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LEAD PAINT**

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RESPONDING TO THE INVISIBLE MONSTER: LEAD PAINT

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Responding to the Invisible Monster: Lead Paint

Patricia E. Salkin



Lead paint was banned twenty-five years ago.

So, when Ralph Spezio, Principal of the Enrico Fermi School, No. 17 in Rochester, New York reported this spring that there was "an invisible monster destroying our kids," I needed to know more.

During two recent statewide roundtables on the legal and policy challenges surrounding lead paint abatement that were hosted by the Government Law Center, it was hard to deny the facts. An estimated 1 in 20 American children have been poisoned by lead including one-fifth of African American children living in housing built before 1946. New York has a particularly high incidence of lead poisoning in large part because we have the highest number of housing units built prior to 1950 in the nation. According to HUD, 75% of the pre-1950 housing contains lead paint, and a significant percentage of this housing is in poorer inner-city neighborhoods.

The EPA acknowledges that lead poisoning is the number one environmental health threat to children in the U.S. The detrimental and irreversible effects of childhood lead poisoning that have been documented include: lower IQs, shorter term memory, hearing loss, attention deficit disorders, reading difficulties and aggressive behavior – all leading to problems in school.

A quarter of a century later, we are still trying to stop lead poisoning. All levels of government are going to have to step up the battle with innovative programs...and it will cost money. At the local level, cities like Rochester are

leading the way. In May 2002, Mayor William A. Johnson, Jr. announced a landmark local lead paint abatement program with the City investing approximately \$5 million over the next three years to replace windows, doors and porches in some of its poorest neighborhoods. This is admittedly just one small piece of the puzzle in lead paint abatement, but it is one giant step for a city government. Other cities can learn from the progressive programs being implemented in Rochester that were developed in response to the alarming local statistics: in 1995 37.5% of Children in Rochester suffered from lead paint poisoning and almost 2,000 children are poisoned every year.

At the federal level, the regulations implementing the Residential Lead-Based Paint Hazard Reduction Act of 1992 finally took effect in September of 2000. This law applies to federally assisted housing and to any housing being sold by the federal government built before 1978. The law covers some of the "infected" housing stock, but not all. A 1989 federal law requiring that children on Medicaid be tested for lead poisoning may be in jeopardy to accommodate other cost saving goals. According to a 1998 GAO report, more than half a million children on Medicaid have harmful lead levels.

Although a May 2002 report from DOH reports that there has been some statewide success in reducing the incidents of lead poisoning (in part due to the implementation of the Lead Poisoning Prevention Act), the data still reveals that we have a long way to go in eradicating the problem. The study notes that the State will make continuing efforts to make sure

that all children under two years of age are screened for lead and outlines a number of steps that will be taken to work towards this goal. In addition to executive branch leadership, members of the legislature have crafted various proposals to address the challenges of lead paint, and these are worthy of consideration and debate. One controversial bill would relieve local governments from liability for lead paint (in response to recent litigation where counties have been found liable for failure to act), another would subject contractors to liability for poor abatement practices, and yet another proposal would prevent housing assistance under the social services law absent a lead free certification. These are just some examples of legislative initiatives that focus on one aspect of the lead poisoning debate.

In addition to the work of the federal, state and some local governments, we must do a better job of communicating with the landlords of buildings that contain lead paint, as well as with the medical community and representatives and advocates of our lower-income neighborhoods. Working together, the public, private and non-profits sectors can develop more creative solutions for abatement funding, transitional housing, and education.

The monster is not invisible.

Together we must bring an end to the devastation.

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