

The Pervasive Problem of Lead Paint

A Federal Report Finds
57 Million Dwellings
May Pose Health Risks

By THOMAS J. LUECK

AFTER decades of anxiety over the health risks of lead-based paint in older American homes, a spate of suits, court rulings, Government reports and medical studies is raising broad new fears over the extent of the problem and the huge cost of removing the threat.

Health experts say the paint, which contains lead as a pigment, is emerging as one of the most pervasive environmental hazards in the nation. A study by the Federal Department of Housing and Urban Development, released in December, found that two-thirds of the privately owned homes and apartment buildings constructed before 1980 — 57 million dwellings in all — contained lead-based paint.

It also concluded that 3.8 million homes were a "priority hazard" because they were occupied by families with young children, and the paint had peeled or discharged high levels of lead dust.

While prompting new worries, the research has also created a quandary for home sellers and buyers, particularly those with small children. Since Massachusetts is the only state with rigorous laws requiring lead paint removal, experts say most families lack clear guidelines to how much lead-based paint is in their homes and at what point it is an unacceptable risk.

First identified as a hazard to children in the 1950's, lead-based paint was banned for use in all homes and most buildings in 1978. At the time, Congress was persuaded by mounting evidence that lead was responsible for learning disabilities and even deaths, mainly among youngsters in poorly maintained, publicly assisted housing who had swallowed peeling or chipped paint.

More recent medical research shows the threat to be far more widespread.

"The older the home, the more probable there is lead paint, and the problem doesn't know socioeconomic bounds," said Joseph Carra, deputy director of the Office of Toxic Substances of the Federal Environmental Protection Agency. In the last four months, his agency, H.U.D. and the Centers for Disease Control have submitted reports to Congress on lead-paint hazards.

The reports find that the biggest threat may be from dust emitted by lead paint, rather than the more obvious problem of chips or peeling paint. Severe retardation, stunted growth and even death have been linked to lead ingested or inhaled by children and the Government researchers say it can be responsible for lowered

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Crew removing material with lead-based paint in Bedford-Stuyvesant rowhouse.



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intelligence, hyperactivity and more subtle problems in early childhood development.

Lead-based paint was used almost universally before 1950, and was applied most liberally in expensive homes because it was considered the most attractive and durable wall covering. Government researchers say that means most people living in homes more than 40 years old can assume some lead-based paint is there even if it has been covered and sealed away under more recent coats that pose no hazard.

Coming at a time when other hazardous materials in homes have been brought to public consciousness — radon gas and asbestos among them — some experts say the new data on lead-based paint may evoke little more than sighs of resignation from homeowners.

"It might seem little more than the scare of the week," said Stephanie Pollack, staff attorney for the Conservation Law Foundation, a nonprofit group in Massachusetts, and an adviser to the Centers for Disease Control and other Federal agencies.

Others fear burdensome new rules requiring removal of the paint.

"We are concerned that new regulations will be excessive and ineffective," said Dick

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Morris, a senior technical advisor for the National Association of Home Builders. He added that new laws requiring homeowners to pay thousands of dollars to remove old paint may provide no more protection than if they simply washed and dusted their woodwork on a routine basis.

"As long as lead paint is bound to the surface, it is hard to get into people's blood," he said.

No one questions that removing or permanently encasing lead-based paint is expensive. But there is little agreement over what procedures are necessary.

Options include scraping away all remnants of lead paint, covering it with protective coats of another finish, or some combination in which floor moldings, window sills and other areas most likely to come into contact with young children are replaced, and all lead paint on walls within five feet of the floor is removed.

"It has to be done on a case-by-case basis," said Mohammad Afzal, president of Fine Construction, a Queens company that is among more than a dozen contractors hired

by New York City to remove lead paint from buildings cited for safety violations. Among other infractions, city inspectors look for peeling or chipped paint.

At work last week on a three-story rowhouse on Patchen Avenue in the Bedford-Stuyvesant section of Brooklyn, Mr. Afzal's crew wore respirators, used plastic sheeting and duct tape liberally to keep the dust from settling into cracks on the floor, and replaced moldings and window sills rather than trying to remove layers of paint from them.

The cost, which the city will try to recover from the owner of the Brooklyn rowhouse, is \$8,000. In almost all cases, Mr. Afzal said, lead-paint removal or containment will cost homeowners "thousands, not hundreds."

In its report to Congress, H.U.D. estimated that the cost of dealing with lead-based paint in homes across the country would range from \$2,100 to \$11,900 per home, depending on the procedures used. One report to Congress said the total national cost could be as high as \$499 billion.

