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# STATEMENT



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**To: Joseph F. Vitale, Chair**  
**Fred H. Madden, Vice-Chair**  
**Members of the Senate Health, Human Services and Senior Citizens**  
**Committee**

**From: Mary E. Coogan, Advocates for Children of New Jersey**

**Date: February 29, 2016**

**Re: Childhood Lead Poisoning**

Thank you for your interest in recent reports of high rates of children being affected by lead poisoning in several New Jersey communities. Advocates for Children of New Jersey (ACNJ) appreciates the opportunity to provide testimony today regarding efforts to keep children safe from lead poisoning.

Childhood lead poisoning is entirely preventable. And as the best way to prevent it is to prevent control or eliminate lead exposures. Over the years the Center for Disease Control and Prevention (CDC) has continued to reduce the level lead found in a child's blood requiring action based upon the research demonstrating that even low blood lead levels can negatively impact IQ and long term health outcomes. See attached CDC fact sheet.

Attached to this testimony is an issue brief from the National Center for Healthy Housing: *Childhood Lead Exposure and Educational Outcomes*. The brief summarizes recent studies that reaffirm past research showing the link between low blood lead levels and poor educational outcomes. A 2003 University of Rochester study estimated that it costs \$38,000 over three years to educate a child with lead poisoning.

As you all know, once in the body, lead is a powerful toxin. It can cause developmental delays, learning disabilities, behavioral problems, hyperactivity, and in some cases, convulsions, coma and death. Children six years old and younger are particularly vulnerable to the damaging effects of lead because their central nervous systems are not fully developed and their bodies absorb and retain it to a greater extent than do the bodies of adults.

Since at the most common levels of exposure, lead poisoning does not present identifiable symptoms; the only way to determine whether a child is lead burdened is with a blood test. In New Jersey, all children under the age of six are legally entitled to such testing. The federal

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Medicaid Act requires state Medicaid programs to provide Medicaid-enrolled children with a lead blood test at 12 months and again at 24 months (or between 36 and 72 months if the child failed to receive a screen at either 12 or 24 months). New Jersey's Lead Poisoning Abatement and Control Act (more commonly referred to as the "Universal Screening Law"), promulgated in 1996, requires local boards of health to work with medical professionals to provide all New Jersey children, not just those who are Medicaid-eligible, with lead screening pursuant to the same time table set forth in the Medicaid Act.

This information is not news to members of the New Jersey Legislature. And while New Jersey may be ahead of some other states in addressing this issue, that does not mean we have eradicated childhood lead poisoning or that we can be less attentive to this concern. We are far from claiming victory.

Over the years a private-public partnership significantly raised public awareness about the dangers of lead, which resulted in significant progress in getting children tested for lead. Included with this testimony is the latest annual report from the Department of Health and Senior Services reflecting that progress. The Department of Health now has a web-based surveillance system and is working with local health departments more effectively. The good news is that children are being tested.

If an elevated lead level is found, the child needs to be treated and the source of the lead found. Once the source of the lead is identified, it needs to be abated so that other children are not poisoned or lead burdened. And thanks to the efforts of Senator Rice, some of you, and others, the Lead Hazard Control Assistance Fund was funded to provide loans and grants to remediate and remove lead-based paint hazards from residences. New Jersey's older homes which are still the primary source of lead poisoning need to be abated. The bad news we are no longer making progress to abate the lead-based paint in homes and in fact we are going backwards. I refer you to page 34 of the Department of Health's Annual Report for fiscal year 2014 which charts current environmental investigation status from SFY 1997-2014. As you can see in prior years, hundreds of abatements were completed annually and in FY 2014, a mere 61 abatements completed or 48 percent. One of the identified barriers noted on that page is difficulty of property owners to obtain financial assistance.

An investigation last year by Todd Bates and his colleagues at the Asbury Park Press revealed that millions of dollars have been diverted from the Fund over the years. We thank those of you who supported recent legislation that would have added \$10 million to the Lead Hazard Control Assistance Fund. The beauty of the Lead Hazard Control Assistance Fund was that it included a dedicated funding source. And if fully funded as required by law, perhaps there would be funding to address current concerns raised by the situation in Flint, Michigan that old and corroded pipes, also be a source of lead poisoning, need to be replaced.

We understand that as a result of the Flint Michigan crisis, Congress is considering legislation to provide funding to help states apply for subsidized loans in the event of a Flint-like emergency, and \$70 million in credit subsidies for states to get loans to help pay for water infrastructure upgrades, such as replacing lead pipes. Another Senate proposal seeks to toughen monitoring of water lead levels and the regulations triggering lead pipe removal.

Advocates for Children of New Jersey is committed to being more vigilant in our monitoring of childhood lead poisoning through our kids count data and other mechanisms. We are concerned that all of the funds collected by the Lead Hazard Control Assistance Fund over the years were not used to address childhood lead poisoning pursuant to the statute. ACNJ respectfully requests that the NJ Legislature take the steps necessary to assure that these funds are again used for the stated purpose in the law.

Thank you for your consideration and assistance in address this important matter.

**TITLE 52 STATE GOVERNMENT, DEPARTMENTS AND OFFICERS**  
**52:27D-437.11 Credit to fund of certain sales tax on paint, etc.**

11. a. There shall be credited to the "Lead Hazard Control Assistance Fund," established pursuant to section 4 of P.L.2003, c.311 (C.52:27D-437.4), for each State fiscal year commencing on and after July 1, 2004, an amount equivalent to the greater of \$7,000,000 or the amount of revenue required to be set aside pursuant to subsection b. of this section.

b. There shall be set aside from the State revenue collected from the State tax imposed under the "Sales and Use Tax Act," pursuant to P.L.1966, c.30 (C.54:32B-1 et seq.), as amended and supplemented, or any other subsequent law of similar effect, an amount equal to the lesser of \$0.50 or the tax imposed on every retail sale of a container of paint, or other surface coating material, which shall include any pigmented, liquid substance to be applied to surfaces by brush, roller, spray or other means, including but not limited to, white base paint and colorants; provided, however, that the total amount set aside pursuant to this section shall not exceed \$14,000,000 annually.

c. The Director of the Division of Taxation shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations necessary to implement the provisions of this section.

L.2003, c.311, s.11.

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