

public citizens for children + youth

Testimony to the Massachusetts' State Legislature's Joint Committee on Public Health for Bills H2346 and S1430

Submitted by Colleen McCauley, RN BSN MPH, Health Policy Director,
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Honorable members of the Joint Committee on Public Health, thank you very much for this chance to speak with you. My name is Colleen McCauley, and I am the Health Policy Director at Public Citizens for Children and Youth in the Philadelphia region where I facilitate the Lead-Free Philly Coalition.

We are the Coalition that successfully advocated for the Philadelphia City Council to pass one of the most protective lead laws in the country. The law passed in 2019 requires ALL Philadelphia landlords with pre-1978 properties to test for lead and submit a lead-safe or lead-free certificate to the City. Landlords cannot get a rental license without a lead certificate on file. Why did we do this? Because lead robs children of their potential. It can cause permanent brain damage - especially to babies and kids six and under. Lead can cause learning, behavior, hearing and speech problems, sometimes requiring special education services, and it's a risk factor for criminal behavior. One of our partner organizations, Fight Crime Invest in Kids, just released a [new report](#) on how getting lead-based paint hazards out of homes can prevent future crime. We also passed a more protective law because lead poisoning is a silent epidemic in our City. More than 40 years after lead was banned for use in residential paint, [Philadelphia](#) still has over 2,000 babies poisoned every year. And Black and Hispanic babies are disproportionately poisoned because they are more likely to live in older properties with deteriorated lead-based paint. In Philadelphia, 5 times more Black children and 2 times more Hispanic children are poisoned than White children.

In 2011, Philadelphia had a law on the books similar to Massachusetts requiring only landlords of rental properties with children six and younger living in them to comply; but it failed. It failed because only a quarter of all required rental units in the City were in compliance. The City could not enforce it because there's no record of tenants' ages at the time of new occupancy, so there was no way to identify which properties had small children in them.

And there shouldn't be a record of tenants' ages - out of concern that this fuels discrimination against families with young kids. And families were discriminated against in Philadelphia - and you have clear evidence of this in Massachusetts as documented by the Massachusetts Fair Housing Center. We had a mom testify in Philadelphia about her landlord refusing to renew her lease when she was eight months pregnant with her first child because she said the landlord told her that with a child soon living in her unit, he'd have to test her unit for lead, and if he found it, he didn't want to fix it.



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We have to stop using babies as “canaries in the coal mine” to detect for the presence of toxic lead in homes. To allow a child to be poisoned by lead and potentially damaged for life is morally and ethically wrong. **Lead poisoning is entirely preventable.** This is not rocket science. I applaud you for introducing H2346 and S1430 to require landlords to conduct lead mitigation of all older properties in Massachusetts. The timing is right for taking bold action. The American Rescue Plan not only includes funding for lead remediation, but specifically recommends that Rescue funds be used for this purpose.

Philadelphia passed the most protective lead law for a city in the country. When Massachusetts amends its law to require ALL older residences to be made lead-safe, Massachusetts will pass the most protective state law in the country.

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