



February 23, 2009

200900302

MOTION

We move that the Cincinnati Health Department:

- Issue and reissue vacate orders directly to all families currently living in rental housing with known lead hazards;
- Provide relocation assistance to those families;
- Assure that all housing vacated due to lead hazards remains vacated until the lead hazards are abated;
- Prosecute landlords who re-rent housing with unabated lead hazards;
- Prosecute landlords who have not complied with lead hazard control orders in a reasonable time;
- Report lead- testing rates for one and two year old Medicaid enrolled children to Council every three months (lead testing rates trigger enforcement action); and
- Report Health Department orders along with Building Code orders on sites where Building Code orders are currently available.

Roxanne Qualls, Councilmember

STATEMENT

Lead contaminated dust from old paint is the primary cause of lead exposure. It can lead to severe health problems in young children, including reduced IQ, learning disabilities,

developmental delays, reduced height, and impaired hearing. At high levels, lead can damage a child's kidneys and central nervous system and cause anemia, coma, convulsions, and even death. In the May 27, 2008 issue of the journal *PLoS Medicine*, Dr. Kim Dietrich of the University of Cincinnati reported the first clear evidence of a direct link between prenatal and early-childhood lead exposure and an increased risk for criminal behavior later in life.

Lead-based paint was banned in 1978. Since the majority of Cincinnati's housing stock was built before 1978, lead poisoning remains a danger throughout the City, especially in buildings that are poorly maintained.

When the Cincinnati Health Department discovers a lead hazard, it must order the owner of the building to control the hazard and set a date to examine the property for compliance. The order may require that everyone whose health is threatened by the hazard vacate the building. If an owner fails or refuses to comply with the lead hazard order, the Health Department must prohibit the owner from renting to anyone who will live in the unit.

In October, 2008 staff members of the Legal Aid Society visited 32 properties in Price Hill with outstanding lead hazard control orders. 21 of the buildings were still occupied. Very young children – who are the most vulnerable to lead poisoning - were living in most of them. Legal Aid alerted the Health Department about this dangerous situation. As of early February, the problem still existed.

In October, the City Administration announced that the City of Cincinnati received a \$3 million HUD Lead Grant. The grant covers inspections and lead removal. The resources are available to solve this problem.

Date: 05/27/08

Media Contact: Amanda Harper, (513) 558-4657

Note to Editor: *PLoS Medicine* published a related study, led by Kim Cecil, PhD, department of pediatrics, reporting that childhood lead exposure is associated with shrinking ("volume loss") of specific parts of the brain in adulthood. For access to the study, click here. For access to Dietrich's study, click here.

Childhood Lead Exposure Associated With Criminal Behavior in Adulthood

Audio Extra

CINCINNATI—New research from the University of Cincinnati (UC) reports the first evidence of a direct link between prenatal and early-childhood lead exposure and an increased risk for criminal behavior later in life.

Based on long-term data from a childhood lead study in Cincinnati, Ohio, Kim Dietrich, PhD, and his team have determined that elevated prenatal and postnatal blood-lead concentrations are associated with higher rates of criminal arrest in adulthood.

"Previous studies either relied on indirect measures of exposure or failed to follow subjects into adulthood to examine the relationship between lead exposure and criminal activity in young adults," explains Dietrich, principal investigator of the study and professor of environmental health at UC.

"We have monitored this specific sub-segment of children who were exposed to lead both in the womb and as young children for nearly 30 years," he adds. "We have a complete record of the neurological, behavioral and developmental patterns to draw a clear association between early-life exposure to lead and adult criminal activity."

Dietrich says few studies have attempted to evaluate the consequences of childhood lead exposure as a risk of criminal behavior. The UC-led study is the first of its kind to demonstrate an association between developmental exposure to lead and adult criminal behavior.

Dietrich and his colleagues report their findings in the May 27, 2008, issue of the journal *PLoS Medicine*.

This new study is part of a long-term lead exposure study conducted through the Cincinnati Children's Environmental Health Center, a collaborative research group funded by the National Institute of Environmental Health Sciences (NIEHS) and U.S. Environmental Protection Agency (EPA) that involved scientists from the UC College of Medicine and Cincinnati Children's Hospital Medical Center.

Led by Dietrich, researchers recruited pregnant women living in Cincinnati neighborhoods with a higher concentration of older, lead-contaminated housing. Recruitment took place at four prenatal clinics between 1979 and 1984. Dietrich's team has monitored this population group since birth to assess the long-term health effects of early-life lead exposure.

