franklin told Vaughan "you will observe with concern how long a useful truth may be known and exist, before it is generally received and practised [sic] on."[8] Nearly 225 years after Benjamin Franklin remarked about his condition, we are still wrestling with the truth of eliminating this preventable disease.

Lead is a heavy, low melting, bluish-gray metal that occurs naturally in the Earth's crust.[9] Lead is highly toxic and a common environmental contaminant.[10] There are several uses for lead. It

[1] Policy Advisor, New Jersey Office of the Child Advocate
[2] The Franklin Institute, http://www.fi.edu/learn/brain/metals.html (last visited Apr. 6, 2010).
[3] *Id.*
[4] *Id.*
[5] *Id.*
[6] *Id.*
[7] *Id.*
[8] *Id.*
[9] Agency for Toxic Substances and Disease Registry, Public Health Statement, Lead, http://www.atsdr.cdc.gov/toxprofiles/tp13-c1-b.pdf, at 1 (last visited Apr. 6, 2010).

is used in the production of batteries, ammunition, metal products (solder and pipes), and devices to shield X-rays.[11] Because of health concerns, lead from paints and ceramic products, caulking, and pipe solder has been dramatically reduced in recent years.[12] The United States prohibited adding lead to gasoline in 1996.[13]

Lead is most commonly found in paint from older housing. The use of lead-based paint in residential housing was banned by the federal government in 1978.[14] Homes built before 1978, especially those built before 1950 when the use of lead paint was most prominent, are at risk to contain elevated level of lead dust from deteriorated lead- based paint. Old housing is prevalent throughout the United States where approximately 20% of the homes were built before 1950 and 60% of the homes before 1978.[15] Lead is also found in toys, jewelry,[16] home remedies,[17] candies,[18] and soil.[19] Certain occupations also risk exposure to lead.[20] Lead poisoning from toys was highlighted during the Summer of 2007 when about 95 toy models from Fisher-Price and Mattel were determined to violate the lead paint standard established by the Consumer Products Safety Commission (CPSC).[21]

The effects of lead on children are permanent and irreversible. Children under the age of six are most vulnerable to lead poisoning because their bodies and minds are still developing. Among others, exposure to lead can cause a decrease in IQ, behavioral and growth problems, anemia, brain damage, and in extreme cases coma and death.[22] While children under six are the most vulnerable, lead poisoning also has severe effects on adults. Adults with lead poisoning can have issues with their nervous system, increased blood pressure, anemia, kidney damage, and reproductive issues.[23]

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[10] Centers for Disease Control and Prevention, Interpreting and Managing Blood Lead Levels <10 μg/dL in Children and Reducing Childhood Exposures to Lead, http://www.cdc.gov/mmwr/preview/mmwrhtml/rr5608a1.htm (last visited Apr. 6, 2010).
[11] Agency for Toxic Substances and Disease Registry, Lead, http://www.atsdr.cdc.gov/tfacts13.pdf, at 1 (last visited Apr. 6, 2010).
[12] *Id.*
[13] *Id.*
[14] *See* 16 C.F.R. § 1303.1
[15] *See* U.S. Census Bureau, http://factfinder.census.gov/servlet/ADPTable?_bm=y&-geo_id=01000US&-qr_name=ACS_2008_3YR_G00_DP3YR4&-ds_name=ACS_2008_3YR_G00_&-_lang=en&-_sse=on, (last visited Apr. 6, 2010).
[16] U.S. Consumer Products Safety Commission, http://www.cpsc.gov/cpscpub/prerel/prhtml06/06119.html (last visited Apr. 6, 2010).
[17] Alice Park, Study: Lead Poisoning Could Lurk in Spices, Time Magazine, Mar. 15, 2010, available at http://www.time.com/time/health/article/0,8599,1971906,00.html.
[18] U.S. Centers for Disease Control and Prevention, http://www.cdc.gov/nceh/lead/tips/candy.htm (last visited Apr. 6, 2010).
[19] Agency for Toxic Substances and Disease Registry, Lead, http://www.atsdr.cdc.gov/tfacts13.pdf, at 1 (last visited Apr. 6, 2010).
[20] U.S. Centers for Disease Control and Prevention, Childhood Lead Poisoning Associated with Lead Dust Contamination of Family Vehicles and Child Safety Seats --- Maine, http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5832a2.htm (last visited Apr. 6, 2010).
[21] U.S. Consumer Products Safety Commission, http://www.cpsc.gov/cpscpub/prerel/prhtml09/09237.html (last visited Apr. 6, 2010).
[22] Public Health Statement, Lead, *supra* note 9, at 7.
[23] *Id.* at 6.

