

Washington, D.C.: A National Model for Lead Poisoning Prevention and Healthy Housing

Angela Wyan and Ralph Scott 23 September 2011

Lead poisoning remains a serious environmental health threat for children in the United States, despite the fact that it is completely preventable. For 30 years, the Centers for Disease Control and Prevention (CDC) has emphasized the need for local jurisdictions to adopt lead poisoning prevention strategies that eliminate lead hazards in a home before a child is exposed. However, even though substantial progress has been made through federal and state efforts to reduce risk of lead exposure, challenges, largely at the local level, persist, and become greater without strong and savvy leadership.

What one finds at the local level is not always ideal. First, most jurisdictions lack a proactive approach to dealing with the problem and public health officials must wait until a child has high lead levels before any intervention can take place. Second, because lead poisoning is a multi-agency issue involving health, housing and the environment, poor inter-agency coordination negatively affects results. And finally, where interactions between

government officials and advocates, who are also working to protect the public, are uncooperative, it can be challenging to develop comprehensive laws and regulations that protect residents and provide them with recourse at the local government level.

A system that is unable to offer solutions to these issues affects residents negatively and, as a consequence, children of low-income families who usually live in substandard, unsafe housing continue to be routinely exposed to lead-based paint and other lead hazards.

A comprehensive lead poisoning prevention strategy includes several components: a proactive approach that provides resources for residents as soon as it is known that a child is being exposed to lead rather than wait until a child's blood has reached high levels, inter-agency coordination among any and all agencies that would have to deal with the issue, and the cooperation of the advocate community.

In Washington D.C., led by nationally recognized experts in the field, the Department of the Environment's (DDOE) Lead and Healthy Housing division has come a long way since the days of constant bad press, and it is now spearheading efforts to create a proactive model to deal with lead poisoning. Their model includes targeted education to families living in high-risk areas, expectant parents and families with children whose blood lead levels tested between 5 – 9 $\mu\text{g}/\text{dL}$, inter-agency coordination

and, most importantly, cooperation with local advocates to find best practices and support change in the local regulatory environment that will mandate lead-safe housing, lead-safe work practices, and penalties for non-compliant landlords.

The District of Columbia has experienced serious, documented problems with lead poisoning. In early 2004, the Washington Post revealed that the District had been plagued by severe lead-in-drinking-water elevations over a two-and-a-half year period between 2001 and 2004 (Nakamura 2004). It was later discovered that the Department of Health (DOH), the agency formerly in charge of the lead program in D.C., helped the water utility and the Environmental Protection Agency cover up the problem (A Public Health Tragedy 2010), and the lead program failed to subsequently include drinking water samples in their risk assessments at the homes of poisoned children.

Page 2

Responsibility for handling the response to a lead poisoned child was then spread across multiple agencies that did not collaborate well. DOH inspectors documented lead hazards in the homes of lead poisoned children, but the District's lead law required the code enforcement agency, the Department of Community and Regulatory Affairs (DCRA), to issue a notice of violation to the property owner. If the owner failed to make proper repairs,

yet another agency, the Office of Attorney General, needed to file suit against the owner for non-compliance. In 2006, dozens of files were discovered on properties where lead paint hazards had been documented following lead poisoning cases in years past without being turned over to DCRA for enforcement. Children often continued to live in homes known to be hazardous for months or years, and landlords were allowed to re-rent the homes with uncorrected lead hazards to new families with young children.

In addition to these governmental administrative blunders, local law and regulations were weak and the relationships with public advocates were of an antagonistic nature. Advocates had unsuccessfully tried to pass a comprehensive lead paint ordinance to replace the flawed DC law enacted in the '90s, which had subsequently been made worse by amendments promoted by landlord groups in 2006. Such law made the mere presence of lead-based paint, even intact paint that posed no danger to occupants, a legal violation. Such strict standards were not being enforced.

Change came in 2007 when the DDOE's Lead and Healthy Housing division came under new management and, along with new leadership, new vision and initiatives. The agency now invests in preventive efforts targeting expectant parents and caregivers of children with blood lead levels between 5 and 9 $\mu\text{g}/\text{dL}$ to provide education, cleaning instructions and assistance to reduce lead dust

hazards in the homes. Statistics show that the incidence of children with high levels of lead had decreased significantly.

At the same time, even though medical monitoring through the District's Screening Law assures that the most vulnerable victims, infants and toddlers, are quickly identified, because lead poisoning is preventable by addressing environmental exposure, which most often involves housing, prevention requires coordination of multiple D.C. Agencies. The DDOE leads this coordination of services to assure effective and efficient use of services. In fact, the agency has convened and leads 3 interagency work groups: Compliance, which aims at ensuring that all other agencies that are affected by the lead law will have adopted the necessary changes to be in compliance with federal and local lead laws; Relocation, which brings together several agencies that provide relocation assistance to join resources and design a cost-effective approach to the relocation issue in the city; and Outreach, which brings together agencies that provide outreach to likely key audiences for lead poisoning prevention and healthy homes purposes.

Page 3

In addition to the beneficial contributions of these operational improvements, the most significant progress is the work with the advocates. With the new management at the DDOE, advocates were able to begin

to work with the program leadership to improve the District's ineffective lead poisoning prevention law. Efforts to pass a new law that started in 2007 culminated in December 2008 when D.C. Council passed a smart, protective law, the Lead-Hazard Prevention and Elimination Act (2008). Furthermore, in 2010, advocates succeeded in strengthening the 2008 law with additional amendments (Lead Hazard Prevention and Elimination Amendment Act 2010).

The Lead-Hazard Prevention and Elimination Act of 2008 and the corresponding Amendment Act of 2010 completely changed the legal landscape for lead poisoning prevention in the District, establishing the conditions for an unprecedented level of protection for District residents against lead exposure, and setting an innovative model for the rest of the nation.

The new law authorizes the DDOE to check homes for lead hazards if there is reasonable belief that hazards may exist, rather than waiting for the discovery of a lead poisoned child. Landlords renting pre-1978 properties to families with young children or pregnant women must provide the tenants with a recent lead clearance report proving lead-safety prior to execution of the lease. The law gives the District the authority to locally enforce federal lead disclosure and lead-safe remodeling laws. The law also creates a presumption that paint in pre-1978 units is lead-based paint and is a presumed lead hazard if the paint is deteriorated, unless the landlord provides a

lead inspection or risk assessment report showing that the paint is not lead-based. Finally, DCRA is given legal authority to enforce against such presumed lead paint hazards in the thousands of rental units the agency inspects each year.

Thus, as government agencies and public officials increase their attention to comprehensively address in-home hazards, the D.C. model of prevention, inter-agency cooperation and well-coordinated efforts with advocates after decades of inefficiency and only bad press, serves as a model for efficiency and effectiveness.

For their efforts and initiative, the program and its leadership were recognized this year at a national healthy housing conference with the Lead Star Award, bestowed by the Lead and Environmental Hazards Association and the National Association of Lead and Healthy Homes Grantees.

Even though a number of challenges have arisen, including ceased cooperation from other agencies at the outset of the new administration, reductions in federal funding from the CDC and a recent repeal by the City Council of a special purpose fund for the program comprised of fees and penalties collected under the lead ordinance, with dedicated, expert staff and a committed group of community advocates, there is every reason to believe progress will continue, and D.C.'s lead and healthy housing program will continue to set the standard for

other cities and states.

Angela Wyan is the Director for Lead Safe DC, a local lead poisoning prevention program that combines a broad family education initiative and a grassroots public policy task force with the goal of ridding the nation's capital of childhood lead poisoning. Ralph Scott is Policy Support and Outreach Coordinator at Parents for Nontoxic Alternatives. He has worked on housing issues since 1979, and since 1985 has advocated for practical, effective policies to address lead poisoning at the local, state and national levels.

References

References

Nakamura, D. (2004, January 31). Water in D.C. Exceeds EPA Lead Limit. Washington Post, Available at <http://www.washingtonpost.com/ac2/wp-dyn/A64766-2004Jan30>.

A Public Health Tragedy: How Flawed CDC Data and Faulty Assumptions Endangered Children's Health in the Nation's Capitol. (2010, May 20). Report by the Majority Staff of the Subcommittee on Investigations and Oversight of the Committee on Science and Technology, US House of Representatives to Subcommittee Chairman Brad Miller. Available at <http://www.dcwatch.com/wasa/100520.pdf>.

Lead-Hazard Prevention and Elimination Act of 2008,
District of Columbia Official Code. Available at
<http://www.dccouncil.washington.dc.us/images/00001/20090108172125.pdf>.

Lead Hazard Prevention and Elimination Amendment Act
of 2010, District of Columbia Official Code. Available at
<http://www.dccouncil.washington.dc.us/images/00001/2010111123047.pdf>.