

Lawmakers: lead poisoning fund needs money



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New Jersey's virtually depleted [lead poisoning control fund](http://www.njleg.state.nj.us/20022003/S1500/1348_E1.HTM) ([ftp://www.njleg.state.nj.us/20022003/S1500/1348_E1.HTM](http://www.njleg.state.nj.us/20022003/S1500/1348_E1.HTM)) would see an infusion of state dollars if some state lawmakers get their way.

"The health of our children is something that's very important, so I think we should make every effort that it's funded to the intent of the original legislation, at least to make an attempt to do that," said state Assemblywoman Mary Pat Angelini, R-Monmouth. "Any time we get away from the original intent of legislation, we get ourselves in trouble."

State Sen. Jeff Van Drew, D-Cape May, plans to hold a hearing on legislation ([S-1279](http://www.njleg.state.nj.us/2014/Bills/S1500/1279_11.HTM) (http://www.njleg.state.nj.us/2014/Bills/S1500/1279_11.HTM)) that would pump \$10 million into the Lead Hazard Control Assistance Fund. An Asbury Park Press [investigation](http://www.asburyparkpress.com/story/news/investigations/watchdog/government/2015/01/02/nj-lead-hazard-fund-depleted/21193095/) ([/story/news/investigations/watchdog/government/2015/01/02/nj-lead-hazard-fund-depleted/21193095/](http://www.asburyparkpress.com/story/news/investigations/watchdog/government/2015/01/02/nj-lead-hazard-fund-depleted/21193095/)) published last week showed that the fund rarely received the funding it was due in the last decade.

Van Drew said "the lead problem in New Jersey is an important and a challenging issue. While we have heard from the (state Department of Community Affairs that) there has been a continued reduction in lead-poisoning cases, more than 5,000 children in the state with above-average levels is concerning."

Van Drew's comments came in response to the Press' inquiry, which found that more than \$50 million that was supposed to be earmarked for the lead poisoning fund had been diverted to pay routine state bills and salaries.

"I will be looking into this issue further and, in the near-term, expect to post legislation (for a hearing) that would provide \$10 million in supplemental funding to the Lead Hazard Control Assistance Fund," said Van Drew, a dentist who chairs the Senate Community and Urban Affairs Committee, said in a statement.

Lead poisoning is [preventable](http://www.cdc.gov/nceh/lead/nlppw.htm) (<http://www.cdc.gov/nceh/lead/nlppw.htm>). Gov. Chris Christie — his administration has called lead poisoning the top environmental threat facing the state's children -- could pump up to \$8 million into the fund without any further action by lawmakers, under the fiscal 2015 appropriations law. But his office declined to comment on the depletion of fund — or any of the investigation's findings.

Christie, who is mulling a run for the presidency, also could help ensure that the fund gets what it's due — at least \$7 million and up to \$14 million in earmarked paint and coating sales tax revenues — in the next state budget, which begins July 1.

"We would love to see" the lead fund restored, said Elyse Pivnick, senior adviser and environmental health director at [Isles Inc](http://www.isles.org/) (<http://www.isles.org/>), a Trenton-based nonprofit community development and environmental organization.

Sen. Robert W. Singer, R-Ocean, vice chair of the Ocean County Board of Health, said lead poisoning is "a very serious situation, especially when you're dealing with children. It has long-term ramifications and certainly it deserves our full attention."

The fund, created in 2004 but nearly empty now, is supposed to provide loans and grants to remove lead paint from homes and rental units. Any home built before 1978 in New Jersey may still contain [lead-based paint](http://www.state.nj.us/health/fhs/documents/childhoodlead2012.pdf) (<http://www.state.nj.us/health/fhs/documents/childhoodlead2012.pdf>) and every county has thousands of such homes.

More than 5,000 children a year in the state, mostly poor minority kids who live in older cities, are found to have [excessive levels of lead](http://www.cdc.gov/nceh/lead/acclpp/blood_lead_levels.htm) (http://www.cdc.gov/nceh/lead/acclpp/blood_lead_levels.htm) in their bodies. Hundreds of children in Monmouth and Ocean counties are affected.

[Lead is a toxic metal](http://www.cdc.gov/nceh/lead/tips.htm) (<http://www.cdc.gov/nceh/lead/tips.htm>) found in old paint chips and dust, soil around homes and in playgrounds, home remedies and some imported candies. It can cause brain damage, along with learning and behavioral problems. It has been linked to attention-deficit/hyperactivity disorder, juvenile delinquency, criminal behavior and an increased need for special education. African-American children are three times more likely than white children to have elevated blood-lead levels, according to the [U.S. Centers for Disease Control and Prevention](http://www.cdc.gov/nceh/information/healthy_homes_lead.htm) (http://www.cdc.gov/nceh/information/healthy_homes_lead.htm).

