New center to tackle lead issue

By H. Jane Lehman

WASHINGTON—Making the home a haven again for youngsters now at risk of contracting lead poisoning lies at the heart of a newly formed research organization.

The National Center for Lead-Safe Housing, located in Columbia, Md., plans to make the elimination of unsafe living conditions, stemming mostly from deteriorating lead-based paint, the centerpiece of its efforts to alleviate childhood lead poisoning, the No. 1 environmental health hazard in the U.S. afflicting youngsters age 6 and under.

"The approach of waiting to find a posioned child and then removing all lead paint [from the home] is futile," said Don Ryan, a co-founder of the center and executive director of the Alliance to End Childhood Lead Poisoning.

Formation of the center, announced late last month, represents the first major attempt to marry expertise from the housing and environmental health fields to tackle the problem, organizers said.

The intent, said John Buckley, an official with the Federal National Mortgage Association (Fannie Mae), whose foundation funded the center, is to make it the "preeminent entity focusing solely on the toughest questions about how to make houses lead-safe. It will be part [information] clearinghouse, part laboratory and part advocacy group."

An estimated 3 million to 4 million children suffer from lead poisoning, which federal health agencies have targeted for eradication over the next 20 years. The powerful neurotoxin, even at low levels of ingestion, has been linked with reduced intelligence, reading

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range.

Consequently, the organization plans to begin studying now and endorse by next spring some of the more promising alternative approaches, such as encapsulation, said the center's president, Paul Brophy.

In particular, the lead-safe home group wants to develop standards of care for landlords who, fearing open-ended liability and loss of insurance because of high cleanup costs, have threatened to abandon an estimated 5 million units from the low-income housing stock, Ryan said. The group hopes giving landlords such standards would give them something concrete to aim for and encourage them to improve their buildings instead of abandoning them.

The center will also devote part of its $5.5 million in startup funds to encouraging the efforts of four or five cities working on the cutting edge of lead prevention. Baltimore and Boston are the leading candidates for the grants and technical assistance, Farr said.

In general, the center also hopes to raise the overall profile of the lead-paint problem, Ryan said. "Lead questions should be on the radar in all housing decisions. For example, a homeowner might consider doing a window replacement a couple of years before energy considerations and aesthetic considerations would have prompted him to," he said.

Funding for the nonprofit organization was awarded by the Fannie Mae Foundation, an arm of Fannie Mae, a major supplier of mortgage funds.

The $5.5 million grant, which comes close to equaling the $6 million the Fannie Mae Foundation will otherwise award this year, was donated by former Fannie Mae chairman David O. Maxwell. Maxwell, whose $19 million retirement compensation package was criticized as exorbitant, relinquished the $5.5 million, which amounted to the final retirement payment owed him based on the company's performance in 1991.

Maxwell serves as a director of one of the center's co-sponsors, the Alliance to End Childhood Lead Poisoning, but the decision to use his donation to target the lead problem was made independently, Buckley said.

INDUSTRY FOCUS

Lead Paint Measure Should Ease Fears of Cleanup Cost

Bush Likely to Sign Law for Removal of Hazards, Not Complete Abatement

By Mitchell Pacelle
Staff Reporter of The Wall Street Journal

With public concern about lead paint poisoning on the rise, so is the real estate industry's anxiety about having to repeat the kind of massive, costly cleanup that followed the scare about asbestos hazards in the 1980s.

On Thursday, however, the Senate passed legislation, part of a broader housing bill, which should ease those fears. The president is expected to sign the bill, despite the objections of Housing Secretary Jack Kemp to other parts of the legislation.

The measure, which applies to all federally subsidized housing, abandons the goal of abatement, or eradicating all lead paint in homes with young children. Instead, it mandates "management in place," the removal of lead hazards, such as chipping and peeling paint; this allows owners to leave undisturbed paint in place, at great savings.

This shift is similar to the change in approach to reducing the dangers of airborne asbestos fibers from building materials. Many building owners stripped their properties of asbestos, at enormous cost, only to be informed later that some of it could have safely remained in place.