Of the original 376 newborns recruited, 250 were identified for the current study. Researchers measured blood-lead levels during pregnancy and then at regular intervals until the children were 6 ½ years old to calculate cumulative lead exposure.

Blood-lead level data was then correlated with public criminal arrest records from a search of Hamilton County, Ohio, criminal justice records. These records provided information about the nature and extent of arrests and were coded by category: violent, property, drugs, fraud, obstruction of justice, serious motor vehicle, disorderly conduct and other offenses.

Researchers found that individuals with increased blood-lead levels before birth and during early childhood had higher rates of

arrest—for both violent and total crimes—than the rest of the study population after age 18.

Approximately 55 percent of the subjects had at least one arrest—the majority of which involved drugs (28 percent) or serious motor vehicle violations (27 percent). The strongest association between childhood blood-lead level and criminal behavior was for arrests involving acts of violence.

Dietrich says that although both environmental lead levels and crime rates in the United States have dropped in the past 30 years, they have not done so in a uniform way.

“Lower income, inner-city children remain particularly vulnerable to lead exposure,” he explains. “Although we’ve made great strides in reducing lead exposure, our findings send a clear message that further reduction of childhood lead exposure may be an important and achievable way to reduce violent crime.

“Aggressive or violent behavioral patterns often emerge early and continue throughout life,” adds Dietrich. “Identifying the risk factors that may place youth on an early trajectory toward a life of crime and violence should be a public health priority.”

Study coauthor John Wright, PhD, a member of UC’s criminal justice faculty who studies the impact of factors like genetics, psychology and biology on criminality, says he had limited expectations for how strong a correlation between lead exposure and criminality could be established.

“I did not expect we would see an effect, much less a substantive effect and even less likely a highly resilient effect,” says Wright. “The fact that we are able to detect the effects from childhood exposures now into adulthood stands as a testament of lead’s power to influence behavior over a long period of time.”

UC coauthors include M. Douglas Ris, PhD, Richard Hornung, PhD, Stephanie Wessel, Bruce Lanphear, MD, Mona Ho, and Mary Rae, PhD. Funding for the study came from grants from the NIEHS and U.S. EPA.

 Print |  Close Window



THE ENQUIRER

Last Updated: 8:17 am | Sunday, June 25, 2006

Lead's dangerous legacy

Kids poisoned by their homes; City's failure to prosecute landlords leaves poor families exposed to toxic hazard

BY SHARON COOLIDGE | ENQUIRER STAFF WRITER

Hundreds of homes are contaminated by poisonous lead paint in Cincinnati and the city's Health Department is not forcing property owners to fix the problems.

The department has filed just two criminal complaints this year despite dealing with hundreds of foot-dragging landlords.

Health officials are thousands of times more likely to go after a property owner for litter than one with a lead-poisoning problem. Since 2002, the department has pursued 17,000 property owners for litter but taken only five to court for failing to clean up lead.

Since 2002, more than 570 young Cincinnati children have been poisoned by lead, which can stunt their growth both intellectually and physically.

Experts say that doesn't have to happen.

They say the Health Department, the Cincinnati Board of Health and the Cincinnati City Council ignore their warnings that homes coated inside and out with lead-based paint are an environmental danger, something that's been proven scientifically for decades.

Critics say city lead-prevention administrators are don't-rock-the-boat bureaucrats more interested in collecting their salaries than tackling the problem.

Less than 1 percent of the nearly 300 property owners who have thumbed their noses at city Health Department orders to clean up properties are taken to court despite an April 2004 Board of Health vote that added jail time to the law.

The department's failure to treat lead-tainted homes as a serious situation and its lack of get-tough enforcement put Cincinnati's most vulnerable residents - poor, black children - at risk, the experts say.

But lead poisoning doesn't discriminate.

The hazard is found all over Greater Cincinnati - from grubby inner-city apartments to grand, old homes on tree-shaded streets in Clifton and Hyde Park.

U.S. Census figures indicate 154,667 of Cincinnati's 165,945 homes were built before 1979 and are likely to be tainted with lead. That means that 93 percent of the homes in Cincinnati - one of the Midwest's oldest cities - could have lead paint, a substance banned from use in homes in 1978.

"Lead is Cincinnati's secret problem," said Bill Menrath, a University of Cincinnati researcher and longtime chairman of the city's lead advisory committee. "It's one of the most important public health issues facing the city."

When Summer Cook, age 1, stopped eating and seemed less like her playful self, her parents took her to a doctor who identified the problem - severe lead poisoning.

Summer had four times more lead in her system than what is considered dangerous by the National Centers for Disease Control and Prevention.

