

OH HELP!

The Ohio Help End Lead Poisoning Newsletter

Issue 4

July – September 2002

Help End Lead Poisoning
General Membership Meeting

Date: Wednesday, October
23, 2002

Time: 10:30 – 12:00
(Board meeting to follow)

Location: Ohio State Legal
Services Association (555
Buttles Ave.)

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NEWS AROUND THE STATE

Substitute House Bill 248 – Childhood Lead Poisoning Prevention

When the Ohio Senate went on break before the summer, there were many issues pertaining to the requirement of becoming a lead safe renovator. The original intent of Representative Bryan Williams in House Bill 248 was to have the licensure of lead safe renovators to be completely voluntary, not require as many advocates wanted and assumed.

Many interested parties met on Wednesday, August 21st, to discuss various proposed amendments to clear up this issue. The Outcome of this meeting was to clean up and to make clear various sections of the bill. A new amendment will make sure that the licensure of lead safe renovators is completely permissive, and not required.

The Senate Health, Human Services, and Aging Committee is not planning to hold hearings on the bill until after the November election. According to aides of Rep. Bryan Williams, all issues with the bill have been settled and it appears that it does not have any opposition. After these new amendments are adopted, the bill is expected to move for a full vote in the Senate.

For more information on Substitute House Bill 248, please contact Ira Horowitz at the HELP office or the legislative aide for Representative Bryan Williams.

Effect of State Budget Cuts on Lead Programs in Ohio

Because of the recent state budget cuts many statewide agencies and programs have lost some, significant, or all funding from the state. But, it appears for now that funding for the Ohio Childhood Lead Poisoning Prevention Program of Ohio Department of

Health (ODH) will remain constant. While they are not expecting any decrease in funding, they are also not expecting it to increase.

Most of ODH's funding comes from the federal government or federal agencies, such as the Department of Housing and Urban Development (HUD) and the Centers for Disease Control and Prevention (CDC). With most funding coming from the federal level and all cuts occurring at the state level, ODH will be unaffected by these cuts.

The Childhood Lead Prevention Program receives a small discretionary fund, which may be cut in the future. Due to the size of the fund, it most likely will not be cut from the budget. This fund was created from a Maternal and Child Health Block Grant that ODH receives. This grant pays for activities performed by the Regional Resource Centers around the state. Therefore, if these discretionary funds are cut or lost, then the Regional Resource Centers will be affected the most.

On a local level, funding is not expected to drastically change in a positive or negative direction. Many cities that are funded by ODH have taken preemptive measures in case of a decrease in funding from ODH. Many cities that normally relied on ODH funding choose to decrease their own funding with the expectation that funds received from ODH would be decreased in the future. All cities that have decreased their funding have done so without any force or encouragement from ODH. The childhood lead prevention program is not expecting any funding cuts, nor is it expecting to decrease funding to any local lead prevention programs around the state.

Many local programs that are not funded by ODH have been hurt a little more by recent budget cuts. Local programs without funding

from ODH have been forced to make some budget cuts because their funding comes from the city, which gets funding from the state. Whereas local programs that get funding directly from ODH are doing well because, as stated earlier, ODH receives its funds from the federal government, not the state.

HELP END LEAD POISONING BOARD OF TRUSTEES

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City of Akron Lead Poisoning Prevention Program

The City of Akron Lead Poisoning Prevention Program aims to strategically reduce and eliminate childhood lead poisoning in the City of Akron. It plans to do this by adhering to these following essential actions: increase awareness, education, abatement in high risk housing units, childhood blood-lead screening, temporary interim hazard control measures, and prevention actions to reduce hazards before they occur.

The program has several specific goals that it plans to meet in the upcoming years.

- Abate lead-paint hazards and provide general property rehabilitation for a minimum of 100 low-to-moderate income households where children are

identified with certain elevated blood-lead levels;

- Recruit and provide training for minority and low-income contractors and workers;
- Develop an effective public health promotion program aimed at preventing lead poisoning;
- Provide training for area residents in appropriate procedures for interim control of lead hazards;
- There are many other facets associated with the program, such as: blood-lead screening, environmental testing, education, community collaboration and interim cleaning measures.

Karen O'Connor is the current Program Manager for the program. The Akron Health Department's lead program receives funding from both the U.S. Department of Housing and Urban Development (HUD) and the Centers for Disease Control and Prevention (CDC). This is a program where funding has remained constant and expects to remain constant in midst of the state budget cuts.

A Physician Advisory Board has been created apart of the lead prevention program. This board is a nucleus of local doctors that are collaborating with the lead program's staff to serve as a resource and information dissemination point for lead-related materials. Additionally, the Board advocates for community support concerning lead-related issues. The staff includes Dr. May of the Akron Health Department and North Hill WIC clinic, Dr. Specht, and Dr. Rizzo, who both work for Akron's Children's Hospital.

Is Lead Poisoning the Cause of Cellblocks or Classrooms Debate?

A series of articles published in many Ohio newspapers throughout August and September focused Ohio's attention on the serious problem that Ohio is spending more funds on correctional facilities than on higher education. The Mental Hygiene Division reported that 15,000 prisoners in Ohio are being incarcerated for nothing more than being mentally ill. 9,000 additional people are incarcerated for mental retardation.