While the US Centers for Disease Control and Prevention (CDC) has currently identified 10 micrograms of lead per deciliter of whole blood (μg/dL) as the level of concern for a lead poisoned child, they have also acknowledged that there is no known safe level of lead in the body.[24] The CDC estimates that approximately 250,000 children under age six in the United States have a lead level above the 10 μg/dL, which the CDC recommends environmental action.[25] The sad reality is this number fails to tell the entire story. There are no symptoms of lead poisoning. The only way to know if your child is poisoned is to have a blood lead test. The number of children who are stricken with this entirely preventable disease begs the question - what has been done to protect our children?

State and Municipal Actions Against Paint Manufacturers

Lead poisoning preys on the most vulnerable citizens, and states and municipalities alike have been fighting the lead paint manufacturers to pay for the children poisoned today from paint manufactured and used generations ago. There have been significant attempts to hold paint manufacturers liable for lead poisoning across the country. Sadly, these suits have been unsuccessful.

The State of Rhode Island had initial success in their suit against lead pigment manufacturers. A Rhode Island jury found NL Industries, Inc., The Sherwin-Williams Co., and Millennium Holdings LLC liable under a public nuisance theory.[26] Rhode Island Attorney General Patrick Lynch developed an abatement plan that would remediate all of the lead paint in Rhode Island. This plan was estimated to cost the three defendant paint companies $2.4 Billion.[27] The defendant paint companies appealed the decision to the Rhode Island Supreme Court, which reversed the lower court's decision.[28] The Supreme Court in finding for the defendants noted "how limited the judicial system often is."[29] The Court further added that the "law of public nuisance never before has applied to products, however harmful. Courts in other states consistently have rejected product-based public nuisance suites against lead pigment manufacturers, expressing a concern that allowing such a lawsuit would circumvent the basic requirements of products liability law."[30]

In reversing the lower court decision, the Rhode Island Supreme Court effectively dismantled a primary prevention strategy that would end lead paint poisoning from Rhode Island homes. The Rhode Island Supreme Court sought to cement the distinction between products liability and public nuisance. The court draws the distinction that "[u]ndoubtedly, public nuisance and products liability are two distinct causes of action, each with rational boundaries that are not

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[24] *Id.* at 7.
[25] Centers for Disease Control and Prevention, http://www.cdc.gov/nceh/lead/ (last visited Apr. 6, 2010).
[26] State of Rhode Island v. Lead Industries Association, Inc., et al, 951 A.2d 428, 434 (R.I. 2008).
[27] Patrick Lynch, Rhode Island Lead Nuisance abatement Plan (September 14, 2007), available at http://www.riag.ri.gov/documents/RILeadNuisanceAbatementPlan9-14-07.pdf.
[28] *See Lead Industries Association*, 951 A.2d at 480-81.
[29] *Id.* at 443.
[30] *Id.* at 456.

intended to overlap."[31] The court's decision keeps a clear division between public nuisance and products liability, similar to other state decisions.

> A product-based public nuisance cause of action bears a close resemblance to a products liability action, yet it is not limited by the strict requirements that surround a products liability action. Courts presented with product-based public nuisance claims have expressed their concern over the ease with which a plaintiff could bring what properly would be characterized as a products liability suit under the guise of product-based public nuisance.[32]

A lower court decision that would have provided unprecedented lead-safe housing for all Rhode Island residents was instead overturned leaving thousands of children to grow-up in potentially toxic environments.

