Putting the Pieces Together: Controlling Lead Hazards in the Nation’s Housing

The members of this national Task Force have reached broad agreement on a comprehensive approach for controlling lead-based paint hazards in private housing, despite the extremely varied backgrounds and perspectives of its members, and despite the often competing interests they represent. The Task Force finds that the current system is not working for parents, children, private property owners, lenders, insurers, or the nation at large. Fundamental changes are needed—and Task Force members are convinced that the almost universal dissatisfaction with the status quo sets the stage for changes in the near term.

The Task Force envisions a system that will protect children from developing elevated blood lead levels, preserve our stock of affordable housing, and wisely invest scarce resources, both public and private. The Task Force approach is built on:

- Benchmark national standards for maintenance and lead hazard control in private housing to make clear property owners’ responsibilities, including standard responses when children are found to have elevated blood lead levels;
- Expanded and more responsive private financing;
- Targeted public financing for hazard controls in economically distressed housing occupied by low-income families;
- Changes to the liability and insurance systems to provide incentives for action and expedited compensation to injured children; and
- Public awareness initiatives to better inform all affected parties.

The Task Force has taken great care to develop strategies that work together to form a comprehensive, health-protective, cost-effective, and feasible approach to solving the most significant environmental health hazard facing America’s children. The Task Force relies on a careful balance among education, private sector forces, and government regulation and enforcement. Many recommendations are not only interrelated but also interdependent. Developing this balance was a complex and difficult task, and the Task Force believes that it has reached a sound and workable solution. It strongly cautions, therefore, against misuses of this report that “cherry pick” the recommendations to serve a particular interest.

THE TASK FORCE’S MANDATE

Title X of the Housing and Community Development Act of 1992 addresses the control of lead-based paint hazards in federally assisted housing. It also provides for consistency and quality control in evaluating and controlling lead hazards in all housing. At the time of sale or rental of privately owned housing built before 1978, the year the Consumer Product Safety Commission banned the residential use of lead-based paint, Title X requires delivery of an educational pamphlet and disclosure of any known lead-based paint hazards. Title X also requires that lead-based paint hazard evaluation and abatement activities in privately owned housing be carried out by certified contractors.

In enacting Title X, Congress recognized that it did not have solutions for the difficult problems posed by lead-based paint in private housing. It also provides for consistency and quality control in evaluating and controlling lead hazards in all housing. At the time of sale or rental of privately owned housing built before 1978, the year the Consumer Product Safety Commission banned the residential use of lead-based paint, Title X requires delivery of an educational pamphlet and disclosure of any known lead-based paint hazards. Title X also requires that lead-based paint hazard evaluation and abatement activities in privately owned housing be carried out by certified contractors.
paint in private housing. Beginning in November 1993, the Task Force held seven meetings that were open to the public and that included opportunities for public input at each meeting. In addition, it held an all-day public hearing in Chicago. This is the Task Force’s final report.

**THE PROBLEM: AN OVERVIEW**

Despite dramatic reductions in blood lead levels over the past 15 years, lead poisoning continues to be a significant health risk for young children. The recent reductions in blood lead levels are attributable largely to removing lead from gasoline and food cans. By contrast, relatively little has been done to reduce hazards from lead-based paint in pre-1978 housing and from lead-contaminated soil. It is time to address these hazards.

The status quo threatens the housing system as well as children’s health. Housing owners do not have clear guidance as to their responsibilities; insurers are increasingly unwilling to provide lead liability coverage; the tort system is operating inefficiently and randomly for lead poisoning claims; and some hazard control methods are so costly that, if broadly required, they would drive millions of housing units into disinvestment and abandonment. In response to this situation, many owners either do nothing or restructure their holdings to be lawsuit-proof, and of course neither of these results is desirable for either children or housing.

Changes are needed in virtually every aspect of our nation’s approach to lead-based paint hazards: how we maintain and renovate housing; how we finance renovation activities; how our legal and insurance systems respond to injured children; how we educate citizens about lead hazards; and how we respond when children are discovered to have elevated blood lead levels. Moreover, these changes must be coordinated in order to harness market forces and avoid unintended adverse consequences.

Finally, the Task Force recognizes that public financing will be necessary to control lead-based paint hazards in the older, economically distressed housing where much of the problem is concentrated.

**The Problem: Lead Hazards**

Lead is a naturally occurring element that is toxic to humans of all ages when taken into the body through ingestion or inhalation. However, lead is most hazardous to the nation’s roughly 20 million children under the age of six, whose still-developing nervous systems are particularly vulnerable to lead and whose normal play activities expose them to lead-contaminated dust and soil. High levels of lead in the blood of young children can produce permanent nervous system damage. Moreover, recent research indicates that relatively low blood lead levels (that is, levels that until recently were not thought to be problematic) can produce significant nervous system effects, such as reduction in intelligence and attention span, reading and learning disabilities, and behavior problems. These relatively low blood lead levels are typically not accompanied by overt, identifiable symptoms. For these reasons, there has been an increase in blood lead testing of young children to detect lead problems at an early stage for individual attention and to guide improved strategies for prevention.

**The Problem: Elevated Blood Lead Levels in Young Children**

Of the 20 million young children under age six, an estimated 1.7 million (almost 9 percent) have blood lead levels at or above the “level of concern” established by the Centers for Disease Control and Prevention (CDC). If a particular neighborhood is found to contain significant numbers of young children with blood lead levels above the “level of concern,” the CDC guidelines call for neighborhood-based strategies aimed at prevention through education and broad-based efforts to reduce lead exposures.

