



DATE: April 21, 2021

TO: The Honorable Deb Patterson, Chair
Senate Committee on Health Care

FROM: Gabriela Goldfarb, Manager
Environmental Public Health Section
Public Health Division
Oregon Health Authority

SUBJECT: HB 2077, Lead-Based Paint Hazard Cleanup Authority

Chair Patterson and members of the committee; my name is Gabriela Goldfarb, and I manage the Environmental Public Health Section in the Public Health Division at the Oregon Health Authority (OHA), which includes the Lead-based Paint and Childhood Lead Poisoning Prevention Programs. I'm here to provide testimony regarding House Bill 2077, which is intended to protect people, and especially children, from the health hazards of exposure to lead-based paint.

Currently, OHA has authority to require certain landlords, property managers, child facilities and people they hire to work on older homes, day cares and schools to follow best practices when they disturb lead paint. The goal is to minimize health hazards from paint chips and dust. OHA also has authority to impose civil penalties for violating these rules and creating a health hazard. HB 2077 would give OHA authority to take the next step and require violators to clean up the properties. The agency would be able to issue a stop-work order for ongoing unsafe work, and to require parties responsible for lead-based paint contamination to properly assess and decontaminate the residence or facility. If a responsible party doesn't address the hazard in a timely fashion, OHA could pay for cleanup, and then recover costs from the responsible party.

The health concerns for children's exposures to lead are serious. Our federal partner at the U.S. Centers for Disease Control and Prevention (CDC), the Agency for Toxic Substances and Disease Registry (ATSDR) details the health effects. To summarize, lead is a powerful neurotoxin that also affects all other organs and systems in the body. Even at low levels, lead exposure can adversely impact learning, intelligence, behavior and physical growth;

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at higher levels of exposure children can develop anemia, severe stomachache, muscle weakness, and brain damage. A state-by-state data source, “The Value of Lead Prevention,” funded by the Robert Wood Johnson Foundation, calculates that for Oregon, the impact to an estimated 3,400 children predicted to have elevated blood lead levels in 2019 alone will result in a lifetime economic burden of more than \$876 million from reduced lifetime productivity; increased health care, education, and social assistance spending; and premature mortality.

Lead is particularly dangerous to children because their growing bodies absorb more lead than adults and their brains and nervous systems are more sensitive to its damaging effects. Children are more likely to ingest lead paint because they live and play closer to the ground and put their hands in their mouths. In Oregon, the leading cause of childhood lead poisoning is exposure to lead-based paint.

We assume any residence or building constructed before 1978 has paint with high levels of lead; after that date, federal law required substantial reduction in the amount of lead allowed in residential paint.

Oregon is one of 14 states that has authority delegated from the US Environmental Protection Agency (EPA) to implement federal rules to protect people from lead paint hazards. In 2010, EPA authorized OHA to administer the Renovation, Repair and Painting (or RRP) program. This program regulates renovation work performed for compensation on pre-1978 residences and child-occupied facilities. Child-occupied facilities are defined as childcare or daycare facilities in pre-1978 buildings and kindergarten and 1st grade sections of school buildings. The federal rules, which Oregon rule incorporates by reference, establish the best practices required to minimize hazards when disturbing lead paint.

No other state agencies in Oregon can require cleanup of lead-based paint contamination by landlords, schools and child care operators. The Department of Environmental Quality cleanup programs address lead paint contamination at industrial sites, which generally must exceed 10 lbs. of lead to be considered for prioritization. It is technically very challenging to verify the weight of lead chips and dust around a residence or facility, but there can still be a significant risk to the health of occupants, especially children and pregnant women.

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OHA partners with the Construction Contractors Board (CCB) to implement lead-based paint regulations in Oregon. CCB has oversight of its regulated community of licensed contractors and addresses violations of work standards by that community. HB 2077 will make no changes to CCB's role or authorities.

OHA frequently receives complaints from concerned tenants and families about paint-disturbing work on older homes. When OHA field inspectors visit these sites, we find paint dust and debris around the home due to improper work practices carried out by the property owner or someone hired by the property owner, or someone hired by the child facility.

This bill advances OHA's goals to eliminate racial health disparities by 2030, to address the social determinants of health identified in *Healthier Together Oregon*, the state's health improvement plan, and to address Environmental Public Health Modernization goals. This bill promotes the elimination of health disparities and the achievement of health equity for low income communities and those impacted by environmental justice issues, by reducing disproportionate lead exposure risks, especially where children live, learn and play.

Census data show that Black Oregonians (1.8% of the state's population) have a disproportionately higher occurrence of renting (3%) than any other race or ethnicity. American Community Survey data (2018) shows a greater housing cost burden for families that rent, with 49% spending more than a 1/3 of their income on housing as opposed to 26% for homeowners. According to the National Low-Income Housing Coalition, renters in Oregon on average earn 69% of the wages of a homeowner in a two-bedroom dwelling. The bill will decrease health inequities in these populations by providing greater protections from lead-based paint hazards generated from unsafe work at their homes or childcare facilities

I'm available as a resource to the committee if there are any questions or concerns. Thank you for the opportunity to provide testimony on this important issue.