The State of New Jersey also fell victim to a ruling in favor of lead pigment manufacturers.[33] Twenty-six New Jersey municipalities and counties filed suit seeking to recover "the costs of detecting and removing lead paint from homes and buildings, of providing medical care to residents affected with lead poisoning, and of developing programs to educate residents about the dangers of lead paint."[34] The Supreme Court of New Jersey decided solely on whether there was a claim based on the theory of public nuisance. The court in this instance found "no basis in this record to conclude that these plaintiffs have stated such a claim."[35] Addressing the issue of allowing the suit to continue under the public nuisance theory "would stretch the concept of public nuisance far beyond recognition and would create a new and entirely unbounded tort antithetical to the meaning and inherent theoretical limitations of the tort of public nuisance."[36] It is clear the Supreme Court of New Jersey sought to distinguish lead paint. Failure to do so in the court's mind would allow public nuisance law to "become a monster that would devour in one gulp the entire law of tort."[37]

The court also focused on action the State Legislature had already undertaken to address the issues related to lead paint. The court concluded that the

> Legislature addressed the lead paint problem in a manner completely in accord with our historical notions of public nuisance. By attaching a criminal penalty, by ordering an abatement through a public entity, and by maintaining a focus on the owner of premises as the actor responsible for the public nuisance itself, the Legislature's approach remained tethered to the historical bases that have defined public nuisance dating back centuries.[38]

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[31] *Id.*
[32] *Id.*
[33] *See* In re Lead Paint Litigation, 924 A.2d 484 (N.J. 2007).
[34] *Id.* at 487.
[35] *Id.* at 505.
[36] *Id.*
[37] *Id.*
[38] *Id.* at 500.

Here the court has passed responsibility to the property owner, who in most instances did not apply the lead-based paint on their property. New Jersey, like many Northeastern States, has an aging housing stock. With nearly 1 million dwelling units built before 1950[39] the ability to hold the lead pigment manufacturers liable would ease the burden on the State and local governments and their citizens.

The Supreme Court of Missouri reviewed the issue of public nuisance when the City of St. Louis filed suit against lead paint manufacturers.[40] The City of St. Louis sought to hold defendant paint companies liable for the presence of lead paint in the city's housing built before February 27, 1978. The city declared the presence of the lead paint to be a temporary nuisance and sought damages for "assessing, abating, and remediating the nuisance."[41] The lower court reviewed the standard set forth in *Zafft v Eli Lilly & Co.*[42] to determine if product identification was necessary to hold defendant companies liable under products liability theory.

This court recognized that product identification was necessary and must be satisfied or the City of St. Louis can

> do no more than show that the defendants' lead paint may have been present in the properties where the city claims to have incurred abatement costs. That risks exposing these defendants to liability greater than their responsibility and may allow the actual wrongdoer to escape liability entirely.[43]

The City of St. Louis tried to further distinguish their case by arguing the injury is not individual but rather a "widespread health hazard" and that the burden is "uniquely public – the monumental task of cleaning up the [d]efendants' toxic products falls upon the City and its taxpayers."[44] This court rejected the city's theory stating

> [t]he damages it seeks are in the nature of a private tort action for the costs the city allegedly incurred abating and remediating lead paint in certain, albeit numerous, properties. In this way, the city's claims are like those of any plaintiff seeking particularized damages allegedly resulting from a public nuisance.[45]

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[39] New Jersey Department of Health and Senior Services, Childhood Lead Poisoning in New Jersey Annual Report Fiscal Year 2007, http://www.state.nj.us/publicadvocate/public/pdf/FY%202007%20DHSS%20Lead%20Annual%20Report.pdf, at 7 (last visited Apr. 6, 2010).
[40] *See* City of St. Louis v. Benjamin Moore & Company et al, 226 S.W.3d 110 (Mo. 2007).
[41] *Id.* at 113.
[42] 676 S.W.2d 241 (Mo. Banc 1984).
[43] *Id.* at 115-116.
[44] *Id.* at 116.
[45] *Id.*

In finding for the defendant companies, the Missouri Supreme Court concludes that the "product identification requirement applies with equal force to governmental entities for monetary damages accrued as an alleged result of the public nuisance."[46]