Children with elevated blood lead levels are not distributed evenly; rather, they are disproportionately located in older neighborhoods in the nation’s central cities. Children living in poverty are four times more likely to have elevated blood lead levels than children from wealthier families, and African-American children are four times more likely to have elevated blood lead levels than White children. Nationwide, more than one-third of African-American children living in large central cities have elevated blood lead levels.
Of the 1.7 million young children with blood lead levels above the “level of concern,” an estimated 500,000 have blood lead levels at or above the level at which CDC calls for an “environmental investigation.” This involves an assessment of lead exposures to the particular child, usually performed by staff of the local health department, plus remediation of the source of these lead exposures. These 500,000 young children represent roughly 2.5 percent of the total population of children under age six.

The Problem: Pathways of Childhood Lead Poisoning

Ingestion of lead-contaminated surface dust is the most common pathway of childhood lead poisoning. Due to its small particle size, lead dust may not be visible to the naked eye and is difficult to clean up. Most commonly, lead dust gets on children’s hands and toys and then into their bodies through normal hand-to-mouth activity. This dust comes from lead-based paint that is deteriorating (chipping or peeling) and is created by friction or impact or disturbed during repainting or remodeling projects. The other significant pathway of lead exposure is dust from bare lead-contaminated soil. Soil contamination can be traced to past widespread use of leaded gasoline, to deteriorating exterior paint (on houses, bridges, and industrial facilities), and in some areas to industrial sources of lead.

Other, usually less common, sources of lead in a child’s environment can include drinking water (where lead solder and sometimes lead pipes were used in the municipal water system, in the child’s home, or in both), imported ceramic tableware with lead glaze, old toys or furniture painted with lead-based paint, parents’ clothing (where a parent’s work or hobby involves high levels of lead), and even home remedies used by some ethnic groups. For any particular child with an elevated blood lead level, it may be difficult to determine whether the source of the exposure is lead-based paint, dust hazards, or some other source.

The Problem: Lead-Based Paint Hazards to Workers and Their Children

The Task Force notes that painters, maintenance and renovation workers, and abatement contractors who use unsafe paint removal practices (especially open flame burning and uncontrolled power sanding) can be exposed to extremely high levels of lead. These workers are at risk of dangerous blood lead levels, although adults are less susceptible than children to some of the damaging effects of lead. Workers who take home clothing contaminated by lead dust can also poison their own young children.

The Problem: Lead-Based Paint Hazards in Housing

More than one-half the entire U.S. housing stock—and more than three-quarters of units built before 1978, when the use of lead in residential paints was finally banned in the United States—are believed to contain some lead-based paint. The majority of this lead-based paint is not presently dangerous (or we would expect to see many more children with elevated blood lead levels). Title X moved beyond the mere presence of lead-based paint by redefining the problem as those conditions that can expose a child to hazardous levels of lead—the greatest risks being deteriorating paint and lead-contaminated dust and bare soil. The Task Force’s best estimate is that 5 million to 15 million housing units contain lead hazards. The Task Force believes that addressing lead hazards in these homes, and preventing new lead hazards in the balance of the housing stock, will substantially reduce the risk that young children will develop elevated blood lead levels.

Because approximately one in five American households includes at least one preschool child, relatively few of these hazardous units will house a child under the age of six at any given point in time. However, over a more extended period of time, a substantial portion of these hazardous units will house children under the age of six at some point as families move.
All lead-based paint is not created equal: lead-based paint used prior to 1950 is likely to contain much greater concentrations of lead than lead-based paint used between 1950 and 1978. The concentration of lead in paint can vary by more than 100-fold: from one-half of 1 percent to well over 50 percent.

Lead-based paint hazards are likely to be concentrated in:

- Housing that is in poor condition due to substantial deferred maintenance and has significant amounts of interior lead-based paint. These housing conditions and exposure to other sources of lead, such as lead in bare soil, are the most likely explanation for the much higher prevalence rates of elevated blood lead levels in urban, poor, minority children living in older neighborhoods.

- Housing maintained or renovated with unsafe work practices (for example, dry sanding of lead-based paint surfaces) in which specialized, lead-specific cleaning was not subsequently conducted to remove lead dust.

Otherwise well-maintained housing can become hazardous if presently non-hazardous lead-based paint deteriorates or is damaged, maintenance workers fail to take proper precautions when working on lead-based painted surfaces, or significant amounts of lead-contaminated dust are tracked or blown into the unit but not removed.

The Task Force emphasizes the distinction between the mere presence of lead-based paint versus the existence of lead-based paint hazards. It believes that scarce resources must first be made available to housing with lead-based paint hazards (for hazard control), then to housing with well-above-average risk of future lead-based paint hazards (for hazard prevention), and then to other housing containing lead-based paint.

The Problem: Lack of Standards for Hazard Control

In many jurisdictions, housing owners do not have clear guidance on what to do to control lead hazards. Some state laws and local housing codes address lead-based paint hazards, but many of these codes prescribe actions that are inadequate, outdated (even dangerous), or so ambitious as to be unaffordable for most properties. The tort system develops its “standard of care” as cases are decided by judges and juries; at any given point, recent decisions will conflict and there is uncertainty as to what the next judge or jury will decide. Finally, any hazard control action carries with it the potential for creating hazards if the work is done improperly. Faced with these uncertainties, many owners choose to do nothing.