At least \$7 million and up to \$14 million a year in dedicated paint and coating sales tax revenues is supposed to go into the lead fund. But the fund has received its minimum from those taxes in just one year from 2004 through fiscal 2015, which ends on June 30.

The bill (S-1279 (http://www.njleg.state.nj.us/2014/Bills/S1500/1279_11.HTM)) to restore funding, introduced by Sen. Ronald L. Rice, D-Essex, last February, stalled. The Senate approved a previous bill (S-2128), 24-9, in June 2012, but the measure died in the state Assembly.

Singer said he voted against S-2128 because the state was broke. "The answer is that as the economy gets better in the state, as dollars free up," the lead fund should be fully funded, he said.

Sen. Samuel D. Thompson, R-Monmouth, said "we have a tremendous fiscal mess this year with the pension fund, the transportation trust fund. We certainly should try to shoehorn something like this (lead funding) in here if we can."

Assemblyman Ronald S. Dancer, R-Ocean, said he hopes the fund will be restored in the fiscal 2016 budget. "This is such an important issue for not only the lives of children, for their future learning ability," he said.

David A. Henry, health officer for Monmouth County Regional Health Commission No. 1 (<http://www.mcrhc.org/index.html>), which covers 21 towns, said "my recommendation is that people just need to take a closer look at and to try and protect children and try and protect our future. Children are our future."

Top environmental threat

The Press also found that the state did not carry out a 2008 law (http://www.state.nj.us/dca/divisions/codes/publications/pdf_bhi/1_and_2_fam_lead_safety_advisory.pdf) aimed at making sure that one- and two-family rentals are lead-safe. That's despite the fact that the state considers lead the top environmental health threat (<http://www.nj.gov/humanservices/opmredd/health/>) for children. A DCA spokeswoman has said the state did not have the massive resources that would be needed.

Assemblyman Dancer said "I think that's a failure" of the DCA. "You can't blame everything on the lack of resources, especially when it comes to lives and public safety," he said.

In Maryland (<http://www.mde.state.md.us/programs/Land/LeadPoisoningPrevention/RentalPropertyOwners/LeadRegistration/Pages/index.aspx>), residential rental properties built before 1950 are required to be registered with the Maryland Department of the Environment because of that state's Lead Risk Reduction in Housing Act (<http://www.mde.state.md.us/programs/Land/Documents/LeadFactSheets/LeadfsRentalRegistrationUpdate.pdf>). As of Jan. 1, residential rental properties built before 1978 must be registered. All properties built before 1978 must have a new lead inspection certificate each time occupancy changes.

No comment from Christie

The Governor's Office and the departments of health, education and community affairs all declined to comment on the Press' lead-poisoning articles. State officials said previously that the number of lead-poisoned children has declined dramatically over the past 20 years as the number of children tested has risen significantly. The decline in recent years is partly due to newer housing, according to officials.

The state is using a \$4.75 million federal grant to create a Lead Hazard Reduction Program for people living in Sandy-flooded housing units. A \$7.3 million state effort, also funded by the federal government, is testing young children, pregnant mothers and Sandy recovery workers for lead, officials have said.

Lead poisoning in schools

State legislation (S-2650/A3990) introduced last month would require information on elevated lead levels to be provided to public schools when students are enrolled. The bill would also require each school district and charter school to adopt a written policy addressing lead-poisoned students. Policies would cover staff education, parent education strategies and referral of students for monitoring, enrichment opportunities and other services or for evaluations to determine if they're eligible for special education programs and services.

Under the bill, students may be referred to local health departments for intervention. The bill would allow children with lead exposure to be included in a state Department of Health Early Intervention Program. The bill would also require child care center records to include information on elevated lead levels.

The New Jersey Education Association, which represents school teachers, supports the bill in concept but "we'd want to make sure that the professional development component for teachers is structured in the most effective way," said Steven Baker, spokesman. "I don't think that is a stumbling block at all — just a discussion we'd want to have with the sponsor to make sure it is done correctly."

"But this is a lead safety bill, and we are on record in support of efforts to improve health and safety in schools and for children, including in the area of lead safety," Baker said in an email.

Elyse Pivnick, senior adviser and environmental health director at Isles Inc., a Trenton-based nonprofit community development and environmental organization, said "the benefit of this bill is that it will open up the lead poisoning information that we have that's in a sense locked in health and make it available to educators who will be able to apply it in working with their students."