



BREAKING NEWS: CDC ISSUES NEW STANDARD FOR CHILDHOOD LEAD POISONING

Just as we were about to send out this newsletter, we received this breaking news that the CDC is lowering the threshold for lead poisoning from 5 micrograms of lead per deciliter of blood to 3.5 micrograms per deciliter. This new standard is based on a growing body of evidence that "even small amounts of lead can affect intellectual development."

This breaking news makes the information in this newsletter all the more salient. Even prior to this announcement, Massachusetts was lagging behind the previous CDC standard of 5 micrograms per deciliter. Children must have a blood lead level of 10 micrograms per deciliter or higher to be considered lead poisoned in Massachusetts. With this new, evidenced-based CDC standard of 3.5, Massachusetts has fallen even farther behind what the science is telling us about the dangers of childhood lead poisoning.



CHILDREN'S HEALTH

The number of young children with lead poisoning may be about to more than double

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U.S. health officials have changed their definition of lead poisoning in young children — a move expected to more than double the number of kids with worrisome levels of the toxic metal in their blood.

Clarke O'Connell

October 24 – October 30, 2021 is Childhood Lead Poisoning Prevention Week

This year's International Childhood Lead Poisoning Prevention Week comes just a few weeks before the 50th anniversary of the Massachusetts Lead Poisoning Prevention Act, which was signed into law by Governor

Francis W. Sargent on November 15, 1971. This marks an opportune time to take stock of the state's progress in preventing childhood lead poisoning, which causes irreparable damage to a child's brain and nervous system. And even though it is 100% preventable, lead poisoning nevertheless "remains the most common and societally devastating environmental disease of young children."



In 1986, 15 years after the passage of the Massachusetts Lead Poisoning Prevention Act, the state legislature established a Special Commission to review the efficacy of the law. In a report, the Commission identified three fundamental failings of this law:

1. A major goal of the 1971 law, preventive deleading, had not been achieved to any significant extent;
2. Black children, poor children, and inner-city children were all disproportionately harmed by the lead problem; and,
3. Massive housing discrimination existed in the private rental housing market against families with children under six.

Taking a closer look at each of these issues reveals that even today, 35 years after the Commission report and 50 years after the enactment of the law, *there has been no meaningful progress in addressing any of these fundamental failures.*

The Massachusetts Lead Law treats our children like canaries in the coal mine.

When the Massachusetts Lead Law was enacted, it was intended to eliminate childhood lead poisoning by requiring landlords to preventively delead units before a child under six occupied the unit. However, the law has entirely failed to achieve its original goals, as evidenced by the fact that, in 2017, 88% of childhood lead poisoning cases in Massachusetts were caused by exposure to lead paint. Indeed, the Massachusetts Department of Public Health (DPH) has found that lead paint in the home remains a "significant health risk for children under age six."

One of the key reasons that the law fails to prevent childhood lead poisoning is that it does not require regular lead inspections or preventive deleading of Massachusetts rental units. Rather, it requires regular testing of children for lead paint poisoning. It is only after a child tests positive for lead poisoning that the state Childhood Lead Poisoning Prevention Program (CLPPP) is made aware of lead paint hazards in the rental unit, and it is at that point that

inspections and lead paint remediation are required in the rental unit where the poisoned child lives. In effect, the Massachusetts Lead law forces a landlord to inspect and make their rental unit lead-safe only after a child living in the unit has become lead poisoned. This is why the late Dr. Michael W. Shannon, Director of the Lead Poisoning Clinic of the Boston Children's Hospital, compared the Massachusetts Lead Law to the historic mining practice of placing a canary in a coal mine; the canary would become distressed and sick when carbon monoxide levels in the mine were getting too high, thus warning miners to escape the toxic environment. For Dr. Shannon, “waiting until we find the lead-poisoned child before inspecting the environment makes our children the canaries in the coal mine.”^[1] This is contrary to the primary goal of the Massachusetts Lead Law, which was intended to prioritize prevention over treatment.