The Problem: Societal Costs of Childhood Lead Poisoning

As a society, the United States is already bearing high costs related to childhood lead poisoning. Some of these costs are relatively easy to measure: medical treatment, relocation to lead-safe housing of children having elevated blood lead levels, and special education. Other costs are real but more difficult to quantify: higher school failure rates; reduction in lifetime earning potential due to permanent loss of intelligence; and increases in societal pathologies (such as crime) due to reduced ability of lead-poisoned children to succeed as adults. Experts differ in their estimates, but it is clear that the societal costs per child poisoned are significant and the number of children poisoned is substantial.

The Task Force believes that implementation of its recommendations will lead to significant reduction in these societal costs. In that sense, the Task Force’s recommendations are self-financing. However, this self-financing is achieved only if the recommendations for public financing are accepted: the benefits of lead hazard control are society-wide, and it is appropriate for the public to invest in preventing the disease of childhood lead poisoning. We must resist the political temptation to foist these hazard control costs either onto children with elevated blood lead levels and their families or onto owners of economically distressed housing.
THE CURRENT SITUATION

The Current Situation: Deficiencies in Public Awareness
Some property owners simply are not getting the information they need to make informed decisions about maintaining lead-based paint, controlling lead-contaminated dust, and controlling other lead hazards. Many owners are unaware of the dangers presented by deteriorating lead-based paint, lead-contaminated dust, and bare lead-contaminated soil. All too often, maintenance, repainting, and renovation projects that disturb lead-based paint are performed without controlling, containing, and cleaning up lead dust. Similarly, some maintenance personnel and contractors are not as well informed as they need to be.

Many parents are unaware of lead hazards commonly found in the home and of the potential hazards of do-it-yourself projects that generate lead-contaminated dust. Parents do not know what steps they can take to protect their young children by minimizing lead exposure through regular housekeeping and having blood lead tests as part of well-baby care. For that matter, some health care providers may give parents bad advice because they are unaware of the most recent information on lead hazards.

Local officials and building inspectors are too often unfamiliar with the problems associated with lead-based paint. Even those familiar with the issues are often unable to take action because local laws, regulations, and statutes are unclear or prescribe inadequate, outdated, economically infeasible, or even dangerous remedies.

The Current Situation: Economically Distressed Housing
Many properties, both rental and owner-occupied, are not economically viable. The Task Force estimates that approximately one-fifth of the nation’s housing is economically distressed. These units do not generate sufficient income to cover the costs of operation and maintenance, and tenants cannot afford rent increases to finance such costs. These owners have insufficient resources to make improvements; private financing is not available because of the marginal economics of this housing; and government subsidies are limited or unavailable. Without additional resources, many owners of economically distressed properties cannot properly maintain their properties, let alone control lead-based paint hazards. Moreover, care must be taken so that the additional costs of lead hazard control do not result in marginal properties becoming economically distressed.

In general, for the vast majority of pre-1978 housing units that are economically viable:

- Benchmark standards will provide a framework for appropriate actions by owners;
- Liability and financing incentives will trigger appropriate hazard control action by housing owners;
- Private sector financing mechanisms can be relied upon to provide the resources to control hazards in this non-distressed housing; and
- Better education will create sufficient awareness of lead-based paint problems.

However, for economically distressed properties, reliance on education and private sector forces will not be sufficient. Economically distressed properties are particularly likely to contain lead-based paint hazards and are often occupied by young children. Without targeted public sector intervention, serious lead hazards in these units will go unattended, children will not be protected, and these units will undergo further disinvestment and possibly abandonment. The Task Force recognizes that, in addition to lead hazards, distressed housing units often face other serious problems that local officials must take into account in designing programs and allocating resources.

The Current Situation: Liability and Insurance Issues
The liability and insurance systems do not work effectively and efficiently to mitigate lead-based paint hazards. The liability system has two prime functions:

- Compensation to children who are injured due to the property owner’s failure to meet the standard of care; and
Risk management to create incentives for property owners to adhere to the standard of care and thereby avoid liability.

Whether viewed from the standpoint of children or from the standpoint of housing, the system is not working efficiently for lead poisoning claims. In particular:

- Standards of care are not well articulated, and therefore owners and insurers do not know what is expected and prudent.
- Risk is unpredictable, and, as a result, liability insurance is not readily available and is very expensive.
- The compensation system is random, providing large awards to a few and no awards or other relief to most children with elevated blood lead levels.

Without significant changes to the legal and insurance systems, the Task Force believes that these problems will continue.

The Current Situation: Who Performs Hazard Control Work?

Title X requires that lead-based paint inspections, risk assessments, and abatement projects be performed by certified individuals and firms. While nationally recognized training curricula have been developed for these disciplines and training courses are being offered through a national network of more than 30 universities and other private training providers, the supply of certified contractors is limited in most states. Many states are awaiting EPA regulations before establishing certification programs to ensure adequate training, proper work practices, and worker protection safeguards.

At the same time, millions of painters, remodeling contractors, and maintenance workers routinely encounter lead-based paint in the course of their regular activities. Unfortunately, most projects that disturb lead-based paint and generate significant amounts of lead dust are being performed without awareness of lead hazards. In fact, paint removal methods in common use today, such as open flame burning and uncontained power sanding, are now known to be unsafe when applied to lead-based paint.

