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Proponent Party Testimony for HB 388
Tim Johnson, Policy Advocate
Ohio Poverty Law Center
Ohio House Public Health Policy Committee
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Chair Mathews, Vice-Chair Stewart, Ranking Member Liston and members of the Ohio House Public Health Policy Committee, my name is Tim Johnson, and I am a senior policy advocate for the Ohio Poverty Law Center. The Ohio Poverty Law Center's mission is to reduce poverty and increase justice by protecting and expanding the legal rights of Ohioans living, working, and raising their families in poverty. We work with Ohio's regional legal aid offices. Thank you for allowing me to voice our strong support for House Bill 388.

I would like to start off first by thanking members of this committee and the Ohio General Assembly for its recent investments to support lead poisoning prevention. Increases in state budget line items and the appropriation of American Rescue Plan funds for lead abatement projects and workforce development are proof of your commitment to ending childhood lead poisoning. We are grateful for all the work that has been done, but Ohio still has significant challenges to keeping our children safe.

Over two-thirds of Ohio's housing stock was built before 1978 with more than 425,000 children under the age of six living in these homes. Lead is an extremely dangerous toxin of which there is no safe level to have in the bloodstream. Kids who are poisoned by lead can experience cognitive delays, miss key developmental milestones, and suffer from physical ailments such as decreased bone and muscle growth. Research shows that children who are lead poisoned are less likely to be ready for kindergarten, less likely to be reading at grade level, and more likely to interact with the juvenile justice system. As adults they are more likely to be involved in the criminal justice system and more likely to rely on public benefits.

The situation in Ohio is particularly dire: Ohio children test positive for elevated blood lead levels at a rate that is double the national average. Ohio has the second highest rate of children testing positive for elevated blood lead levels in the country. We need to add more tools to our lead poisoning prevention toolbox which is why we are pleased to support HB 388 which would allow the Ohio Department of Health to administer and enforce the renovation, repair and painting rule (RRP).

RRP is a U.S. Environmental Protection Agency (US EPA) rule that has been in effect since 2010. It requires contracting firms (including sole proprietors) to take common

sense lead-safe precautions when performing work that would disturb lead paint. These measures, such as covering vents, wetting surfaces, and laying down plastic covering, are meant to prevent the spread of lead dust and chipped paint that could arise during renovations of older homes. Under the current rule, every contractor should be RRP certified and following the rules--but unfortunately that is not the case. The US EPA's enforcement of RRP is haphazard at best; it rarely enforces the rules. If a customer feels a contractor has violated the rule, it is difficult to file a complaint. The US EPA is also not proactive at educating contractors about RRP requirements resulting in few contractors knowing that they need to be certified and take required precautions. The lack of education and enforcement leaves contractors out of compliance and puts children at risk of serious harm.

Fortunately, the US EPA allows states to take control of the enforcement and administration of RRP. To date, 15 states have done so, and HB 388 would make Ohio next on the list.

In conversations with the Ohio Department of Health (ODH), it is clear their goal is one of compliance first, rather than trying to fine contractors. This is our goal as well. ODH will work with contractors to ensure they are aware of and are following the rules. Ohio is in the best position to look after its businesses and the safety of its children.

Ohio families deserve to know that their children will be safe from lead hazards when they hire someone to do work in their home. No parent wants to have their child lead poisoned, just as no contractor intends to cause harm. HB 388 will help to protect children and contractors alike while placing Ohio on a path towards primary prevention. We urge the committee to pass HB 388. I will be happy to answer any questions you might have.