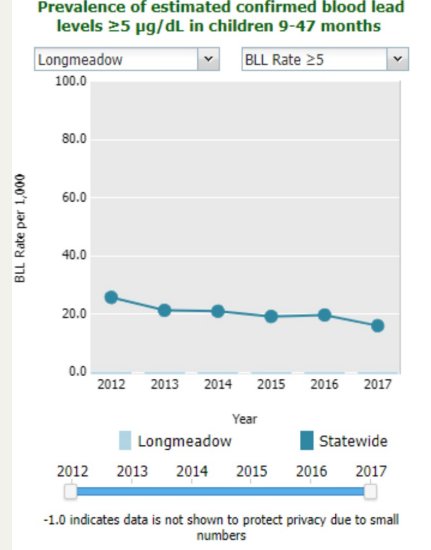
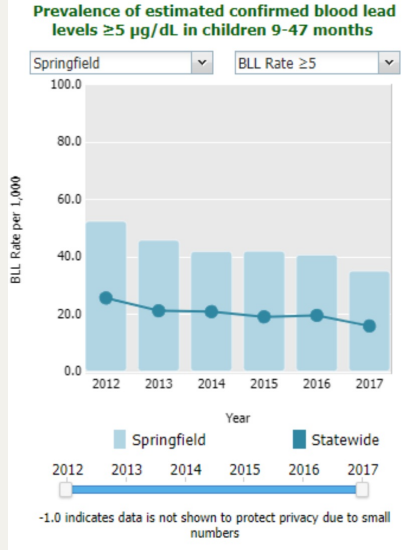
The Massachusetts Lead Law perpetuates systemic racism in our childhood lead poisoning prevention program by failing to prevent childhood lead poisoning which disproportionately harms children of color.



As noted above, the Massachusetts Lead Law has failed to achieve its main goal of preventing childhood lead poisoning. It has also perpetuated systemic racial inequities. DPH has long known that the devastating effects of childhood lead poisoning are not experienced equally in communities throughout Massachusetts. Poor children of color — who are more likely to reside in formerly redlined communities — suffer childhood lead poisoning at much higher rates than white children. The charts reproduced below show the stark difference in the rates of childhood lead poisoning in Springfield (majority-minority residents) and Longmeadow (majority affluent white residents). The Springfield rates are double the state rate and Longmeadow’s case numbers are so low that they are barely visible in the charts reproduced below.

SPRINGFIELD, MA

LONGMEADOW, MA



Scholars have argued that we have failed to enact policies that would eliminate childhood lead poisoning, at least in part, because most of its victims are children of color and low-income children.

DPH is fully aware of the systemic racism in our childhood lead poisoning prevention program, as it stated in its 2019 Data Brief: “lead exposure disproportionately impacts lower income communities and communities of color, making lead exposure a critical health equity issue,” because “Black children are nearly 2.5 times more likely to have lead poisoning than white children.” DPH also links the racial disparities to illegal “[h]istorical housing policies ... [that] have perpetuated segregation and limited opportunity for home ownership, such as redlining, [and the prevalence of . . .] older housing stock, dilapidated housing and fewer owner-occupied housing units.”

The 2019 Data Brief also reveals that 3,555 children met the CDC level of concern for lead poisoning in 2017. Although this data is a few years old, the most recent information released by DPH in 2020 indicates that during the pandemic, screenings for childhood lead poisoning have decreased by 75%, while childhood lead poisoning cases have increased. Without a robust pediatric screening program, we cannot protect children who are currently living in a toxic environment to intervene to remove the source of the toxin, which is the first line of defense. Unfortunately DPH has released no information (that we can find) about what it is doing to address the severity and urgency of these current pandemic trends.

We cannot dismantle the disastrous effects of systemic racism on children, until we prevent childhood lead poisoning, caused by the ingestion of lead paint or dust in older housing. This moment demands that we take immediate—and long overdue—action to close the loophole in the Lead Law that has enabled landlords to avoid renting to families with children under six instead of mitigating lead hazards as required by the Lead Law. Until DPH changes the

law to prevent childhood lead poisoning, children of color and low-income children will continue to be irreparable, disproportionately and unnecessarily injured. To be clear, the current Lead Law imposes additional harm on already vulnerable and underserved children, thereby perpetuating the devastating effects of racial residential segregation.

The Massachusetts Lead Law creates rampant discrimination against families with children under age six.