The new legislation "helps the private sector to think through a way to solve the problem in the most cost-effective way," said Donald Campbell, director of government affairs for the National Multi-Housing Council, an apartment-owners trade group.

"Management in place is the hope, if it works," says John Knox, director of the Lead Elimination Action Drive, a Chicago-based tenant coalition. "But it's still yet to be proven. The jury is still out."

While the new lead paint legislation will not mandate remedial action by private property owners, it is expected to influence what states and municipalities will require them to do. A slew of cities and states are currently wrestling with proposed changes in their lead-paint regulations. It will also provide cities and states with an extremely modest $250 million a year for de-leading private housing stock.

In addition, landlords of all private apartments built prior to 1978, when lead paint was banned, must disseminate to renters printed information about lead paint, and inform them about any known hazards in the units. Home sellers will be required to do the same, and to give the buyer 10 days to perform an inspection.

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An Unavoidable Compromise

Many tenant advocates, who have been pushing for years for full abatement, regard in-place management as an unavoidable compromise. Full abatement, they concede, would have been prohibitively expensive.

"Everyone has come to understand that wholesale abatement is not the solution," says New York environmental lawyer Daniel Sitomer.

The Department of Housing and Urban Development estimates that 57 million of the roughly 100 million American houses and apartments contain lead paint; 20 million of those currently present a health hazard. Of these, 3.8 million are occupied by families with children under age six, making them the highest priority for cleanup.

Landlords say that complete lead-paint abatement can cost as much as $10,000 per unit. HUD calculates that it would cost nearly $500 billion to remove lead paint from all of the nation's homes, and $12 billion just to test the 19 million rental units it believes contain lead paint. The industry isn't sur[illegible] modified approach would cost, but it is sure to be far cheaper.

Although it has been known for decades that the ingestion of lead paint by children can damage the nervous system, and the paint has been banned since 1978, public concern is currently acute. Last year the federal government reported that lead was toxic at lower levels than previously thought, and that dangerous levels of lead dust could be produced simply by repeatedly opening and closing painted windows.

The Department of Housing and Urban Development currently requires only the inspection of all public housing, and its eventual de-leading. Private property owners are bound only by a hodgepodge of state and municipal regulations, some as old as 20 years. A number require private landlords to remove all lead paint in rental housing where young children are living. But because of the high costs, many landlords have simply ignored the rules, and enforcement has been spotty.

'A Wild Patchwork'

"There's just kind of a wild patchwork across the nation of laws and regulations," says Don Ryan, executive director of the Alliance to End Childhood Lead Poisoning. The new law "brings the federal government, including all of HUD's subsidized housing, into the ballgame. It attempts to use federal housing programs to send signals to the private marketplace."

"The current law is so fuddled, and the standards of care for landlords are so blurry, that clarifying the confusion was important for everyone," he said.

The industry also hopes that new laws will prevent what some lawyers predict will be an explosion of lawsuits against property owners. While suits brought against the former manufacturers of lead paint on behalf of injured children have been largely unsuccessful, there have been numerous verdicts exceeding $100,000 against building owners, and thousands of suits are pending.

Because the federal legislation mandates paint removal only in government subsidized housing, the obligations of private owners will be determined by the battles currently being fought on the state and local level.

Building owners complain that they shouldn't be held responsible for removing paint put on years ago by previous owners, as long as it isn't flaking or peeling. Many are threatening to abandon low-rent properties rather than pay for abatement, and complain that existing regulations are causing them to discriminate against tenants with young children.

"Attempting to bludgeon the property owner into solving a public health problem is unacceptable," complains Steven Collins, president of the Massachusetts Association of Realtors.

Tenant advocates, while conceding that some current regulations are unrealistic, are fighting to make sure that the burden remains with landlords – not tenants – to identify and alleviate hazards.

Illinois recently modified regulations that required landlords to "abate" all lead paint in apartments where children test positive for lead, instead saying that hazards should be "mitigated."

"This was one of the most emotional and hard-fought issues I've seen in a long time," said Gregory St. Aubin, director of government affairs for the Illinois Association of Realtors. "The tenants groups and us were at each other's throats."

A move is now under way to dilute requirements in Massachusetts, now the nation's strictest, and in New York.

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