NATIONAL APARTMENT ASSOCIATION

ISSUE FACT SHEET

Lead Based Paint

Federal and state regulatory standards over the past 30 years have greatly reduced or eliminated lead from a variety of sources resulting in a vast decline in blood lead levels nationally.[i] [ii] Despite these significant advancements in public health, property owners still face the prospect of even stricter lead disclosure and remediation requirements at all levels of government. As health hazards could result from exposure to leaded general aviation fuel, lead-contaminated water, contact with contaminated consumer products or by other means outside the home, policymakers should balance these factors as they seek to regulate lead-based paint in apartments.

Dust-lead hazard standards are crucial to protecting the health of young children. Small children tend to put toys and other household items into their mouths that may be contaminated, putting them at higher risk for exposure. With that said, it is not clear whether the majority of dust lead hazards in covered housing originate from lead-based paint. In a 2006 study evaluating HUD-funded properties at 6 years post-intervention treatment, researchers found that friction impact surfaces and leaded paint on doors and windows are not significantly related to lead dust found on the floors. Instead, the study concluded lead dust is blown in or tracked into residences. Exterior sources such as leaded soil, air, exterior lead dust, and ambient street lead were determined to be significant sources of both floor dust and windowsill dust levels.[iii]

Despite this ambiguity, policymakers continue to spend valuable time and resources trying to strengthen lead-based paint laws and regulations instead of targeting larger, more dangerous environmental sources of lead exposure. According to the EPA, 730 tons of lead are emitted into the air annually.[iv] General aviation fuel, or avgas, accounts for nearly 500 tons, making it the largest single source of lead air pollution.[v] Each gallon of avgas sold daily in the US contains tetraethyl lead, the same toxic substance used in automobile gasoline until 1996.[vi] Even after the FAA completes its Piston Aviation Fuels Initiative and chooses an unleaded aviation fuel in 2019, decades of lead pollution from this source will still be present throughout the environment and pose public health risks for years into the future.

Lead emissions from aviation fuel and other industrial processes fall through the air and sink into soil where they can linger for decades. Studies show that when children reside in inner city areas with exposed soil, their rate of exposure to lead has the potential to increase tenfold.[vii] When compared with children who play indoors, children who play outdoors in these areas have “several times more lead” on their hands.[viii]

Another source of environmental lead is water. According to a recent study by the Natural Resources Defense Council, 17.6 million people nationwide have been exposed to unsafe levels of lead through their community water systems in violation of the EPA’s Lead and Copper rule.[ix] These systems either failed to properly test water for lead contamination, disclose contaminations to the relevant authorities or the public, or treat the water to reduce corrosion.

The study attributes these failures to weak regulatory language and poor implementation and enforcement of the rule at both the federal and state levels. Out of

the 8,000 violations that occurred in 2015, the EPA only took formal action in 11.2 percent of cases, while seeking or assessing violations in 3 percent.[x] Furthermore, during the previous two major lead water crises in Flint, MI and Washington, DC, the EPA failed to act and downplayed the problem.[xi] These incidents, coupled with the general lack of enforcement, necessitate changes to the Lead in Copper rule.

Lead is a naturally occurring element found in all parts of our environment and historically has been used in a wide variety of products. These include ceramics, pipes, plumbing materials, gasoline, airline fuel, old playground materials, and household items such as toys, cosmetics, and food containers. As mentioned above, kids tend to place their hands in their mouths which provides an avenue of exposure. This type of exposure can occur at the home, but also at daycare centers or the houses of relatives.

NAA Position

NAA members are committed to providing healthy homes for the 35 million residents of their apartment communities. As policymakers work to protect the most vulnerable populations from potential lead exposure, they should not place the onus solely on apartment owners and operators to solve the problem with testing and remediation requirements.

[i] https://www.cdc.gov/nceh/lead/data/learnmore.htm
[ii] https://www.nytimes.com/2018/07/22/opinion/flint-lead-poisoning-water.html
[iii] Wilson J, Pivetz T, Ashley P, Jacobs D, Strauss W, Menkedick J, et al. Evaluation of HUD-funded lead hazard control treatments at 6 years post-intervention. Environ Res. 2006;102:237–248.
[iv] https://qispub.epa.gov/neireport/2014/
[v] http://www.chicagotribune.com/news/ct-leaded-gas-planes-met-20140520-story.html
[vi] http://www.chicagotribune.com/news/ct-leaded-gas-planes-met-20140520-story.html
[vii] Mielke HW. Lead in the inner cities. Am Sci. 1999;87:62–73
[viii] According to one a study done by Mielke, in 1999, over 50% (some studies place this number at 70 percent) of children living in the inner city of New Orleans and Philadelphia have blood lead levels above 10 micrograms per deciliter. In contrast, in Manhattan, where very little of the soil is exposed and almost all apartment and housing contain lead-based paints, between 5 and 7 percent of children under 6 had levels of 10 micrograms per deciliter or higher. Mielke HW. Lead in the inner cities. Am Sci. 1999;87:62–73
[ix] https://assets.nrdc.org/sites/default/files/whats-in-your-water-flint-beyond-es.pdf
[x] https://assets.nrdc.org/sites/default/files/whats-in-your-water-flint-beyond-es.pdf
[xi] https://www.nytimes.com/2016/02/09/us/regulatory-gaps-leave-unsafe-lead-levels-in-water- nationwide.html