The Task Force has concluded that it is unlikely, and inappropriate, for all lead hazard control work to be the province of a “specialty contracting industry,” as was the case with asbestos abatement. The Task Force recognizes the important role of certified risk assessors, lead-based paint inspectors, and abatement contractors. At the same time, however, the Task Force believes that maintenance staff can be trained to perform a great deal of the lead-based paint maintenance and hazard control work needed to protect children from lead exposure. It must be emphasized, though, that significant changes are needed in the paint removal and maintenance practices in common use today, particularly to control, contain, and clean up lead dust. The Task Force holds high expectations for and anticipates broad use of the one-day model training curriculum that EPA and HUD are developing for operations and maintenance/interim control activities.

There are no simple solutions

The various dimensions of the lead-based paint problem are interrelated. The Task Force has concluded that it is not productive nor effective to intervene in one part of the system and disregard others. Many issues are linked, for example:

- Without standards of hazard control, property owners do not know what measures they need to take to protect children from lead hazards.
- Standards that fail to target lead-based paint hazards or to achieve needed protections cost-effectively are counterproductive: if the standards for hazard control are unnecessarily costly, many owners will not be able to afford them.
- The lack of standards for hazard control discourages insurers from offering policies. If owners cannot get insurance, children with elevated blood lead levels are less likely to get compensation.
- Conversely, if the standards are not health-protective, children will be left at risk and insurers will be reluctant to provide insurance.
The Task Force therefore proposes standards of lead-based paint maintenance and hazard control that it believes protect children and are affordable to most housing owners. In addition, the Task Force recommends incorporating these standards into the liability, insurance, and financing systems to provide appropriate incentives for property owner compliance.

Because lead-based paint and lead-based paint hazards are pervasive in the nation’s private housing stock, because the supply of qualified inspectors and risk assessors is currently limited in most states, and because hazard control requires a significant investment of private and public financial resources, efforts to control lead-based paint hazards will require sustained effort over several years. The Task Force believes that its recommendations, taken together, will dramatically reduce the incidence of elevated blood lead levels in young children living in private housing.

While the Task Force believes that its recommended standards of lead-based paint maintenance and hazard control are necessary to reduce lead hazards in rental housing, many marginal rental properties do not produce sufficient cash flow to pay for these measures. The Task Force has recommended that public subsidies be provided to finance hazard evaluation and control measures in these properties. If a state or local jurisdiction immediately requires that all of these measures be undertaken without providing subsidies or otherwise taking into account the economic capacity of properties and their owners to pay for such measures, the results may well be:

- Noncompliance (in other words, lead hazards in marginal properties will not be managed and children will continue to be endangered);
- Deterioration of properties as funds are diverted to lead hazard evaluation and control and from other, equally important operating and maintenance expenses;
- Abandonment of such properties by owners unwilling to make the further investment necessary to fund lead hazard management; or
- All of the above.

The importance of a public funding source for lead hazard evaluation and control in economically marginal properties cannot be overstated.

**The Task Force Recommends Ten Guiding Principles**

The Task Force recognizes that the nature of the lead problem differs from state to state and city to city, and that knowledge about the problem and the ability to identify and control lead hazards will advance in the future. The Task Force believes that there are a range of health-protective and cost-effective methods for implementing its recommendations. The Task Force, therefore, recommends the following principles to guide legislators, policymakers, housing owners, and others as they move to implement the Task Force recommendations:

- **Lead-based paint hazards are costly public health and housing problems.** Our society is bearing billions in annual, preventable costs with respect to children who develop elevated blood lead levels.

- **The answer to lead poisoning is prevention.** The alternative of intervening only after a child has been harmed is unacceptable and serves neither the interests of the child nor the property owner nor future generations of children.

- **Units with a high likelihood of lead-based paint hazards deserve priority attention.** The most serious lead-based paint hazards are concentrated in a relatively small share of our housing stock. State and local governments should identify those housing units where lead-based paint hazards are concentrated and should prioritize local hazard control efforts accordingly. Resources should be allocated commensurate with risk, with major emphasis placed on adequately assisting economically distressed properties.

- **A range of strategies and shared responsibilities is needed.** “One size fits all” approaches will not work. The housing stock and the people who live in it are extremely varied; and this variety calls for a range of solutions. Similarly, all relevant participants must work together to solve this society-wide problem.
- All participants in preventing poisoning need more information and education. A great deal of lead poisoning might be prevented by educating the full range of affected parties about lead hazards and their control.

- Property owners need flexibility in selecting health-protective strategies. Standards of hazard control must present a menu of potential approaches, allowing housing owners to choose among the various health-protective alternatives to find the one that is best suited to each property.

- Market forces must be engaged as much as possible. Market forces are a primary strength of America’s economic and political systems, and the Task Force believes that, wherever possible, legislatures should incorporate incentives and disincentives to achieve the desired outcomes.

- Public subsidies are vital to controlling hazards in economically distressed units. Owners of a significant fraction of units with lead-based paint hazards cannot afford the full cost of hazard control. If a state or local government legally requires hazard controls without providing subsidies or otherwise taking account of the economic capacity of properties and their owners to pay for such measures, the results may well be noncompliance, deterioration of properties, abandonment, and continuing exposure of young children to dangerous lead-based paint hazards.

- State and local programs should be tailored to meet local needs. The nature and extent of lead-based paint hazards vary significantly from community to community. These differences should be reflected in tailored, health-protective, and cost-effective local solutions.

