

# public citizens for children + youth

## Testimony

### **Presented to Philadelphia City Council Committee on Public Health**

Re: Ordinances 180936, 180937, 180938

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Thank you very much for providing me the opportunity to testify on the ways in which City Council can help ensure that no children in Philadelphia suffer the lifetime consequences of lead poisoning. I want to begin by thanking Councilwoman Reynolds Brown for continuing champion the health of our children and the need to end child lead poisoning in this city.

In Philadelphia, children are being poisoned by lead at a rate that is higher than children currently living in Flint Michigan.

Yet, that's the children we know were exposed to lead and suffer from its toxicity.

As you know, less than a quarter of the children who should be tested for lead exposure twice by the time they are three are appropriately screened in Philadelphia. I should point out that's a much better track record than most communities in the state, but clearly, we have a long way to go before really knowing the number of children whose potential is stunted because they ingested lead.

Councilwoman Reynolds Brown's bill being considered today to mandate lead screenings for every young child is a step forward however, the CDC strongly recommends that every child be tested twice before they are three. Doing so ensures lead poisoning is detected as children grow from babies that crawl and put everything on the floor and baseboards in their mouths to toddlers who walk and do the same with windows and other surfaces formerly out of their reach.



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We urge that the bill be amended to require local screening protocols consistent with the CDC guidance. Further we believe measures to improve local reporting on the lead screening can go a long way to ensure health practitioners and others demonstrate their compliance with the ordinance.

Further, we also support Councilwoman Reynolds Brown's other ordinance that is being considered that would extend lead protections to properties where the City is a tenant or City capital funds are being used for rehabilitation.

But I am here today primarily to focus on how we can prevent lead poisoning, that's the only strategy that really solves the problem. From that far too small a pool of young children tested for lead exposure, we know that more than 2,000 children tested positive for lead poisoning last year and many will suffer the life-time consequences of lead poisoning. Please take a second to think about that number of children. It's the equivalent to approximately 90 kindergarten classrooms. Its reasonable to assume that if all children were screened the number of children poisoned by lead would fill 180 kindergarten classrooms. To put that in perspective, that enough kids to fill 40% of all the district's kindergarten classroom. What a tragedy!

I know you know the consequences of lead poisoning. And you know that more than 60% of all children are poisoned by eating lead paint or lead dust and do so where they live which, as you know is in most cases a rented apartment or home.

I want to share what we know about some of the costs of lead poisoning that require huge expenditures of tax dollars and lost lifetime potential, which in sum make the case for the expansion of the current ordinance to all rental properties an imperative.

The obvious cost of lead poisoning is delayed and permanently undermined cognition. Detailed research on children in Detroit found that 20% of all children testing positive for lead exposure at ten micrograms per deciliter -or greater needed special education services, and 14% of the children testing between five and nine micrograms per deciliter so needed special education services. For our school district, assuming similar special education enrollment rates of children testing positive we are likely spending about \$6.2 million annually to provide special education supports to children who need those supports because of exposure to lead. That works out to about \$74 million over the school lives of every cohort of entering kindergarten students of special education costs that are completely avoidable.

Beyond that, we know that lead causes pernicious and lingering mental health problems that are costly to address. For instance, the City found that children who tested positive for lead exposure require \$10,000 more per child over five years in behavioral health supports than their peers who receive behavioral health services who have not been poisoned by lead. The City does not have estimates for how many years children need these services. Suffice to say that on annual basis these costs add up and divert critically needed CBH funds from other public health emergencies like our opioid crisis for a completely avoidable childhood impairment.

Lead's insidious impact on impulse control, reasoning and judgement has been shown to result in inflated rates of youth detention. A recent study in Michigan found that ten percent of their children sentenced to juvenile justice placements suffered from lead exposure. The annual cost of such detention in Philadelphia is about \$110 million a year. So it's not far-fetched to suggest that the taxpayers are picking up \$10 million annually in avoidable juvenile justice costs if better protections were in place for our children.

