

# Pioneer Valley Asthma Coalition

Working to improve the quality of life for individuals, families and communities affected by asthma.

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June 30, 2015

Representative Kate Hogan  
Chair, Joint Committee on Public Health  
State House, Room 130  
Boston, MA 02133

Senator Jason Lewis  
Chair, Joint Committee on Public Health  
State House, Room 511B  
Boston, MA 02133

Dear Representative Hogan and Senator Lewis:

I am writing on behalf of the Springfield Healthy Homes Collaborative (SHHC) which has recently been convened by the Pioneer Valley Asthma Coalition to address housing and health concerns in Springfield. While the SHHC does not take stands on specific legislative proposals, we are delighted to note the legislature's interest in revisiting the critical issue of lead paint safety, as exemplified by House Bill H.2049, which was recently introduced by Representative Jeffrey Sanchez.

Springfield has the highest risk for lead paint poisoning in the state, with 234 cases documented between 2009-2014, according to the Massachusetts Department of Public Health's *High Risk Communities for Childhood Lead Poisoning* Report. Even low levels of lead in a child's blood may have long-term effects on learning, behavior and academic performance.

Unfortunately, there continues to be a limited supply of lead-safe housing available to Springfield families. Although this lack of availability of healthy housing is a city-wide problem, it is most acutely felt by families that include a child under six, for whom the presence of unabated lead paint presents the greatest health risk. The vast majority of residential units in Springfield – 87%—were built prior to the outlawing of lead paint in 1978. This is coupled with the fact that 15,749 – approximately 25% – of the rental households in Springfield are recipients of some sort of housing subsidy, a group which, like families with children under six, is particularly susceptible to discrimination on the rental market. According to the Massachusetts Fair Housing Center, approximately 30% of fair housing complaints are from families with children under six.

Massachusetts was among the first states to enact legislation establishing a mechanism for addressing the problem of childhood lead poisoning. However, portions of this legislation and its associated regulations have become out of date over the years, and enforcement of residential deleading requirements has remained problematic since the regulations were first enacted. In particular, the 25 micrograms per deciliter mandated as a threshold for lead poisoning under state regulations is substantially higher than what is now considered to be a current level of concern.

In essence, H.2049 seeks to address these issues legislatively in three ways—by allowing each municipality to set its own definition of lead poisoning so long as it does not exceed the present state limit, by increasing fines for landlord noncompliance, and by doubling the tax credit that a landlord might take for deleading.

As indicated above, the SHHC is strongly in favor of revisiting the mechanisms for ensuring lead paint safety and compliance in Massachusetts. It would, however, like to call the committee's attention to some additional considerations that will have bearing on H.2049 or any other attempt to address these problems.

While the Committee agrees that the present threshold of 25 micrograms per deciliter lead concentration in whole venous blood provided for under the Code of Massachusetts Regulations needs to be revisited in light of present-day research, allowing each of the 351 municipal bodies in Massachusetts to set its own definition of lead safety would almost certainly prove to be chaotic, confusing and potentially difficult and costly to enforce. Also, we cannot help but note that any level established by statute might ultimately prove to be even more resistant to change than one set by regulatory action. One alternative approach might therefore be to adopt a single statewide threshold – such as five or ten milligrams per deciliter – that is more in line with current thought, but with the provision that that figure must automatically be reviewed at set intervals. It is also important to recognize that if we are to mandate increased enforcement activities, we must also provide adequate funding for the entities such as the Childhood Lead Poisoning Prevention Program that enforce these requirements.

While increasing both fines for lead paint violations and tax credits for deleading activities makes sense based on the fact that these amounts were set some time ago, it is unfortunately naive to assume that either the carrot or the stick would ultimately solve the problem of landlord compliance in and of themselves. While this may be less the case for the Boston housing market, a substantial proportion of landlords in municipalities such as Springfield are “mom and pops,” who quite simply lack the financial resources to delead. This will be true regardless of the severity of the penalties that might be set for noncompliance. These small landlords will continue to seek to avoid rental applicants who have children under six as part of their household, regardless of whatever penalty the state might set. Many of these individuals are on limited or fixed incomes and are often not even physically able to undertake the moderate-risk deleading activities permitted under state regulations. At the same time, these small resident-owners, many of whom have lived in the City their entire lives, also often constitute the backbones of their respective neighborhoods.

This problem is not unsolvable, however, given the will. We would like to respectfully call your attention to the fact that a mechanism to address the problem of these small property owners of limited means is already on the books in the form of the Get the Lead Out Program, which was enacted some time ago for precisely this purpose. Regrettably, however, this program has been critically underfunded for many years now. We are aware that the needs of the state can often outstrip the resources available to it. But it is also crucial to understand that, if the state is to seriously address the question of guaranteeing lead safety for all the children of the

Commonwealth, it must be willing to make available the resources necessary to achieve that goal.

Thank you for your efforts to prevent childhood lead paint poisoning and its impact on children both in Springfield and statewide.

Sincerely,



Sarita Hudson  
Manager, Pioneer Valley Asthma Coalition

Arise for Social Justice  
Mason Square Health Task Force  
Partners for a Healthier Community  
Pioneer Valley Asthma Coalition  
Revitalize CDC  
Springfield Partners for Community Action  
Concerned Citizens of Mason Square Farmer's Market  
Go Fresh Mobile Market