- Prevention programs should build on community-based organizations and should help build their capacity to resolve residential environmental problems. In many communities, community-based organizations have significant capabilities to develop, renovate, and operate affordable housing consistent with local and neighborhood needs. Other community-based organizations have capabilities that can be useful components of a comprehensive lead-based paint hazard control strategy. Such organizations can be trained to carry out environmental remediation activities, including lead-based paint maintenance and hazard control.

KEY TASK FORCE RECOMMENDATIONS

The Task Force identified a series of strategies that, taken together, form the basis for its recommended comprehensive approach to the lead-based paint problem (see Exhibit 1). The recommendations are addressed to many affected parties, in both the public and private sectors. These recommendations are included at the end of this Executive Summary. The great majority of the Task Force recommendations fall into six broad categories that must be pursued together in order to produce a health-protective and cost-effective solution:

- Adopt benchmark lead-based paint maintenance and hazard control standards for rental housing. State legislators and regulators should adopt the Task Force’s benchmark standards of maintenance and hazard control for use in all relevant contexts: housing codes, housing code enforcement, health and sanitation codes, financing systems, the liability and insurance systems, and the public health system. The benchmark standards are designed to be reasonable, protective, specific, and enforceable. In designing these benchmark standards, the Task Force followed two key principles:

  - Find health-protective solutions that are also cost-effective. Throughout its discussions, the Task Force focused on achieving these two often competing goals.

  - Consider both permanent and ongoing controls. Permanent controls (abatement) offer greater assurance of safety than strategies such as paint stabilization, specialized cleaning, and Essential Maintenance Practices. Most housing providers believe that ongoing controls are more cost-effective on a net present
**Exhibit 1**

**Reinforcing Strategies for Lead Hazard Control**

All efforts to control lead-based paint hazards and protect young children from lead poisoning are related: Every piece—standards, incentives, resources, education, research, and sensible approaches for a variety of housing types—is important and connected.

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<th><strong>WORKABLE AND PROTECTIVE STANDARDS FOR RENTAL HOUSING</strong></th>
<th><strong>APPROACHES FOR DIFFERENT HOUSING TYPES</strong></th>
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<td>Adopt Benchmark Standards of Hazard Control</td>
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<td>Implement the Standards and Promote Compliance</td>
<td>Develop Actions Appropriate for Tenant-based Assistance Programs and Owner-Occupied Housing</td>
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<th><strong>RESOURCES AND INCENTIVES</strong></th>
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<td>Provide Public and Private Financing</td>
<td>Increase Public Awareness</td>
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<td>Modify the Liability and Insurance Systems</td>
<td>Promote Research on Cost-Effective Hazard Evaluation and Control</td>
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value basis, but permanent controls will be more cost-effective in some situations, notably where a major renovation is planned. While permanent controls involve significantly greater initial cost, they do eliminate the need for ongoing hazard control activities. The Task Force encourages all affected parties to consider the full range of control strategies and the cost-effectiveness of each for a given property or unit.

- **Provide public financing of lead-based paint hazard control in economically distressed housing.** The worst lead-based paint hazards are concentrated in precisely the housing that cannot afford the cost of hazard control. Public financing is essential in this context. By contrast, in other contexts the Task Force relies on market mechanisms. The Task Force also points out that much of the economically distressed housing stock is a valuable affordable housing resource, and encourages local governments to consider carefully how best to preserve this housing, rather than risk losing it to disinvestment and abandonment.

- **Modify the liability and insurance systems.** The tort liability system currently functions poorly for lead poisoning claims. Changes in the system are required to ensure that it both compensates poisoned children and sends property owners clear signals about what preventive measures they should be taking to control lead-based paint hazards. State legislatures should adopt the Task Force’s system of insurance and liability recommendations, including liability limitations for complying owners and an optional, no-fault alternative to the tort system for owners and occupants of housing in compliance with the standards of maintenance and hazard control.

- **Increase public awareness.** At the Task Force’s public hearing, perhaps the most consistent message was that everyone needs more and better information regarding lead hazards: parents and homeowners, property owners and tenants, maintenance workers, painting and renovation contractors, medical professionals, educators, public health professionals, local code enforcement officials, appraisers, lenders, and insurers.

- **Follow matching strategies.** Because roughly only one household in five includes a child under age six, all children can be protected from lead-based paint hazards long before such hazards are controlled in the entire housing stock. To the extent allowable under fair housing laws, households with young children should be matched with housing units that do not contain lead-based paint hazards.

- **Promote more research on cost-effective strategies.** The human health effects of lead have been the subject of exhaustive research. By contrast, relatively little has been done to determine the most cost-effective strategies for evaluating and controlling lead hazards in housing. The Task Force calls for additional research into the geographic and housing distribution of children with elevated blood lead levels, studies to identify and validate more cost-effective and reliable methods for hazard evaluation and control, and technical studies relevant to hazard control strategies.

The Task Force’s recommendations are consistent with President Clinton’s new approach to addressing environmental problems, as set forth in his special report entitled *Reinventing Environmental Regulation* (March 16, 1995). For example, as called for by the report, the Task Force has recommended a combination of public and private efforts that are flexible, risk-based, and cost-effective and were developed through a collaboration process involving the affected parties.

**SUMMARY OF THE BENCHMARK LEAD-BASED PAINT MAINTENANCE AND HAZARD CONTROL STANDARDS**

The Task Force’s benchmark standards of lead-based paint maintenance and hazard control have been designed to apply to all pre-1978 rental units (except housing for the elderly and zero-bedroom units, unless
such housing is occupied by a young child). Recognizing that lead hazards vary widely in pre-1978 housing, the Task Force recommends a two-tiered approach: certain maintenance and other responsibilities apply to all units, and additional hazard control standards apply to higher priority units.