An inspection of Summer's Price Hill home found the attic where she and her siblings played was littered with lead-based paint chips.

The Cooks' landlord spent \$6,000 on repairs.

Summer, now 2, spends one Wednesday a month at Children's Hospital Medical Center, where doctors monitor her lead levels, which are slowly dropping.

"She was sick and we didn't realize it," said her father, Steve Cook. "And that was scary. We're afraid when she goes to school, she'll fall behind because of this."

CITY RESPONSE MUTED

Cincinnati Health Commissioner Noble A-W Maseru refused to discuss his agency's lead prevention program or why it is not tougher with recalcitrant property owners.

After three calls to his office, a secretary referred questions to Walter Handy, the assistant health commissioner.

Handy refused to talk about specific cases. He also said he felt uncomfortable quantifying how problematic lead-tainted homes are for the city, even though he is a member of the Centers for Disease Control and Prevention's childhood lead poisoning prevention committee.

Rashmi Aparajit, the Health Department's lead-paint program manager, said that in 2001 more than 2,000 cases were open, a number whittled to 300.

She called the two current court cases a start. "We're waiting for the one to go through as a model as how we're going to proceed, and then we're going to follow through with the others," Aparajit said.

Handy described the department as "historically proactive."

The department didn't want its lead-paint scofflaw list made public, claiming federal law kept the records secret.

The Enquirer spent two years in court fighting for the records before the Ohio Supreme Court ruled in March that the department must make the information public.

In what's believed to be the first ruling of its kind in the country, Ohio's high court ordered the department to turn over the information to the newspaper, saying the state's open records law takes precedence over the federal law.

The Enquirer got the records April 17.

An analysis of the properties that haven't been cleaned up and a second list of closed cases illustrates how the department handles lead hazards.

The department has 300 open cases, 225 dating back more than two years, meaning the statute of limitations has run out. For the department to take action, new clean-up orders must be issued, and the department hasn't done that.

The Health Department says it can't get into some homes without owner permission.

That's not true.

Ohio law allows the director of the local board of health - in this case Maseru - to go to court to get a court order allowing his inspectors access to properties.

The Enquirer visited all 300 properties in late May and early June and found that only five had lead-hazard warning signs. Signs are required on 74 of the properties, those inspected after new state lead regulations became law in April 2004.

Handy said that while signs are posted as required by Ohio law, they're almost always taken down.

Of the 300 properties, The Enquirer found that 150 are occupied and at least 54 kids live in the homes.

Nineteen are for sale. Another 12 are for rent.

The department lists 2,335 closed cases, but that doesn't mean the property was cleared of lead paint hazards.

In 171 instances, cases were closed because the child or children living in the property moved, leaving the landlord to possibly rent to other unsuspecting families.

In 185 cases, landlords refused to give the Health Department access to their properties, so the cases were not pursued. Despite the state law that gives the Health Department director the right to seek a court order requiring the owner to allow access, department officials said they cannot enter properties without permission from tenants or landlords. If that happens, the case is closed, records show.

Another 428 cases indicate the properties didn't have lead hazards.

In other cases, buildings were demolished, were not within city limits or had no children living in them.

The department lists 1,374 as being cleaned.

The department's record keeping also is not complete. For example, records are not uniform and the landlords aren't always current.

That's crucial to prosecuting the 300 open cases.

How does the city go after the property owner if it doesn't know who owns it?

The department also doesn't make the list available to the public, something the Building Department does online with its own list of problem properties.

CHILDREN SUSCEPTIBLE

Young children are particularly susceptible to the effects of lead because they explore the world with their hands and mouths, increasing the chance for ingestion, experts say.

Although taking children away from the source of the poison will leech the toxin from their bodies, the damage already has been done.

"The quicker we act to minimize the child's exposure, the lower their risk for long-term damage," said Dr. Adam Spanier, a pediatrician who works at the Cincinnati Children's Hospital Medical Center. "If a child has already suffered damage, though, some of it might not be reversible. The way to reduce the risk is to place the child in a lead-safe environment."

Children are particularly at risk because of Cincinnati's old housing stock.

Of the state's list of 513 high-risk ZIP codes - areas where children should be tested because of the age of the housing and demographics - 34 are in Hamilton County, the most found in Ohio's 88 counties.

When a doctor discovers lead in a child, the case is referred to the Ohio Department of Health, which in turn notifies the city Health Department.

A 2004 study by the Environmental Working Group, a Washington state, nonprofit environmental group, estimated that 19,000 children across Ohio and more than 2,000 in Hamilton, Butler, Warren and Clermont counties have lead poisoning and don't know it.

It's a faulty system, said Bruce Lanphear, a Cincinnati Children's Hospital Medical Center researcher whose 2003 research indicates that lead harms children at lower levels than previously thought.

Lanphear said all children should be tested for lead poisoning before going to school. And properties should be

inspected before a child moves into a house or apartment.

"If we wait until a child has an elevated level of lead in their blood to take action, we have failed to protect the child," he said.

As people leave the city for the suburbs, many properties are turned into rentals, buildings often not cared for as well as the owner's home.

The danger comes when paint is disturbed, either through deterioration or rehabbing.

"From a moral standpoint, we all should be concerned about children in our community suffering unnecessarily," said Menrath, the UC researcher. "And if that's not enough, from a practical standpoint this costs everyone money."

Menrath said research by the University of Cincinnati and other experts shows lead-poisoned children commit more crimes, have problems in school and require medical care, all expenses for taxpayers.

"It may cost \$9,000 to abate a property, but if you think about how many children won't be poisoned, that money isn't so much," Menrath said. "It costs more to do nothing."

Landlords are responsible to keep property lead-free, said Charles Tassell, director of governmental affairs for the Greater Cincinnati Northern Kentucky Apartment Association.

In the past the state made it difficult and expensive to do lead clean-up, but an April 2004 state law made it easier, Tassell said.

"More landlords are doing maintenance to avoid getting the Health Department involved," said Tassell, whose organization represents 80,000 apartment units.

While the law works most of the time, some cases are difficult because owners can't afford to fix problems. The Health Department can't force a grandmother caring for young children onto the street, Tassell said.

Menrath said the Health Department's apathy dates to the 1990s when it mismanaged a federal lead grant.

The city received \$6 million from the Department of Housing and Urban Development in 1994 to correct health hazards caused by lead-based paint in 250 homes. More than three years later, the city had started work on only two apartments.

Eventually 102 properties were rehabbed, significantly fewer homes than expected because the repairs were more expensive than anticipated, according to Handy, grant documents and health department databases.

Almost a half million dollars had to be returned to HUD.

After that, former Health Commissioner Malcolm Adcock, who died in 2004, wanted nothing to do with the lead program, Menrath said.

"I think Malcolm got burned badly on the lead grant," Menrath said. "He liked to have a clean reputation, so in response to that mess he decided to cover it up and insist lead wasn't a problem in Cincinnati.

Tom Rotte, Cincinnati's Lead Advisory Committee chairman and a retired supervisor of the city's lead program, put it more bluntly: "In total honesty, those people are there to collect a salary, they don't want any trouble.

"It's, 'Let's wait for the state to do something' or, 'There's no money to do this kind of program,'" Rotte said.

Mayor Mark Mallory said the city needs to be proactive. "Dealing with lead abatement is a very serious issue," he said. "It sounds like we need to explore real options for ensuring the health and safety of people in this area."

Mallory pledged to look at legislation other cities have used to successfully deal with lead paint.

Mallory said he will ask Cincinnati City Councilman Chris Monzel, chairman of council's Education, Health and Recreation Committee, to look at what can be done.

PROCESS SUPPOSED TO BE FAST

Getting a child out of a lead-tainted home should be done quickly.

Once a child is identified as poisoned, the Health Department tracks the source, which is often the child's home, and issues a clean-up order. The order requires the property owner to get a licensed lead contractor to do the work within 45 days.

Problems arise when property owners ignore the orders.

"Three hundred is a lot to be open at any one time," Rotte said. "I don't believe just because time transpired they should be off the hook. That number would dwindle quickly if a landlord knew prosecution was a possibility."

The Health Department has two options to force landlords to act.

It can file a civil action and take the landlord to the Office of Administrative Hearings, which can impose up to a \$1,000 fine. Yet, that isn't happening. Handy said they don't bring property owners in for administrative hearings on lead because they don't show up.

The department also can refer a property owner to the Cincinnati Solicitor's Office for criminal charges. Yet, the Health Department rarely takes that route. Just two cases have been filed this year.

"The impression now with landlords is if you procrastinate nothing will be done," Rotte said.

Menrath said the city doesn't have to wait for a lead-tainted property to harm a child.

Regulations for rehabbing properties with lead could stop problems at the onset, Menrath said. The city's lead regulations date to 1974 - four years before lead-paint was banned from use in residential housing.

"We lobbied for years and years to get Cincinnati to adopt very simple lead regulations, but the Health Department always stood in the way," Menrath said.

Suggestions for updated regulations include banning the sand-blasting of lead paint and requiring owners of buildings built before 1950 to get rid of peeling paint and to clean floors before new tenants move into a property.

The Board of Health has also not addressed safe lead cleanup, although it, too, has the power to update the regulations, Menrath said.

Environmental health has never been a priority with the Health Department, said Kim Dietrich, a professor of environmental health at the University of Cincinnati and director of the university's division of epidemiology and biostatistics.

"As a city we have to have the political will to spend the kind of money it would take to environmentally remediate this problem," Dietrich said.

The lead experts said they hope for a renewed effort by the Health Department under Maseru's direction. "I want to give him a chance," Dietrich said.

Azel Mincy Jr.; his wife, Lashaya Mincy; and their four young children live in a South Cumminsville home the Health Department ordered cleaned up in 2003. Instead of forcing the landlord to act, the Health Department watched as the building was sold to a new owner, who allowed the Mincys to move in with no warning of the danger.



Within a month, all four children suffered lead poisoning.

"The city shouldn't let people get away with not cleaning up," Azel Mincy Jr. said. "If they don't force landlords to clean up, there might be other families just like us, moving in with no idea how dangerous it is."

The Mincys have been searching without success to find a new place to live. Every day that means the children risk higher and higher lead levels.

"The city has a duty to protect its citizens, especially in a case like this where there are laws," Mincy Jr. said.
"They could press charges against the landlords of all 300 properties if they wanted to."

E-mail scoolidge@enquirer.com

 **Print** |  **Close Window** | Copyright 2006, *Enquirer.com*

Editorial: City laxness on lead must stop

Editorials

If you are a Cincinnati landlord looking to cut corners on upkeep, make sure you pick up the litter around your building, but don't fret about the peeling lead paint that may be causing brain damage to your tenants' children.

The longstanding practice of the Cincinnati Health Department is to go after the litterbugs but to pretty much ignore the serious implications of lead poisoning.

We'd like to tell you what Health Commissioner Noble A-W Maseru's explanation is for this unconscionably twisted set of priorities, but he won't talk about it. He turned down several requests for interviews by reporter Sharon Coolidge, author of the special report in today's Enquirer.

In her story you will find this bizarre statistic: Since 2002, the health department has gone after 17,000 property owners for litter violations, but only taken five to court for failing to clean up lead paint. Hundreds of Cincinnati children suffer brain damage or developmental delays every year from ingesting paint chips or dust from lead paint that was used in most of the city's older buildings before 1978, when lead paint was outlawed. We don't know of a single case of brain damage caused by litter.

IGNORED PROBLEM

Weak regulations, a lackadaisical and disinterested bureaucracy and almost complete inattention by the board of health and City Council allow this problem to persist. For years the department refused to release details of its lead inspections, claiming it might violate the privacy of those being poisoned. The Ohio Supreme Court ordered the records released in April after the Enquirer brought suit.

Maseru has been in charge at the health department since February, succeeding Malcolm Adcock, who died in 2004. But the local lead problem has been known about for more than a decade. Back in 1994, the department received a \$6 million grant from the U.S. Department of Housing and Urban Development to correct lead paint health hazards in 250 identified homes. But the grant was so poorly managed that after three years no repairs had been completed. A Lead Advisory Committee, created to help the health department address the problem, recommended stronger regulations, but those recommendations were not implemented.

Instead, health inspectors continued to allow owners of properties identified with lead contamination to procrastinate on making needed repairs. Such properties are supposed to have posted warning signs to alert occupants and potential tenants that the building has a lead problem. It is illegal to remove these signs until the problem has been abated, but an Enquirer inspection of 300 open lead cases in the health department files found that only five still had the posted warnings. At least 26 of the properties were listed as for rent or for sale.

CHILDREN AT RISK

When a child is diagnosed with lead poisoning, the doctor notifies the Ohio Department of Health, which passes the word to the city department, which opens a case. Procedures call for inspections of a child's primary residence. If lead is not found there, inspection of other likely spots where the poisoning could have occurred, such as a school, baby-sitter or day care center.

The property owner is told to correct the problem, but re-inspection is slow, and taking procrastinators to Housing Court is almost unheard of. Meanwhile, if the poisoned child moves out, or the property is sold, the chances are the case will be closed, leaving the problem to lie in wait for a new tenant.

WHAT TO DO

The health department, working with the city prosecutor, must immediately step up its enforcement efforts. Taking only two cases to court because, as one department employee said, the department wants to see how the first cases work out before pushing any others is inexcusable. As today's stories relate, other cities such as Cleveland and Philadelphia have far more aggressive prosecution standards with positive results.

The board of health and City Council must not wait for the bureaucrats in the health department to come to