It has been proven numerous times that exposure to lead can cause many mental illnesses, including mental retardation and lower IQ. A lead poisoned child is seven times more likely to dropout of school and six times more likely not to read very well. More than half of Ohio's prisoners are locked away because of a mental illness most likely caused or connected with lead exposure. People continue to be incarcerated because they are mentally unstable and may or may not have violent tendencies.

The connection between lead poisoning and incarceration, violence, and crime is very obvious. A 2000 study done by the Environmental Research Organization confirms that disparities in childhood gasoline lead exposure from 1941 to 1986 explain about 90% of the disparities in violent crime rates from 1960 to 1998. To reduce the number of prisoners incarcerated in Ohio, as well as around the nation, lead poisoning must be eliminated.

A large majority of prisoners convicted of violent crimes come from the inner city, areas with old, deteriorating housing, or areas with failing schools. Black Children are two to five times more likely to be poisoned by lead than Caucasians. Consequently, Blacks make up 50.9% of the Ohio prison population. The Arizona School Boards Association published a report connecting failing schools with high lead poisoning rates.

Many school districts cannot handle high numbers of learning disabled children due to inadequate staff and funding. Therefore, many of these children are not educated properly. When children fail out of school, many of them are forced to live a life a crime in order to survive. If caught they are forced to serve long prison sentences. Rick Nevin, the author of many environmental lead studies, feels that many social problems can be solved or improved with the removal of lead in lower-income housing and inner-city areas.

Many people feel that lead poisoning is only a health or housing issue and they do not realize these social consequences of childhood lead poisoning.

Don't forget to send your updated contact information to Ira Horowitz at the Help End Lead Poisoning Office:

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NEWS AROUND THE NATION

Rhode Island Lawsuit

Nearly three decades after lead-based paint was banned in the United States, Rhode Island is trying to become the first state to hold paint manufacturers accountable for the decades-long

poisoning of children from the perilous substance. Rhode Island Attorney General, Sheldon Whitehouse, is suing eight paint companies claiming that they created a public nuisance by knowingly selling hazardous lead-based paint. Ultimately, the state seeks to hold the manufacturers liable for poisoning thousands of children in a state with one of the highest rates of child poisoning in the nation.

This is a historic, landmark trial because Rhode Island is the first state to sue paint companies and try to hold them responsible for the poisoning of thousands of children. If Rhode Island prevails, it can be expected that many other states, including Connecticut, West Virginia, New York, and Ohio, will file similar lawsuits and most probably get similar results. If the state fails, it will join the 40-50 other individuals and small communities that have attempted to sue paint companies and have been defeated since 1989.

Rhode Island has decided to take a step-by-step approach with this lawsuit, which will involve many phases. The first phase is proving that lead paint manufacturers have created a public health hazard. If the state wins, the next phase would determine if paint companies were liable for the hazard and which ones specifically. Later phases will determine what the ramifications should be and if third parties, such as landlords and contractors, should be also held responsible.

The paint companies argue that landlords are solely responsible for the hazard. They claim that lead-based paint isn't hazardous if it taken care of properly. Paint companies' claim that landlords allowed the properties to deteriorate to the point that lead pigment is exposed and children come in contact with it.

On September 3rd, the Nation's paint companies made one final attempt to delay the trial that was set to begin on September 4th. The accused that the state's reliance on legal teams working for contingency fees was unethical. Judge Michael Silverstein rejected this argument on the basis that the trial will cost "millions and possibly multiple millions of dollars" and it is necessary for the state to use private law firms to be paid with contingency fees.

The trial began on September 4th with an opening statement from the state claiming that since 1993, 35,000 children in Rhode Island have been lead poisoned. Dr. Philip J. Landrigan, the state's first witness and a nationally recognized expert on lead poisoning, testified that 900,000 children a year are poisoned across the country. He has calculated that these children suffer brain damage that causes annual losses in productivity of \$43.4 billion nationally and \$135 million in Rhode Island. State officials estimate that 331,000 houses in Rhode Island have some lead paint on or in them and medical data shows children in 28,397 of those houses have been lead-poisoned, according to Donald E. Scott, a paint company lawyer.

On the second day of the trial many lead professionals testified to the fact that lead exposure to children is harmful. Dr. Michael Shannon, a professor of pediatrics at Harvard Medical School and the clinical director of the Pediatric Environmental Health Center at Children's Hospital in Boston, testified that no level of lead exposure is safe to children. On a cross-examination of the first witness, Dr. Landrigan said he did not know of any cases where children had been poisoned by intact lead paint. Additionally, there have been no clear cases where a child has been poisoned from lead paint in a public building, such as a church or school. After

two days of testimony, the judge sent to jury home for the weekend and ordered the proceedings to resume on the morning of September 9th.

The day after this trial began the City of Chicago went forth and filed a lawsuit against several paint companies. The City of Chicago feels that taxpayers should no longer be the sole financier to pay for treatment of lead poisoned children. Chicago has more lead poisoned children than any city in the country and it estimates that there are more than 1 million housing unit that contain lead.

The paint companies involved in the lawsuits are American Cyanamid Co., Atlantic Richfield; ConAgra Grocery Products Co.; Cytec Industries Inc.; DuPont Co.; Millenium Inorganic; NL Industries Inc.; and Sherwin-Williams Co.



Help End Lead Poisoning

Editor's Notes

If you have any news or information that you would like to see in this newsletter or questions/comments about the newsletter please contact Ira Horowitz at 614-461-6392 or via email at no_lead2002@hotmail.com