Higher priority units are those presumed to pose a greater risk of lead hazards (absent unit specific data) such that additional hazard control measures are needed. For these benchmark standards, the Task Force classified units built before 1950 as higher priority, because information from several sources indicates that pre-1950 units are likely to contain more lead-based paint, paint with higher concentrations of lead, and a higher likelihood of hazards.

As state and local governments establish standards of hazard control, the Task Force recommends that they consider this pre-1950 benchmark for higher priority units as well as modifications based on objective local data, such as housing age and condition, lead poisoning prevalence rates, and demographic factors. The Task Force emphasizes the importance of this higher priority designation: an overly narrow definition will miss units with uncontrolled lead hazards, leaving children at risk; an overly broad definition will unnecessarily impose the requirements and expense of additional hazard controls on lower risk units. The designation of units as higher priority has direct economic consequences because of the cost of the additional hazard control standards. If public subsidies are not provided for economically marginal properties that are designated higher priority, scarce funds may be diverted from other maintenance work, or the failure to comply could encourage disinvestment or abandonment. State and local governments should make every effort to ensure that the higher priority designation is applied only to units with a high likelihood of having lead hazards.

The benchmark standards have been designed to provide appropriate alternatives for property owners in selecting the approach to meeting the standards that best fit their situations (see Exhibit 2).

Performing a lead-based paint inspection is an option available to all property owners, although it is not mandated in any situation. An inspection may document that no lead-based paint is present or identify only a few components with lead-based paint for hazard control or abatement. If an inspection finds a unit or property to be free of lead-based paint (or to have had all lead-based paint abated), it is exempt from these standards completely.

The following core maintenance and hazard control standards apply to all pre-1978 rental units that may contain lead-based paint:

- **Essential Maintenance Practices.** These are low-cost maintenance and management actions to avoid creating lead-based paint hazards and to ensure rapid and safe responses to deteriorating paint (see Exhibit 3-2 for specific provisions).
- **Response to an Elevated Blood Lead (EBL) Child.** When a young child develops an elevated blood lead level, additional action is called for by the property owner to identify and control any lead-based paint hazards in the unit (see Exhibit 3-3 for specific provisions).
- **Control Identified Lead-Based Paint Hazards.** The housing owner must respond to lead-based paint hazards identified by a qualified professional or a local agency official and promptly control hazards in units occupied by a family with a young child (see Exhibit 3-4 for specific provisions).
- **Risk assessment.** This evaluation is performed by a certified professional to determine if any lead-based paint hazards are present. Having a risk assessment conducted is an option, rather than a general requirement, for owners of higher priority units. Further owner action will depend on the findings of the risk assessment:
How LBP Hazard Control Standards Apply to Pre-1978 Rental Housing Units

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Exhibit 2

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<td>Response to an EBL Child and</td>
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<td>HIGH PRIORITY UNITS?</td>
</tr>
<tr>
<td>No</td>
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<tr>
<td></td>
</tr>
<tr>
<td>No Additional Action Required</td>
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<td></td>
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<tr>
<td>Yes</td>
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<tr>
<td></td>
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<tr>
<td>Risk Assessment Performed?</td>
</tr>
<tr>
<td>No</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Standard Treatments</td>
</tr>
<tr>
<td>(see Exhibit 3-6)</td>
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<tr>
<td></td>
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<tr>
<td>Yes</td>
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<td></td>
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<tr>
<td>Unit Passed Risk Assessment?</td>
</tr>
<tr>
<td>No</td>
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<tr>
<td></td>
</tr>
<tr>
<td>LBP HAZARD CONTROL</td>
</tr>
<tr>
<td>Control All LBP Hazards, or</td>
</tr>
<tr>
<td>Implement Lead Hazard</td>
</tr>
<tr>
<td>Control Plan</td>
</tr>
<tr>
<td>(see Exhibit 3-5)</td>
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<tr>
<td></td>
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<tr>
<td>Yes</td>
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<td></td>
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<tr>
<td>Unit Passed Follow-up Evaluation?</td>
</tr>
<tr>
<td>No</td>
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<tr>
<td></td>
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<tr>
<td>Yes</td>
</tr>
</tbody>
</table>

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a  Based on Title X, efficiency apartments and units for occupancy by elderly individuals or persons with disabilities are excluded, unless occupied by a child under age 6. Units that can document that no LBP is present or that all LBP has been abated are also excluded.

b  Property owners can perform a full risk assessment or a lead hazard screen. However, properties that fail a lead hazard screen will need to have a full risk assessment conducted to identify the nature and location of LBP hazards in the unit.

c  Units that pass two consecutive evaluations (risk assessments, lead hazard screens, or reevaluations) are no longer classified as higher priority units. However, these units still need to comply with the basic requirements that apply to pre-1978 units.
- **Risk assessment finds no lead-based paint hazards.** The owner would continue to follow the three standard practices described above, and would have a follow-up evaluation after an appropriate period of time. Units with two consecutive passes are no longer considered higher priority.

- **Risk assessment identifies hazards.** In this case, the owner would have the choice between controlling the hazards (a) in all units, or (b) in multifamily properties, working with the risk assessor to develop a property-specific Lead Hazard Control Plan that would be equally health-protective but more cost-effective (see Exhibit 3-5 for specific provisions).

