



House Bill 280 Testimony to the Ohio House Ways & Means Committee

Ohio Lead Free Kids Coalition

Thank you Chairman Roemer, Vice-Chair Lorenz, Ranking Member Troy, and Ways & Means Committee members.

The Ohio Lead Free Kids Coalition (“OLFKC”) represents a collection of organizations and individuals who share a deep and urgent concern about the potentially life-long harm caused by lead poisoning. The OLFKC strives to secure a public commitment and investment in primary prevention to ensure all Ohio children are safe from lead in their homes and communities.

We appreciate that the co-sponsors of HB 280 are concerned about child lead poisoning and have offered a bill to attempt to address some current challenges; however, we have at least three specific issues that are detailed later in this testimony and urge caution in moving forward without considering potential unintended consequences that could actually put more children at risk.

Ohio’s Children & Taxpayers Bear the Costs of Lead Poisoning

Ohio ranks **2nd in the U.S.**ⁱ in the number of children with elevated blood lead levels (“EBLL”) – twice the national average!ⁱⁱ [Every county in the state](#) has children who have been exposed to lead and who test positive with confirmed EBLLs. And [according to Cincinnati Children’s Hospital Medical Center](#), every single county in Ohio has at least 2 zip codes that qualify as high risk for lead poisoning. Indeed, thousands of Ohio children under 6 have been poisoned by lead and continue to be exposed to lead hazards. In 2020 alone, *2,900 Ohio children had confirmed EBLLs*. And this number is an undercount given only about 50%- 60% of high-risk children are even tested for lead.

Lead is a toxin. There is no safe level of lead in the blood. Child lead poisoning can cause lifelong, irreversible brain and nervous system damage which can lead to learning and behavioral challenges, lower IQ, lower academic achievement, increased hyperactivity, emotional problems and future delinquent behavior.ⁱⁱⁱ

Lead paint dust and paint chips in pre-1978 housing remains the single most toxic source of lead for children. 80% of Ohio’s EBLL cases were children exposed to lead in old housing.^{iv} (2019). Ohio could save an estimated [\\$2.8 billion each year](#) by preventing child lead poisoning with investments in lead abatement and other lead hazard controls.

Academy of Medicine of Cleveland and Northern Ohio
Advocates for Basic Legal Equality, Inc.
Advocates for Ohio’s Future
Alliance for the Great Lakes
American Academy of Pediatrics, Ohio Chapter
Ashland/Richland County Lead Prevention Collaborative
Black Child Development Institute – Ohio
Bright Beginnings
Canton City Public Health
Center for Community Solutions
Children’s Defense Fund - Ohio
Cleveland Clinic Foundation
Cleveland Dream Builders LLC
Cleveland Department of Public Health
Cleveland Lead Safe Network
Coalition on Homelessness and Housing in Ohio
Collective Citizens Organized Against Lead
Columbus Public Health
Corporation for Ohio Appalachian Development
Cuyahoga County Board of Health
Enterprise Community Partners
Environmental Health Watch
Fair Housing Center
Family Connections
First Year Cleveland
Franklin County Public Health
Freshwater Future
Greater Cincinnati Water Works
Groundwork Ohio
The Khnemu Foundation
Legal Aid Society of Southwest Ohio
Lead Safe Cleveland Coalition
The MetroHealth System
National Council of Negro Women, Inc. – Cuyahoga County Section
Northeast Ohio Black Health Coalition
Northern Ohioans for Budget & Legislation Equality
Ohio’s Children’s Alliance
Ohio Environmental Council
Ohio Federation for Health Equity & Justice
Ohio Head Start Association, Inc.
Ohio Healthy Homes Network (OHHN)
Ohio Nurses Association
Ohio Poverty Law Center
Ohio Public Health Association
People Working Cooperatively
Policy Matters Ohio
PRE4CLE
Public Children Services Association of Ohio
Schubert Center for Child Studies, Case Western Reserve University
Toledo Lead Poisoning Prevention Coalition
United Way of Greater Cleveland
University Hospitals Rainbow Babies & Children’s
Voices for Ohio’s Children
West Ohio Community Action Partnership

We commend the Ohio General Assembly and the Governor for supporting significant critical investments in primary prevention, including incentivizing local solutions to preventing lead poisoning in their own

communities. HB 280 could undermine these local innovations and leave children less protected and further at risk of lead poisoning.