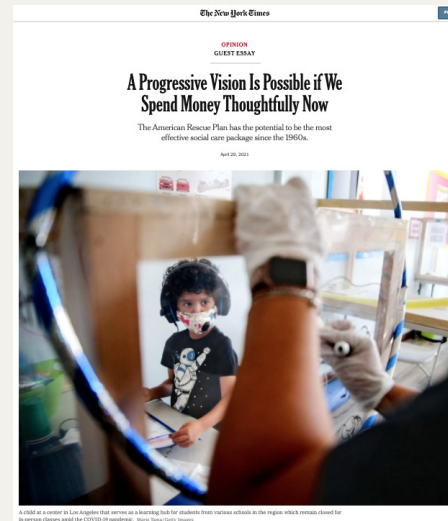
In addition to failing to keep children safe, the law has also continued to generate widespread housing discrimination against families with children under age six. Because the Lead Law only requires landlords to delead if they rent to a family with children under the age of six, the law incentivizes landlords to refuse to rent to such families to avoid lead abatement requirements. In 2004, CLPPP conducted focus group discussions with key stakeholders, including property owners. As one property owner with 16 units candidly stated, “the unfortunate thing about the lead paint program is it has caused a rampant, rampant atmosphere of discrimination in terms of the age of children and I think that is really the ironic result of the lead paint program is that it was instituted to protect families and has ended up hurting families more.”

The results of housing discrimination testing studies have corroborated this property owner’s experience. In 2013, for example, Suffolk Law School’s Housing Discrimination Testing Program conducted a fair housing testing investigation of 27 rental ads that indicated lead paint was present in the unit. Discrimination against the testers who stated they had a child under age six was found in 25 out of 27 paired cases, which is equivalent to a 93% rate of discrimination against families with children under age six. These results are hardly surprising given that, between March 2019 and November 2019, the Massachusetts Fair Housing Center discovered more than 250 advertisements posted by landlords on Craigslist that state an outright refusal to rent to families with children under six or include statements discouraging families with children under age six from applying to rent to the unit. This rampant discrimination has effectively denied families with children from rental housing they need and obstructed the preventative deleading goals of the Massachusetts Lead Law.

[1] See Robert Richter, “Lead Poisoning: The Child is the Canary.” (2019), available at: <https://vimeo.com/352483387> (password: eventide476).

MFHC is fighting to ensure the Massachusetts Lead Law protects all of our children.

MFHC is taking a multi-pronged approach to fixing the failed and discriminatory lead law. The best way to change the status quo is to support legislation ([H2346 and S1430](#)) currently pending in the State House. This legislation would eventually mandate universal lead abatement, but would start by requiring property owners in communities with the highest risk of lead poisoning to begin immediately.



Providing funding for landlords to abate the lead in their rental units is critical to the success of any lead abatement initiative. Massachusetts has the opportunity to receive federal funding for lead abatement through the American Rescue Plan Act (ARPA), which has made one-time funding available to address a wide range of policy initiatives. In a [recent New York Times Opinion piece](#), public policy experts Robert Gordon and Michele Jolin advised state legislators to consider initiatives with “strong evidence of large long-term returns,” and concluded that remediating lead-based paint hazards in homes built before 1978 is a “perfect use of Rescue Plan dollars: one-time, proven impact and huge results for those at greatest risk.” We believe the ARPA funding for lead remediation in the home, combined with the policy changes in H2346 and S1430, can be a game-changer for young children and their families.

In addition to [supporting the amendments to the lead law](#), [MFHC is suing state officials](#) to stop enforcing the facially discriminatory provisions of the Lead Law and to replace them with a non-discriminatory policy that will fulfill the legislation’s original goal. In 2019, MFHC and two families with children, together with the civil rights law firm of Brancart & Brancart, filed the initial complaint in federal court. Last month, MFHC celebrated an important victory in the lawsuit: a [federal judge denied the state’s motion to dismiss](#) the lawsuit, paving the way for the suit to proceed to trial. The order by United States District Court Judge Mastroianni concluded that the plaintiffs have standing to bring the lawsuit and recognized that applying the applicable legal standard “to the challenged portions of the Lead Law compels the conclusion that they are facially discriminatory.”

For further information, please contact the [Massachusetts Fair Housing Center](#) at 413-539-9796, ext. 108.



Resources for Tenants

Here are some resources that may be helpful for tenants who are concerned about lead paint hazards in their home:

- If you want to learn more about childhood lead poisoning, go to the [Mass.gov website](https://www.mass.gov).
- If you want to find out more about your rights under the Massachusetts Lead Law, contact the [Massachusetts Fair Housing Center](https://www.massfairhousing.org) or go to the [Masslegalhelp.org website](https://www.masslegalhelp.org).
- If you would like to request a lead paint inspection of your home, contact the [Massachusetts Childhood Lead Poisoning Prevention Program \(CLPPP\)](https://www.mass.gov).

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