- **Standard Treatments.** Alternatively, the owner can forgo a risk assessment or inspection and implement a standard set of hazard control measures, which are performed primarily at unit turnover (see Exhibit 3-6 for specific provisions).

  - **Cost of hazard evaluation.** Clearly, funds expended for hazard evaluation are not available for hazard control. On the other hand, risk assessments and inspections can often target lead hazards for more cost-effective controls.

  - **Absence of lead-based paint.** Owners of this housing will find it to their advantage to have this documented by a qualified professional, exempting the property from further hazard control requirements.

  - **Absence of hazards.** The property might be found to contain lead-based paint but no lead hazards, thereby removing the property from the higher priority category.

  - **Low-cost abatement.** The property might have very small amounts of lead-based paint that could be controlled permanently at very modest cost — lower than the cost of Standard Treatments.

To provide property owners and policymakers with a framework for understanding the costs associated with the benchmark standards, Chapter 3 presents preliminary estimates of the additional cost to comply with the standards for several sample properties. The actual cost for any given property will vary considerably depending on its construction, physical condition, geographic location, local market conditions and the treatment approach selected by the owner. The estimates illustrate the additional, or incremental, costs of meeting the benchmark standards over a ten-year period. They do not include the costs of correcting structural problems or housing code violations, nor the costs of routine maintenance that would otherwise be incurred by a property owner.

For lower priority units, the average incremental cost for property owners to comply with Essential Maintenance Practices is estimated to range from $50 to $100 per unit per year. For higher priority units, the annual average incremental cost of meeting the standards ranges from $100 to $200 per unit in large multifamily properties and from about $250 to $350 for single rental units, depending upon the treatment approach used. For higher priority units, costs in the first year are typically two to three times higher than annual average costs.

These estimates are based on specific assumptions about the extent of lead-based paint hazards, the number of repair projects, annual unit turnover rates, and other property characteristics. Of course, properties that contain extensive lead hazards are likely to incur much higher costs, while those that have fewer (or no) lead hazards would have lower costs. Further, properties located in higher cost areas may face greater expenses in meeting the standards due to the higher cost of labor, services, and materials. The specific assumptions used in developing these estimates are presented in Appendix B of the report.

**WHO SHOULD READ THIS REPORT?**

The Task Force is formally submitting this report to the Secretary of HUD and the EPA Administrator, per its statutory charge. However, because this report addresses the challenges of lead-based paint in private
housing, the intended audience is quite broad. The Task Force offers this report to public and private sector policymakers in the following fields and urges that they and their associated interest groups work to implement the recommendations in this document.

Appraisal
Building and Housing Codes
Children’s Services
Economic Development
Environmental Justice
Homeownership
Housing Counseling
Housing Development
Housing Finance
Insurance Law
Lead Hazard Evaluation and Control
Pediatric Health Care
Public Health
Real Estate
Renovation and Remodeling
Scientific Research
State and Local Government
Worker Safety

STRUCTURE OF THE REPORT

It is clear from the foregoing summary that lead hazard evaluation and control is complex, with many aspects that must be dealt with under many varying conditions in varying housing markets. The Task Force’s recommendations, therefore, cover a range of issues and actions. The Task Force urges that they be read and considered as a whole, and that policymakers refrain from considering either single recommendations or the contents of any single chapter outside of the broader context of the entire report.

Part I of the report provides introduction, background, and overview. Chapter 1 describes the nature and scope of the problem of childhood lead poisoning and the serious challenges that lead-based paint hazards pose to our housing stock. Chapter 2 sets forth the overarching principles and reinforcing strategies that guided the Task Force in developing its specific recommendations.

Part II of the report addresses standards of lead hazard control for rental housing and their implementation. Chapter 3 explains the importance and content of the benchmark standards of lead-based paint maintenance and hazard control proposed for consideration and adoption, with appropriate modifications to reflect relevant housing markets and conditions. Chapter 4 presents the Task Force’s recommendations aimed at achieving broad scale implementation of the recommended benchmark standards, including the special consideration due economically distressed units.

Part III of the report deals with resources and incentives: financing, insurance, and liability. Chapter 5 covers both opportunities to enhance private financing and actions that should be taken to provide the critical additional resources necessary to control lead hazards in economically distressed housing. Chapter 6 deals with the complex issues of liability and insurance for rental property owners and contractors.

Part IV explores strategies for lead hazard control in different housing types. Chapter 7 contains proposals for matching households with young children or pregnant women with hazard-controlled units. Chapter 8 describes the potential immediate impact of implementing the benchmark standards in HUD- and other publicly-funded tenant-based assistance programs. Chapter 9 consolidates the Task Force discussion on owner-occupied housing.

Part V addresses meeting educational and research needs. Chapter 10 describes a series of measures that will greatly increase awareness of lead hazards and measures to reduce them. Chapter 11 delineates specific topics on which additional research is urgently needed.

PUTTING THE PIECES TOGETHER

Lead poisoning is a serious—but preventable—disease. In addition to the threat to children’s health and intellectual development, lead-based paint hazards pose a threat to millions of housing units. The current system operates chaotically and does not serve the interests of children, housing providers, lenders, or insurers.
This report proposes a set of recommendations and reinforcing strategies that the Task Force believes are realistic, workable, and protective—changes that can work to the benefit of all parties. However, these changes will not occur unless all parties recognize their roles, responsibilities, and self-interest in overcoming the current confusion. Every day that we delay, more children will be harmed and the pressures on our affordable housing stock will intensify. Action is needed now on several fronts.