The dissent by Chief Justice Wolff cuts to the heart of the need for lead paint manufacturers to held liable. The Chief Justice presents a hypothetical where we are to assume the city draws its drinking water from a stream. Ten defendants then pollute the stream with toxic sludge.[47] The Chief Justice states the purpose of the nuisance lawsuit would be to "require the polluters to clean up the sludge."[48] The Chief Justice further identifies the function of the nuisance suit is not to provide an individual a remedy, but rather "simply to identify the sources of the toxic sludge - indisputably a health hazard as in this case – and make the sources pay to clean it up."[49] The dissent further identifies the economic impact that lead remediation has on cities. "The remediation of lead-based paint is expensive. It is an expense imposed upon older cities though it is a problem that these cities did not create. But no city can afford to continue having the brains of many of its children permanently dulled by lead poisoning."[50] The dissent finally compares the polluters to lead-based paint manufacturers and states lead paint manufactures should be responsible to "help pay for the cost of remediating the poison they have helped distribute throughout the city."[51]

As we have seen, the courts have not provided relief to States or municipalities who try to eliminate lead poisoning within their communities. The sad reality is the issue of childhood lead poisoning will not disappear unless action is taken. Without favorable court decisions, the issue of childhood lead poisoning is now addressed by rule promulgation, statute, regulation, ordinance, and in some instances by task force.

Preventing Lead Poisoning: Federal, State, and Municipal Responses

The United States Environmental Protection Agency (EPA) enacted new regulations[52] in April 2010, which are designed to help protect children from dangerous lead exposure. This new regulation will cover persons or entities that "perform renovations of target housing or child-occupied facilities for compensation or dust sampling."[53] Target housing is defined as "any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any child under age six resides or is expected to reside in such housing) or any 0-bedroom dwelling."[54] A child-occupied facility

[46] *Id.* (Wolff, J., dissenting.)
[47] *Id.* at 117.
[48] *Id.*
[49] *Id.* at 118.
[50] *Id.*
[51] *Id.* at 119.
[52] *See* Lead; Renovation, Repair, and Painting Program; Lead Hazard Information Pamphlet; Notice of Availability; Final Rule, 73 Fed. Reg. 21,692 (Apr. 22, 2008) (to be codified at 40 CFR pt. 745).
[53] *Id.*
[54] *Id.*

> is a building, or a portion of a building, constructed prior to 1978, visited regularly by the same child, under 6 years of age, on at least 2 different days within any week (Sunday through Saturday period), provided that each day's visit lasts at least 3 hours and the combined weekly visits last at least 6 hours, and the combined annual visits last at least 60 hours.[55]

Some of the entities potentially affected by this regulation are single family and multi-family housing construction residential remodelers, child day care services, and elementary and secondary schools.[56] According to a summary provided by the EPA, "contractors performing renovation, repair and painting projects that disturb lead-based paint in homes, child care facilities, and schools built before 1978 must be certified and must follow specific work practices to prevent lead contamination."[57]

The new regulations will mandate work be completed by trained workers. The EPA estimates that as of mid-March approximately 50,000 renovators nationwide have completed the new training.[58] This new focus from the federal government will assist in identifying lead hazards and potentially save a child from exposure and a life of debilitating effects.

In 2009, the State of New York established the Task Force of the Prevention of Childhood Lead Poisoning.[59] New York, following leads from New Jersey,[60] Maryland,[61] Vermont,[62] and Michigan,[63] just name a few, has recommitted itself to addressing the issue of childhood lead poisoning. The task force, coupled with increased budget appropriations,[64] will look to New York's policies and programs to ensure the "collaboration of such officials and State agencies in the coordination and maximization of available resources and expertise."[65] This approach to reviewing existing protocols and moving forward with plans and programs is easy to replicate and will provide states the expert resources to assess their community needs. Absent court decisions to hold lead paint manufacturers liable, the states are now faced with the reality of revitalizing their lead