"We don't want to break the bank, but people must realize that lead-based paint is a very serious long-term hazard," said Dr. Sue Binder, director of the lead poisoning prevention branch of the Centers for Disease Control. "When we look at what we as a society are paying as a result of kids with developmental problems, dropping out of school and suffering permanent injury, it may outweigh the price of abatement."

In a flurry of reports and recent Congressional hearings, her assessment has been echoed by several senior officials of the Bush Administration.

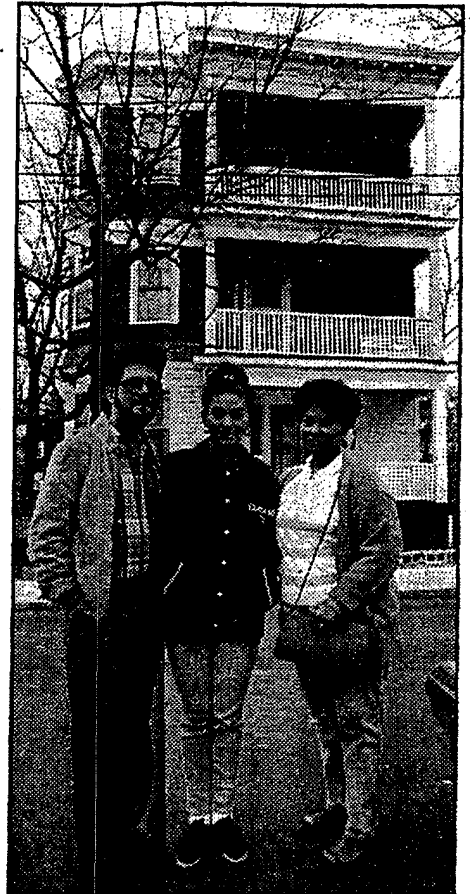
In February, Dr. Louis W. Sullivan, the Secretary of Health and Human Services, called lead poisoning "the No. 1 environmental hazard facing our children."

ONE key policy change, experts say, could come later this month when Dr. Binder's agency is expected to recommend to physicians across the country that every child under the age of 7 be routinely screened for lead poisoning. The agency is also widely expected to lower the threshold of exposure that it would officially deem as hazardous, from a current level of 25 micrograms per deciliter of blood to 15 or 10 micrograms.

If the threshold were lowered to 15 micrograms, Federal studies estimate, 17 percent of the nation's big-city children 6 months to 5 years old would test out as threatened with long-term developmental problems. And as that worry sinks in with parents across the country, some suggest that lead-based paint will become a greater environmental issue.

"The amazing thing is how many people have the problem and don't know it," said Ms. Pollack of the Conservation Law Foundation. If the new standard is adopted, she added, "parents will be outraged."

For now, the experts say, there are no easy or complete answers for families and homeowners worried about lead paint in their homes, but they offer a laundry list of sugges-



Cindy M. Loo for The New York Times

Monica Santiago and parents Rayito and Carmen at house in Mattapan, Mass., where Monica was injured by lead-based paint.

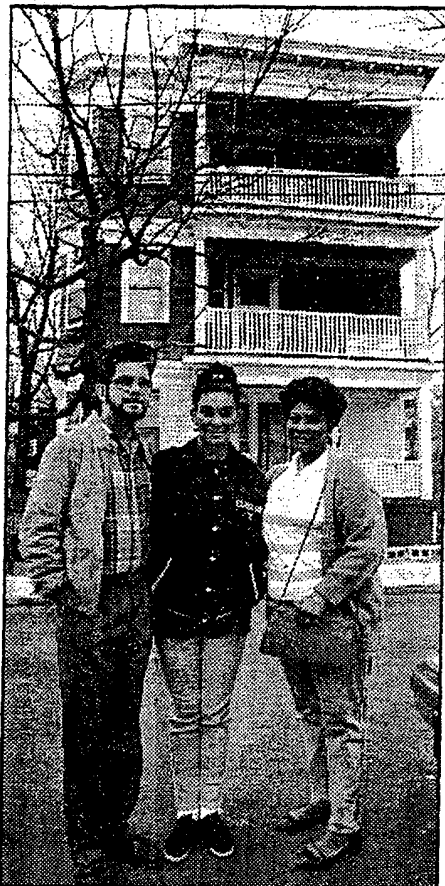
tions.

One is to avoid partial, do-it-yourself paint removal projects in older homes. Often, they warn, weekend fix-up projects have only served to expose layers of lead paint that would otherwise have been safely covered by other, more recent coats. Such amateur work, particularly if it involves scraping, also runs the risk of freeing dangerous amounts of lead dust, which comes to rest on floors or in crevices within the reach of small children.