HB 280 Does Not Actually Protect Children from Lead

Portions of HB 280 may in fact lead to worse outcomes for children and actually disincentivize local communities to be proactive in abating lead hazards. There are at least three provisions in HB 280 that raise serious red flags by undermining protections for children in older housing.

1. HB 280 weakens existing work practices and quality controls which will reduce the likelihood that children will be in a home that is safe from lead hazards. HB 280 merges the roles of lead risk assessors, inspectors and clearance technicians in a way that undermines standard work practices and quality control measures. (Sec. 3742.39(B)) None of these positions are trained to do lead hazard mitigation or interim controls, but this bill would not only permit them to do work they are not qualified to do, but to also “clear” their own work, which is an inherent conflict of interest.
2. HB 280 creates a new provision that puts protections for property owners over children by allowing them to delay addressing known lead hazards for up to 6 months. HB 280 permits applicants for a lead safe certification who fail to meet the requirements an additional six (6) months (180 days) to resubmit their application. (Sec. 3742.47(B)) Not only does this tie the hands of the local community that is seeking to remedy the situation more quickly, it places children at risk who are living in properties where known lead hazards exist without requiring any more timely action.
3. HB 280 disincentivizes local communities from adopting proactive lead poisoning prevention policies that better protect children. HB 280 penalizes communities like Cleveland and Toledo who require lead safe certifications of older rental properties by withholding of local government funding. (Sec. 5747.504) Rather than incentivizing more local communities to be proactive in preventing child lead poisoning and working with local governments to reduce the barriers to compliance, these fiscal penalties make cities that are in many ways most burdened by the legacy of lead paint even more under-resourced. While a hard-and-fast 30-day time limit may be a worthy goal, in practice, we prefer cities to work with applicants to try to better address application deficiency concerns to achieve lead safety over expediency. HB 280 creates a chilling effect by sending a clear message to other cities that may be contemplating proactive strategies like lead safe certifications that it could impose a significant burden on their other local government efforts.

Finally, we also have questions about how the proposed expanded tax credit would work in practice, as well as the new requirement for a certification process for licensing software in lead abatement (Sec. 3742.03(I)) and whether this could create a proprietary state license for software that would not necessarily address local administrative requirements. The implications of these provisions are unclear but raise questions that should be clarified to ensure barriers to lead hazard control efforts aren’t created inadvertently. In short, we are concerned that if adopted as-is, these provisions would undermine the impressive momentum in protecting children from lead poisoning that this GA has helped to propel. Thank you for your consideration of these comments.

Gabriella Celeste, Co-Chair
Fred Strahorn, Co-Chair
Tim Johnson, Co-Chair

ⁱ Zuckerman, J. Ohio kids’ show elevated blood levels at more than twice the national rate, study finds. Ohio Capital Journal (9/28/21) Date accessed 5/1/23:<https://ohiocapitaljournal.com/2021/09/28/ohio-kids-show-elevated-lead-blood-levels-at-more-than-twice-the-national-rate-study->

[finds/?eType=EmailBlastContent&eld=eb71d695-fc23-4ab9-b936-49201fe0d321&link_id=11&can_id=bef90bcb899b52a5c0f2abb24de237bb&source=email-daily-news-clips-77&email_referrer=email_1305206&email_subject=daily-news-clips](https://www.ohioaap.org/wp-content/uploads/2021/09/Lead-Resource-Guide-for-Physicians.pdf)

ⁱⁱ Hauptman, M., Niles, J., Gudin, J. et al. Individual and Community-level Factors Associated with Detectable and Elevated Blood Levels in US Children. *JAMA Pediatrics* (9/27/21). Date accessed 5/1/23: <https://jamanetwork.com/journals/jamapediatrics/article-abstract/2784260>

ⁱⁱⁱ Coulton, C., Garcia-Cobia, F. et al. Downstream Consequences of Childhood Lead Poisoning: A Longitudinal Study. (6/2020). Date accessed 5/1/23: <https://case.edu/socialwork/about/news/study-downstream-effects-childhood-lead-poisoning-reveals-racial-economic-disparities-adulthood>

^{iv} American Academy of Pediatrics, Ohio Chapter. Lead Prevention Resource Guide. Date accessed 5/22/23: <https://ohioaap.org/wp-content/uploads/2021/09/Lead-Resource-Guide-for-Physicians.pdf>