



Giving Every Child A Chance

**To: Senator Jeff Van Drew, Chair
Senator Ronald L. Rice, Vice Chair
Members of the Senate Community and Urban Affairs Committee**

From: Cecilia Zalkind Advocates for Children of New Jersey

Date: March 7, 2016

Re: S-996 – Appropriation to the Lead Hazard Control Assistance Fund

Thank you for the opportunity to provide testimony in support of **S-996** which makes a supplemental Grants-in-Aid appropriation of \$10 million to the Department of Community Affairs for the Lead Hazard Control Assistance Fund. Advocates for Children of New Jersey (ACNJ) wants to acknowledge the continued commitment of Senator Rice to eradicating childhood lead poisoning in New Jersey.

Many people have worked for many years to keep New Jersey children safe from lead poisoning. And, with good reason. 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. This means that children need to be tested. In New Jersey, all children under the age of six are legally entitled to such testing. 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.

In 2000 a private-public partnership began which raised public awareness and made significant progress in getting children tested for lead. And the Department of Health now has a web-based surveillance system and is working with local health departments more effectively.

The Centers of Disease Control and Prevention (CDC) currently recommends that public health action be initiated when a child has a blood lead level above 5 micrograms per deciliter of whole blood. ($\mu\text{g}/\text{dL}$). Left unaddressed, the child's lead level could increase and more permanent damage done. Over the years the CDC has continued to reduce the level of lead requiring action based upon the research demonstrating that even low blood lead levels can negatively impact IQ and long term health outcomes. In New Jersey public action is only required when a child has a blood lead level above 10 micrograms per deciliter ($\mu\text{g}/\text{dL}$).

The latest report from the Department of Health is for fiscal year 2014. The report indicates that there were 837 children with elevated blood lead levels above 10 µg/dL. There were 5,185 children, ages 17 or under with elevated blood lead levels from 5 µg/dL to 9 µg/dL; 2,245 of which were between the ages of six to 26 months. While there are children with elevated blood lead levels in every county, the top 10 local board of health reporting the highest percentage of new cases of children with elevated blood lead levels are Newark, Jersey City, Irvington, Cumberland County, Camden, Paterson, Middlesex County, Trenton, East Orange, and Passaic.

Homes with lead-based paint are still the primary source of lead poisoning and these homes need to be abated so that more children are not needlessly harmed by lead. According to the Department of Health's 2014 Annual Report, one of the main barriers to abatement is the inability of property owners to obtain financial assistance to cover abatement costs. This problem is not new and has been highlighted in other reports.

Due to the efforts of Senator Rice and others, the Lead Hazard Control Assistance Fund (LHCAF) was created to provide a funding source for loans and grants to help with the costs of abatement. The statute designated a portion of sales tax revenue generated by the retail sales of paint and surface coating materials to be earmarked for the Fund. Although these funds are being collected, they are not being used to address childhood lead poisoning pursuant to the statute.

Childhood lead poisoning is an entirely preventable disease if sufficient resources are allocated to the problem. While ACNJ would like to see the full amount of funding available through the Lead Hazard Control Assistance Fund as required by statute, the \$10 million appropriation in S-996 will help and we ask you to support this legislation.

Thank you for your consideration and assistance in addressing 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.