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As we read the awesome statistics on lead poisoning and we realize the toll it takes on the lives of thousands upon thousands of our young people each year, more and more people are beginning to look for additional ways to deal with the problem. Whereas it is important that we mobilize our medical resources to combat the deaths, the mental retardation, the lameness, the deafness and other physical injuries caused by lead poisoning, it is equally important that we call upon other disciplines within our society to combat this dread disease. It is not sufficient that we be satisfied only with making a proper medical diagnosis of lead poisoning and that we master the medical techniques of proper care and treatment of the disease. No effective fight against the ravages of lead poisoning can be made unless the legal machinery of our society is properly geared in and is made a part of our overall efforts and activity to combat this disease.

As essential as it is that our federal, state and local legislatures and court systems play their parts in the fight to combat lead poisoning, it is surprising that even at this late date little has been done in this area in order to combat the problem with which we are concerned. The problem of lead poisoning has been with us for a long time. Legal action dealing with the problem is just beginning to get off the ground.

In order for an effective program of legal action to take place against lead poisoning, several important steps must be taken. First, the proper atmosphere must be created in our society to deal with

lead poisoning. Our communities must be made aware of and educated to the problem. Secondly, out of this atmosphere there must develop some promulgation or resurrection of appropriate legislation which can control and regulate those factors which give rise to the continuation of the disease. Thirdly, proper enforcement of these laws by our courts and administrative bodies must take place to insure that the job is being done efficiently and well.

Just a few words about creating the atmosphere out of which proper legal action against the problem can be taken. I suppose it is no secret that our federal, state and local lawmaking bodies will respond only in direct proportion to the community pressures exerted on them. The problem of lead poisoning is no different in this respect. Community efforts must be made to provide a constant flow of information to the general public about the extent and nature of the problem. Education and information activities should be utilized to facilitate community awareness, understanding and support. These activities should be directed at our public officials just as much as they should be directed to the social and ethnic groups most affected, parents, welfare workers, physicians, and others who are involved in this struggle. In short, I am strongly suggesting that a thoroughgoing effort be made to lobby for action to be taken in this vital area. I see this as a necessary prelude to taking effective legal action to combat the problem of lead poisoning.

I don't think it can be too strongly emphasized that an effective control and prevention program must be comprehensive in scope. Thus, enactment of legislation controlling all sources of lead hazards would be more appropriate in the legislative enactments

that come out of our state legislatures and municipal bodies.

Lead poisoning legislation clearly could be passed pursuant to a state or municipality's police powers or its power to protect the health, safety and welfare of its citizens. Ideally this legislation would deal with a number of items. Such an ordinance enacting a lead poisoning prevention program would:

- define its terms
- prohibit the use or application of lead-based substances in or upon exposed surfaces, fixtures, or other household objects, such as toys or furniture
- prohibit the manufacture or sale of certain articles containing lead-based substances, except in a secure container that bears a prescribed warning label
- provide for payment of blood lead determinations from public funds by qualified laboratories
- require physicians, nurses and public health officers to report diagnosed or suspected cases of lead poisoning
- prohibit the burning of lead and lead-impregnated substances, and control sale and disposal of such materials in a manner consistent with the safety and health of the public
- establish zoning restrictions to protect against lead-containing emissions in residential areas
- authorize and direct the Building Commissioner and the Health Commissioner to inspect dwelling units for lead-based substances
- provide for notice to interested and affected persons of the presence of lead-based substances in or upon exposed surfaces
- provide for the manner of safe removal of paint, putty, plaster, and other structural materials that would be consistent with accepted health standards

- prohibit eviction of families with children from dwelling units following enforcement of maintenance and occupancy standards with respect to lead and other health hazards
- provide for enforcement, penalties and appeals.

In an ideal sense, the best and most effective way of dealing with the problem of lead poisoning is through effective and comprehensive legislation.

In the final analysis, the most effective instrumentality or vehicle by which effective legal action to combat lead poisoning can be taken is our court system. In instances where there is effective and comprehensive legislation in force to control lead hazards, the job of the court system is considerably lessened and will be reduced simply to the task of enforcing a clear and effective law. If you have good legislation, the courts have an easy time enforcing that law. When you have a bad law or no law at all, the courts are put under restraint. In our present situation, however, in which we do not have comprehensive legislation in force, we place a considerable strain on our court system. Where there is no legislation or where the legislation is weak and unclear, we must go to our court system and ask it to resolve a strange and new problem within the framework of sometimes old and antiquated ways of thinking. This process is long drawn out, it is unpredictable, and many times hazardous and harmful to the results we wish to obtain.

An aroused community, properly educated by medical people, must demand the enactment of appropriate and comprehensive legislation. Lawyers properly informed and sensitized to the problems must resort to the courts which can effectuate proper remedies. All

these factors working in tandem must be brought about before a definitive solution to this awesome problem can be brought about.