



**Council Bill 100011**  
**Committee on Public Health and Human Services**  
**Public Testimony – June 7, 2011**  
**Colleen McCauley, Public Citizens for Children and Youth**

My name is Colleen McCauley, and I am the Health Policy Director at Public Citizens for Children and Youth, the region's lead child advocacy and policy organization. I want to begin by thanking Councilwoman Reynolds Brown for advancing this bill and for her continued work to eliminate childhood lead poisoning in Philadelphia. I'd also like to thank ALL of you for the work you've done over the last decade to significantly reduce the number of children who are harmed by lead.

And lead permanently injures children; no cure exists to reverse the irreparable damage that lead inflicts on children – just as you've heard Dr. Carla Campbell describe in great detail – it includes damage to children's growing brains and nervous system, robbing them of their intellect and increasing their risk for learning disabilities, behavioral problems and juvenile delinquency.

The good news is that over the last several years, Philadelphia has had GREAT success in decreasing the number of children poisoned – primarily by increasing the number of homes that are lead-safe. This has been accomplished by undertaking actions that identify lead hazards in homes BEFORE children are poisoned by them – as exemplified by the Lead Safe Babies program that tests the homes of pregnant women for lead and if found, removes them before a child is poisoned. Philadelphia's Lead Court has also served as a highly successful mechanism to ensure that property owners clean up lead hazards in properties that have already, unfortunately, poisoned a child. And as you heard Dr. Campbell describe, there has been a significant increase in the percentage of properties that have been made lead-safe since the inception of Lead Court. These smaller steps, such as Lead Safe Babies and Lead Court, that the city has

taken have made a significant impact on keeping children healthy and out of harm's way.

The bad news is that too many young children are STILL poisoned by lead in Philadelphia each year. Every year, about 1,000 children are newly diagnosed with lead poisoning.

The only way to prevent children from being lead poisoned is to eliminate their exposure to lead hazards. The number one way children are poisoned in Philadelphia, and across the nation, is by lead paint-based hazards in their homes - which is well documented in the scientific literature. Philadelphia is an old city with 95% of its housing stock built before 1978 when lead-based paint was banned for residential use. Consequently, many homes in the city can potentially poison children.

The city's Property Maintenance Code requires rental property owners to maintain their properties free of hazards – including lead-based paint hazards. MANY landlords do the right thing and comply with the code, providing safe living space for children to play, sleep, eat and grow up. Some rental property owners, however, do not follow the housing code, so even after we've made some progress to reduce lead poisoning in the city, there are still children being permanently harmed by lead. The Philadelphia Department of Public Health reports that 55% of properties that poison children in Philadelphia are rental properties.

The existing protections in the housing code DO NOT GO FAR ENOUGH because young children are still being poisoned in our city. We cannot, in good conscience, afford to continue to use children as "canaries in the mines" to determine if a landlord is compliant with the housing code by waiting around to see if the property eventually poisons a child. We have to do all we can to PREVENT children from being injured. Consequently, the existing protections must be strengthened.

And this bill before you strengthens the housing code WITHOUT imposing a burden on rental property owners. This bill simply requires landlords who own properties built before 1978, when lead-based paint was banned for residential use, to demonstrate that they are not violating the housing code by having their property tested for lead hazards.

Jurisdictions across the country continue to struggle with how to stop children from being poisoned. To this end, several localities around the nation have passed similar laws as the one before you - and some have reported important reductions in the number of children poisoned and increases in the number of properties made lead-safe.

This bill before you was modeled on a law recently passed in DC that went into effect in April 2009 that makes the presence of lead-based paint hazards illegal in all residential dwelling units, in common areas in multifamily properties, and in child-occupied facilities such as daycares, all built before 1978.

This past April, Maryland passed a bill into law (HB 1033) that requires all pre-1950 rental properties at change of occupancy to pass a lead dust test – i.e. that the rental properties must be verified as lead-safe.

In 2006, a law took effect in Rochester, New York that requires inspections for lead paint hazards as part of the City's existing housing inspection process. The results of an evaluation of the first two years this law was in effect showed that:

- In the two years preceding the implementation of the law, 7.5% of children tested had elevated blood lead levels; in the two years following the implementation of the law, the proportion dropped to 5% of children tested.
- Of the 28,000 housing units that were inspected, nearly 3,440 or 12% failed a lead hazard test.
- More than 75% of the housing units that failed a lead dust wipe test were made lead-safe two years after the law passed.
- The average cost for a lead test two years after the law was passed was \$150 – half of the cost estimated at the time the law was passed.

It costs far less to remediate a property than it does to remediate a child. Based on published models and formulas, it can be estimated that childhood lead poisoning in Philadelphia - for just the children diagnosed in a ONE YEAR period - could have cost the city, state and taxpayers more than \$75 million in direct health care, special education, and juvenile delinquency costs as well as total lifetime earnings losses (see the chart below). Loss of these dollars pale in comparison to the human potential lost by the ravages of a poisoning that we know how to prevent – and can take steps to further eliminate.

<b>Estimated Costs Related to Newly Diagnosed Children with Lead Poisoning in One Year, 2010 (n=944 children)</b>	
Lifetime Earnings Lost	\$67,290,283
Health Care Costs*	\$243,165
Special Education	\$799,422
Juvenile Offenses	\$6,800,000
<b>TOTAL:</b>	<b>\$75,132,870</b>

\* The Health care costs estimate includes follow-up testing and case and medical management.

Rental properties are required to comply with the city’s Property Maintenance Code, the intent of which is to “insure public health, safety and welfare to the extent they are affected by the continued occupancy and maintenance of existing structures and premises.” Tragically, some rental properties in this city still poison children, but they sure shouldn’t and they don’t have to anymore. This bill fortifies the existing protections in the housing code - without creating a burden on landlords – by simply requiring landlords to prove that their properties are lead-safe.

We look forward to the day when no children in Philadelphia are poisoned by lead. We can make a big difference in the lives of Philadelphia’s youngest residents. This bill is one critical step in that direction.