In most cases, the source of lead poisoning is the paint chipping and paint dust in their home, or the home of family member. When something is this simple to solve, we must do it. Especially since not doing is likely to be costing the City millions of dollars of precious tax resources annually. And of course, that's peanuts when compared to the damage caused to the lives of these children whose lifetime earning potential is decimated and so too are their's and their parent's hopes and dreams.

Against that backdrop, I want to turn to the study prepared by a third-party firm for the landlords. That study was completed with some significantly out-of-date data from as far back as 2015 and much earlier.

Ordinarily relying on data that is a year or two is not a big deal because the size of the rental housing stock in Philadelphia doesn't change all that much year over year. But, in this instance we experienced a substantive change in market conditions as a result of the passage of the current lead ordinance in 2011, which became effective at the end of 2012. Even more recently, some Judges in eviction court have been taking seriously the fact that landlords must disclose and remediate the presence of lead in a rental unit where a young child will be raised and finding for tenants in these cases. Both changes make reliance on out-of-date data dangerous and misleading. I suggest to you that it is unwise to rely on the report since financial conclusions cannot be supported given the changes in our city's rental market over the last four years.

For instance, the authors rely heavily on the American Healthy Homes Survey (AHHS), which is what they base the percent of rental units that would need remediation. I want you to know that, that study is 13+ years old, circa 2005/2006.

That data long predates Philadelphia's push on rental licensing, lead certification, etc. and it's national in scope, not Philadelphia specific. Therefore, the report significantly overstates both the number and share of units that would require remediation and as a result radically overstates the cost of remediation and further overstates the monthly rent impact.

This data problem could have been solved with some sort of "discount" factor accounting for the change in the regulation of the rental market. A discount would have created a more valid calculation and more realistic conclusion. You can make your own assessment about why such a discount wasn't factored into their analysis.

Some of the assumptions about what landlords would do (i.e., raise rent, take units off the market, etc.) are also questionable. It's reasonable to assume that rents could rise a bit if costs go up. The question is: by how much would they rise? The fact is every time the city raises real estate tax / assessments, landlords can raise rents, right? Landlords don't just eat the costs – they pass them on to the extent that the market permits them to do so. Here again the study fails to consider the supply and demand basics needed to fully understand how much of the costs are likely to be passed on to the renter.

The authors also go so far as to suggest that some landlords won't remediate and instead, they will pull units off the market. If a unit is so riddled with lead that the landlord just removes the unit from the market rather than remediating it – perhaps it shouldn't be on the market in the first place. It's toxic and it's toxic to all people, not just children. Moreover, if the owner decides to not rent but sell the unit, there are legally required disclosures, and since they would know that there's lead in the unit, that would need to be disclosed. Therefore, it's not so easy to just say – Hey I'll take it off the rental market and just sell it. Or perhaps it is easy to say for those who intend to lie and skirt the law.

Over the last two years I've had many conversations with the leadership of HAPCO about this ordinance. They have argued the same points asserted in this flawed study. But, I do believe that there may be cases where landlords may not be able to afford to remediate the lead given their rental cash flow. I have urged them, repeatedly to craft a proposal that would both define a hardship landlord and a small loan or grant program that could help those landlords. I have encouraged them to survey their membership or seek industry

guidance on what share of landlords might need financial assistance and explore ways to appropriately provide that assistance with tax dollars. I have yet to see such a proposal materialize. We cannot wait any longer to act.

At this point I urge Council to consider a thorough review of the costs of this ordinance. From the reports provided from the landlords we certainly cannot reliably estimate the negative impact. But as you will hear today, the cities with similar laws on the books have not suffered the dire consequences estimated by the study. The same cannot be said for the costs effecting the children directly. There is little dispute that in the short term the costs are in the tens of millions of dollars and the long term much greater.

We urge you to balance your obligation to the taxpayers to ensure their funds are not wasted covering avoidable costs, with your obligation to our children's welfare and the need to protect them from known toxins, with your obligation to our landlords to create a reasonable regulatory system for their industry. You can accomplish these goals by supporting the measure proposed by Councilwoman Reynolds Brown.

We believe that there are some changes that could be made to the Councilwoman's bill that would ensure the onus for enforcement does not fall unduly on tenants. We support the recommended changes proffered by our esteemed colleagues from the legal services organizations.