**Federal Leadership**

Federal leadership is essential to gain broad acceptance of the benchmark standards for maintenance and hazard control. Although these standards were designed for private housing, they are applicable to federal housing programs, present and future. In some cases, such as federally subsidized housing rehabilitation, federal programs should logically go beyond the benchmark standards; in no case should they do less. The breadth of federal housing assistance and insurance programs presents a unique opportunity to advance workable, protective, and cost-effective standards and to stimulate their adoption throughout private housing.

Without additional subsidies, hazards will go uncontrolled in distressed housing, children will continue to be poisoned, and these units may be lost. A dedicated source of funds is needed to help cities and states control lead hazards in economically distressed units. Finally, federal leadership is critical to research, education, model training courses, health-based standards, and quality controls on abatement and hazard evaluation.

**State and Local Governments**

State and local laws and regulations that are currently vague, outdated, unrealistic, or unprotective need to be reformed based on the benchmark standards, and modified as appropriate to meet local conditions. As states put clear, protective, and enforceable standards in place, they should provide incentives for compliance through insurance, financing, and liability limitations based on the principles and recommendations set forth in this report. State and local governments also have important roles in education, blood lead screening and case management, enforcing standards, using matching strategies, and building capacity for safe and effective lead hazard control.

**Private Sector Action**

Private property owners can implement the Task Force’s benchmark standards prior to changes in law and regulation. Such voluntary action will greatly reduce the risk of lead poisoning, evidence owners’ good faith efforts, and assist in securing affordable liability insurance.

Both lenders and liability insurers should incorporate appropriate elements of the benchmark standards into their underwriting. Recognition of these standards by the real estate finance and insurance industries will provide powerful private market incentives for property owners to comply, help preserve our older stock of affordable housing, and expedite enactment of enlightened state laws and regulations. Community-based organizations in many neighborhoods can also play significant roles in identifying lead hazards and helping owners perform controls.

While some communities (and perhaps a few states) with a newer housing stock have very low rates of childhood lead poisoning, the extent of the problem is unknown in most areas. In jurisdictions in which children have not been systematically screened for lead poisoning and where housing units have not been evaluated for lead hazards, significant lead poisoning hazards may be undetected and untreated. The Task Force recommends the following initial steps for jurisdictions in which lead poisoning problems have not been characterized:

- Assessment of the nature and scope of the problem, based on housing data and blood lead levels;
- Prompt treatment of children with elevated blood lead levels and the elimination of sources of exposure; and
- Public education about lead hazards, including unsafe paint removal practices.

As jurisdictions compile more complete information on lead poisoning, the benchmark standards of hazard control and other Task Force recommendations can be tailored to meet local circumstances.
SUMMARY OF RECOMMENDATIONS

CHAPTER 3

Standards of Hazard Control

Recommendation 3-1:
Standards for Pre-1978 Rental Housing
The Task Force recommends that the following three LBP maintenance and hazard control standards apply to pre-1978 rental units (unless an LBP inspection has found no LBP):
- Essential Maintenance Practices (Exhibit 3-2);
- Actions in response to notification of an EBL child (Exhibit 3-3); and
- Control of identified LBP hazards (Exhibit 3-4).

Recommendation 3-2:
Defining Higher Priority Units
The Task Force recommends that pre-1950 housing be defined as the national benchmark for higher priority units and that state and local governments consider appropriate modifications based on factors including but not limited to age of the housing stock and location-based factors such as housing dilapidation or, where adequate blood lead screening data are available, above-average rates of EBL children.

Recommendation 3-3:
Establishing Additional Standards for Higher Priority Housing
The Task Force recommends that LBP hazard control standards for higher priority units require either:
- Risk assessment/hazard control
  - Control of identified LBP hazards (Exhibit 3-4); or
  - Implementation of a Lead Hazard Control Plan (Exhibit 3-5); or
- Standard Treatments (Exhibit 3-6).

CHAPTER 4

Implementation and Compliance

Recommendation 4-1:
Federal Actions Supporting Adoption of the Benchmark Standards
Federal agencies should recognize and support the adoption of the benchmark LBP hazard control standards for rental housing by taking the following actions:
- HUD, EPA, and other federal agencies should endorse the benchmark standards and urge that they be implemented by lenders, liability insurers, private organizations and trade associations, state legislatures, local jurisdictions, the courts, and property owners.
- HUD should apply these standards in its regulations for federally subsidized programs (with changes as appropriate) and require compliance with the standards for recipients of funding dedicated to provision of affordable housing, as well as to LBP hazard evaluation and control.
- HUD should sponsor a project by model code organizations to incorporate these standards into model housing and building codes.
- HUD/EPA should take all steps necessary to expedite completion of the operations and maintenance/interim controls one-day training curriculum.
- HUD/EPA regulations should prohibit the use of unsafe practices during activities that disturb paint on surfaces likely to contain LBP.
- HUD and EPA guidelines, regulations, and training courses for risk assessors and inspectors should address means to document the results of lead hazard evaluations and compliance with established standards.
- CDC should sustain and encourage universal blood lead screening to ensure identification, treatment, and LBP hazard control in the homes of at-risk children and to provide reliable data on the prevalence rates of EBL children for state and local governments to use in defining higher priority units.

Recommendation 4-2: