

**Statement of Rachel Burton, Policy Specialist
Regarding the Lead-Hazard Prevention and Elimination Act of 2008
Before the Committee on Public Works and the Environment
October 1, 2008**

Good morning Councilmember Graham and members of the Committee on Public Works and the Environment. I want to take this opportunity to thank you, Councilmember Graham, for introducing this piece of legislation and would also like to thank Councilmembers Brown, Cheh, Bowser, Alexander, Wells, Schwartz, Barry, Thomas, and Gray for your co-sponsorship.

My name is Rachel Burton, and I am the Policy Specialist at The Arc of the District of Columbia (The Arc of DC). The Arc of DC is a fifty-eight year old nonprofit membership organization that serves individuals with intellectual and developmental disabilities and their families through supports and advocacy. I would like to thank you for the opportunity to testify today in support of B17-0936, the “Lead-Hazard Prevention and Elimination Act of 2008.” The Arc of DC and our parent group, The Arc of the United States, have a long history of advocating to reduce environmental toxins, including hazards associated with lead paint. We recognize the need for vigilance in preventing exposure to lead paint, and appreciate the important steps that Bill 17-0936 takes in this arena. Our testimony today supports the bill overall, and recommends several simple ways the Committee could further strengthen the bill’s protections for pregnant women.

As you know, lead poisoning, often the result of exposure to lead-based paint, is an environmental hazard for children and pregnant women. The harmful effects include reductions in intelligence and attention span, learning disabilities, behavioral problems, impaired hearing, decreased growth, and in severe cases of exposure, coma and death. In fact, the US Centers for Disease Control has named lead poisoning “the number one environmental health hazard facing American children.” Additionally, lead-based paint is a hazard to pregnant women due to its effects on the neurological development of the fetus. Pregnant women can pass lead through their bloodstream into the fetus’ bloodstream, causing miscarriage, premature birth, and developmental delays.

District residents are at a heightened risk of contact with lead-based paint due to the age of our city’s housing stock. Approximately 91% of residences in DC were built prior to 1980 (lead-based paint was banned in 1978), according to the US Census Bureau 2005 American

Community Survey, and it is estimated that 98% of residences built before 1978 contained lead-based paint. This means that the overwhelming majority of housing in the District could have lead-based paint, if dwellings have not been previously abated.

Unfortunately, the impact of lead-based paint all too often disproportionately falls on families with the least resources to deal with abatement or to acquire health services for children who have lead poisoning. In the District, 31% of children under the age of six live below the federal poverty level. Low-income pregnant women and children are more likely to live in older homes that may contain lead paint, and face high relocation costs if lead paint is found.

In light of the substantial risks to District residents, Bill 17-0963 takes a very appropriate and important approach to lead-based paint assessments and inspections. In particular, The Arc of DC strongly supports the provisions of the bill which require lead abatement through inspections when there is a reasonable belief of a lead-based paint hazard. It is too late when children have elevated blood lead levels, and they cannot be the test for the presence of lead in our residences and buildings. Moreover, the provision in Section 4(e) to require the owner to “make temporary comparable alternative arrangements for the relocation of the household of any person at risk [and] pay all reasonable relocation expenses” and to “make reasonable efforts to ensure that the household is relocated to a unit in the same school district or ward, and if the dwelling unit is located in a property [that] was built before 1978, that there is not deteriorated paint” ensures that low-income tenants are protected against lead-based paint and are not burdened with relocation expenses or a disruption in lifestyle to the greatest extent possible. These provisions take the onus off tenants and put the responsibility, both financially and logistically, on the property owner to get rid of lead-based paint hazards. The Lead Poisoning Prevention Fund, as outlined in Section 9, will also help to provide financial backing and enforcement of this act as well as mitigate relocation expenses to help property owners comply with the regulations for relocating their tenants.

The Arc of DC does, however, believe that the Committee could further strengthen the bill by considering the multitude of spaces in which pregnant women and children reside and visit.

Section 2(8)(B) describes a number of settings which are excluded from the definition of “dwelling unit,” and therefore are exempt from many of the bill’s abatement provisions. Section 2 (8)(B) (i) states that “dwelling unit” excludes “a unit within a hotel, motel, or seasonal or transient facility unless such unit is occupied by one or more children under age six for a period not exceeding 30 days” and (ii) denotes that the proposed bill does not apply to “dwelling units” with “an area within the dwelling unit that is secured and inaccessible to children under age six.” These sections do not address the dangers for pregnant women. We recommend that Section 2(8)(B)(i) state: “a unit within a hotel, motel, or seasonal or transient facility unless such unit is occupied by a pregnant woman or one or more children under age six for a period not exceeding 30 days.” We recommend that Section 2(8)(B)(ii) state: “an area within the dwelling unit that is secured and only accessible to authorized personnel.” Additionally, Section 2(8)(B)(iii) leaves out pregnant women in its exclusion of “housing for the elderly...exclusively designed for persons with disabilities, except this exemption shall not apply if a child under age six resides or is expected to reside in the dwelling unit or visit the dwelling unit on a regular basis.” This exclusion overlooks the possibility that female tenants with disabilities may become pregnant, and that pregnant women may also have access to these residences. As a result, we recommend that Section 2(8)(B)(iii) state: “housing for the elderly, except this exemption shall not apply if a pregnant woman or child under age six resides or is expected to reside in the dwelling unit or visit the dwelling unit on a result basis.”

Pregnant women also appear to be left out of the definition of a “child-occupied facility” in Section 2(4). Given that lead-based paint is not always easily identifiable, a pregnant woman may not know she is at risk if provisions are not expanded to include areas that might be off limits to young children but readily accessible to adults. In order to safeguard pregnant women and young children, the bill should explicitly address the risks of lead-based paint to pregnant women in this definition.

In closing, The Arc of DC strongly supports Bill 17-0963 and its much-needed push to enhance healthy childhood development by removing lead-based paint hazards for pregnant women and children under the age of six. We thank the Committee on Public Works and the Environment for your leadership in helping to prevent and reduce lead hazards. Thank you for the opportunity to testify today.