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[55] *Id.*
[56] *Id.*
[57] U.S. Environmental Protection Agency, http://www.epa.gov/lead/pubs/rrp.htm (last visited Apr. 6, 2010).
[58] U.S. Environmental Protection Agency, http://www.epa.gov/lead/ (last visited Apr. 6, 2010).
[59] New York State Task Force on the Prevention of Childhood Lead Poisoning Preliminary Report, http://www.health.state.ny.us/environmental/lead/exposure/childhood/task_force/docs/2009_preliminary_report.pdf (last visited Apr. 6, 2010).
[60] New Jersey Department of Community Affairs, http://www.state.nj.us/dca/dcr/leadsafe/interagency_task_force.html (last visited Apr. 6, 2010).
[61] State Of Maryland, Department of the Environment, http://www.msa.md.gov/msa/mdmanual/14doe/html/14agen.html (last visited Apr. 6, 2010).
[62] Vermont 2008 Lead Poisoning Prevention, Annual Report to the Legislature, http://www.healthvermont.gov/admin/legislature/documents/ChildhoodLeadPoisoning_legrpt0109.pdf (last visited Apr. 6, 2010).
[63] State of Michigan, Final Report of the Task Force to Eliminate Childhood Lead Poisoning, http://www.michigan.gov/documents/lead_108767_7.pdf (last visited Apr. 6, 2010).
[64] New York State Task Force on the Prevention of Childhood Lead Poisoning Preliminary Report, http://www.health.state.ny.us/environmental/lead/exposure/childhood/task_force/docs/2009_preliminary_report.pdf at 1 (last visited Apr. 6, 2010).
[65] *Id.*

poisoning prevention efforts with little additional assistance. Some of the municipal governments have taken steps to remediate the lead hazards in their own backyards.

The gold standard for dealing with childhood lead poisoning is to ensure the child is never exposed in the first instance. This primary prevention model is being explored in some of the higher risk areas for older homes and lead poisoned children. Municipal governments are looking to add a lead inspection as a requirement for a certificate of occupancy. In January 2010, Philadelphia City Councilwoman Blondell Reynolds Brown introduced legislation that would require apartments built before 1978 to pass a lead inspection before the unit could be rented.[66] Additionally, Former Detroit City Councilwoman Sheila Cockrel introduced an ordinance in October 2009, which prevents owners from leasing their buildings until they remove lead hazards.[67] While there are other ordinances nationwide, these are two examples of finding the lead before the lead finds the child. Too often, the children are the canary in the coal mine - we only find out a home has dangerous level of lead paint when the child is poisoned.

Municipalities working on a "street level" approach is paramount to addressing this issue of childhood lead poisoning and maximizing the ability to protect children. Childhood lead poisoning can be prevented, and ultimately eliminated, through collaboration with State and local governments and community organizations to educate, test, and remediate.

New Jersey Model Lead-Safe Cities

The New Jersey Department of the Public Advocate began a series of meetings with a variety of stakeholders involved in childhood lead poisoning prevention in the Spring of 2007. Department staff talked to parents of lead poisoned children, lead inspectors, abatement contractors, and health professionals to understand what happens in New Jersey when a child is lead poisoned. These meetings began to expose issues with the response and prevention mechanisms throughout the state. After these meetings, the Department undertook a field investigation in the Fall of 2007 where 104 homes were inspected for lead dust across five New Jersey cities – Camden, Trenton, Newark, Irvington, and East Orange. At the time of our investigation these cities accounted for 31% of the State's lead poisoned children.[68] The results of the investigation were shocking: 85 of the 104 homes had at least one elevated level of lead dust.[69]

After the Department's investigation, staff met with the Governor's Office, representatives from our sister state agencies, and the cities that were the subject of our field investigation to discuss our findings and recommendations.[70] Based on the Department's investigation and report,

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[66] Jeff Shields, Bill Seeks Lead Testing of Phila. Rentals, Philadelphia Inquirer, Jan. 29, 2010, available at http://www.philly.com/inquirer/local/20100129_Bill_seeks_lead_testing_of_Phila__rentals.html.
[67] Rochelle Riley, Former Councilwoman can Take a Bow, Detroit Free Press, available at http://www.freep.com/article/20100115/COL10/1150362/Former-councilwoman-can-take-a-bow .
[68] *See* New Jersey Department of Health and Senior Services, Childhood Lead Poisoning in New Jersey Annual Report Fiscal Year 2007, http://www.state.nj.us/health/fhs/documents/childhoodlead2005.pdf, (last visited Apr. 6, 2010).
[69] New Jersey Department of the Public Advocate, Getting the Lead Out: The Lead Poisoning Crisis in New Jersey, http://www.state.nj.us/publicadvocate/public/pdf/LeadPreliminaryPublicReport.pdf. at 2 (last visited Apr. 6, 2010).
[70] *Id.*