Researchers say the most hazardous areas of exposure are floor moldings, window sills, stair banisters and balusters and old woodwork that is within the reach of a child's hands or tongue. If parents fear these are covered with lead paint — particularly if the paint is peeling or damaged — the best advice may be to remove and replace the sills, woodwork or other elements.

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work will greatly reduce any risk of exposure, the experts say.

And while many legal questions remain about who is liable for personal injury and the cost of lead-paint removal, real estate executives say the best policy for people buying an old home is to ask the seller or his broker if it contains lead paint. Although sellers may not know the answer, they would be obligated to disclose any knowledge of a health threat.

Increasingly, the unresolved legal and health questions are being addressed in courts and in medical research.

In March, the Centers for Disease Control reported that a 28-month-old Wisconsin boy died from eating lead-paint chips that had fallen from the walls of his family's home. It said the case was the first death connected to lead paint in a decade, adding that it underscored the need for routine testing of all children.

IN February, a New York State Appellate court ruled that New York City must intensify its efforts to remove lead-based paint in cases where landlords are cited for building violations. It said that the city, which retains outside contractors to remove the paint in some cases, must now do so within 24 hours, treat lead dust as just as great a hazard as chips or peeling paint, and remove or encapsulate the paint in all buildings that are cited, including those built since 1960, when the sale of lead paint was banned by a city law.

"I am not sure that all of New York City will have to be encapsulated, but this puts a new focus on the problem," said Megan Charlop, director of the New York City Coalition to End Lead Poison, one of the plaintiffs that had sought the Appellate Court ruling.

In Boston, lawyers said they expect a trial date in August in the case of Monica Santiago, an 18-year-old who has learning disabilities and has been in special education classes since the 1970's, when her family lived in Mattapan, a Boston suburb, in a house with high levels of lead paint. She has already won \$25,000 in damages from the owner of the house, and her attorney, Neil T. Leifer, is seeking damages from the Sherwin Williams Company and five other manufacturers that marketed lead-based paints before they were banned in 1978.

The paint makers are also being sued by New York City, Philadelphia and other cities, which claim that they were aware of the hazards of lead-based paint long before its use was banned, but continued to make and market the product.

In another court case that is raising new questions about liability for the costs of lead-based paint removal, attorneys in Maryland say they will go to trial later this month seeking damages from a realtor and mortgage lender who were involved in the 1988 sale of a home, as well as the Roman Catholic Church, which sold it.

Barry Levin, an Annapolis attorney for the plaintiffs in the case, Christian and Melissa

Solms, said their 3-year-old daughter suffered high levels of lead exposure in the house and it is too early to tell whether she will have long-term developmental problems. But he added that the family was forced to move out because of the risks and cannot afford the necessary repairs, which might cost \$94,000.

Mr. Levin, calling the lead paint a "latent defect" in the house, said the seller, bank and realtor were obligated to fix it, even though the Solms family signed a standard sales agreement acknowledging they were buying the home in "as is" condition.

The Maryland suit and prospect of others like it are worrying real estate industry executives across the nation.

"A broker is licensed to sell property, not to search for lead paint, asbestos or any other hazardous material," said William D. North, a lawyer and executive vice president of the National Association of Realtors. He added that the problem for brokers, as well as for many home sellers, is that lead-based paint is often buried under several more recent coats of paint and difficult to detect, and Federal agencies have failed to provide "any reasonable standard" for what levels of lead-based paint are acceptable.

For now, the task of writing new regulations for lead-based paint removal or containment is falling largely on state legislatures. Although more than a dozen states adopted laws in the 1960's requiring removal of the paint after homeowners or landlords are cited for safety violations — normally after a child is injured — a few states are expanding the rules.

The most sweeping law is in Massachusetts, which since 1988 has required the removal of lead-based paint from homes in which children under 7 live. Although it does not require the removal of all lead paint, the paint must be dealt with on all moldings, window sills and other areas that children are likely to come into contact with, and on all wall areas within five feet of the floor.

The law requires home sellers to inform buyers if there is lead paint in the house, or, if they do not know, to give buyers 10 days to have it inspected. Experts say the effect has been that the cost of removing the paint has become part of the negotiation in home sales, and shared by buyers and sellers.

Massachusetts requires doctors to test all children 1 to 4 years old annually for lead poisoning. It also has established training and licensing standards for workers who test for the presence of lead paint and remove or encase it, and gives homeowners a \$1,000 state income tax abatement to partially offset the cost of paying for this.

Experts say the most rigorous proposal for new laws is in Rhode Island, where bill were introduced in March creating rules and financial incentives similar to those in Massachusetts but making home sellers responsible for removing or encapsulating lead-based paint before selling. The bills would also require all landlords to remove such paint before renting an apartment.