Governor Corzine issued Executive Order #100,[71] which mandates that all State Agencies reevaluate their lead poisoning prevention and response activities. After the Governor issued Executive Order #100, the Department, through collaboration with the Office of the Child Advocate, launched the Model Lead-Safe City Program.[72]

The Model City Program focuses on several core principles including: screening, education, outreach, and inspections. An agreement is negotiated with a municipality by assessing the programs that municipalities already undertake and work to refine and create new and innovative programs to address the needs of each city. As part of the agreement, staff work with local community and faith based organizations to enlist their help, support, and resources to achieve the goal of eliminating childhood lead poisoning. Currently, fourteen municipalities have executed Model City agreements.[73] Nearly half of all lead poisoned children in the State come from one of the fourteen Model Cities.[74]

The Model City Program has made significant strides to protect New Jersey children from lead poisoning. Through collaborative efforts, municipalities have increased the numbers of children screened for lead poisoning, increased the education and outreach efforts within their communities, secured state grants, and developed innovative programs to reduce the number of children exposed to lead hazards.[75] All of these efforts have focused on partnerships, which help to alleviate burdens on municipal budgets. Additionally, the program worked with municipalities to develop a comprehensive model ordinance to add a lead inspection to a certificate of occupancy.[76] This ordinance was circulated to all 566 New Jersey municipalities in January 2010.[77]

The Model City Program has also demonstrated why primary prevention is the gold standard. Aside from protecting a child from devastating, life-long illness, addressing the issue prior to a child being poisoned can have a positive fiscal impact. The New Jersey Public Advocate commissioned a report on the societal costs of lead poisoning in New Jersey.[78] By preventing children from being lead poisoned, the State of New Jersey could realize a savings of $27 billion over the life of children currently under age six.[79]

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[71] Exec. Order No. 100, Jon S. Corzine (Apr. 29, 2008), available at http://www.state.nj.us/infobank/circular/eojsc100.htm

[72] *See* New Jersey Department of the Public Advocate, http://www.state.nj.us/publicadvocate/public/issues/lead_main.html (last visited Apr. 6, 2010).

[73] *Id.*

[74] *See* New Jersey Department of Health and Senior Services, Childhood Lead Poisoning in New Jersey Annual Report Fiscal Year 2007, http://www.state.nj.us/publicadvocate/public/pdf/FY%202007%20DHSS%20Lead%20Annual%20Report.pdf at 7 (last visited Apr. 6, 2010).

[75] *See* New Jersey Department of the Public Advocate, http://www.state.nj.us/publicadvocate/news/2009/approved/091026childhoodlead.html (last visited Apr. 6, 2010).

[76] New Jersey Department of the Public Advocate, Municipal Model Ordinance, available at http://www.state.nj.us/publicadvocate/public/pdf/Ordinance.pdf (last visited Apr. 6, 2010).

[77] *Id.*

[78] Peter Muennig and Pichchenda Bao, The Societal Costs of Childhood Lead Exposure in New Jersey (December 2009), available at http://www.state.nj.us/publicadvocate/public/pdf/NJ_Lead_Report_Final-5.pdf.

[79] *Id.* at 3.

Childhood lead poisoning has plagued society since the dawn of the Roman Empire. Great strides have been made in the United States to protect children from this entirely preventable health crisis. There is still much work to be done. Society has worked through litigation, legislation, and collaboration to arm families with the tools necessary to prevent their children from becoming another victim of this silent killer. Education and awareness of the dangers of lead and lead poisoning is crucial to its eventual elimination. We know there are many sources of potential exposure to lead lurking in our communities. Families need to be ever vigilant and ensure their children are protected in the one place they should be the safest – their homes. Together, we can help our children live in an environment free of lead and make the elimination of lead poisoning a truth, like Benjamin Franklin envisioned over two centuries ago.