



UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

096632

215.05

72-0204
MAR 2 0 1972

CIVIL DIVISION

B-118638



31
9
21

Dear Mr. Washington:

The General Accounting Office currently is conducting a review of the adequacy of the enforcement of the housing regulations in the District of Columbia by the Housing Division, Department of Economic Development. We have examined into the adequacy of the District's efforts to protect residents by identifying and eliminating poisoning hazards resulting from the use of lead-based paint in residential dwellings in the District.

We reviewed the basic regulations, pertinent correspondence, and statistical records applicable to planning, execution, and enforcement of the District Housing Code and, in particular, Commissioner's Order No. 70-111 which amended sections of the housing code relative to the use of lead paint on exposed interior surfaces of dwellings.

The order places responsibility on the Housing Division for securing specimens of paint, plaster, or structural materials when inspection discloses flaking, peeling, chipped, or loose paint or other evidence indicating that there may be a hazard. If an analysis of the secured specimens reveals the presence of lead or its compounds in a quantity in excess of 1 percent by weight or in a quantity otherwise sufficient to constitute a hazard to health, the Director of the Department of Economic Development is required to notify the inhabitants of the dwelling and to order the owner of the dwelling either (1) to terminate occupancy or (2) to remove materials containing lead or its compounds or, otherwise, to cover such interior surfaces that constitute a hazard.

Lead poisoning is a serious and sometimes fatal illness generally affecting children aged 1 to 6 years. The principal cause of this type of poisoning is the ingestion of lead-based paint from walls and woodwork of old and dilapidated dwellings. Prior to 1940 lead pigment paints commonly were used as interior house paints. Many of the dwellings in

~~00998~~ 096632

which this paint was used are now in a state of disrepair and the paint is peeling and flaking. Moreover District inspectors have found lead-based paint in recently built dwellings.

Recent studies on the lead-poisoning problem in the District have been conducted by the Public Services Laboratory of the Georgetown University. The laboratory has estimated that 28,000 housing units in the District are in such a state of dilapidation and deterioration as to make them lead hazards. It has estimated also that 20,000 young children are exposed to the lead hazards in these dwellings each year, that, of these 20,000 children, 120 will appear at District hospitals with acute symptoms of lead poisoning, and that, of these children, 30 will have suffered brain damage.

The laboratory estimated further that, of each year's live births in the District, 19 to 80 children will become mentally retarded, 41 to 173 will suffer brain damage, and 339 to 1,410 will suffer some impairment from the insidious effects of lead poisoning before their sixth birthday. The costs associated with the institutionalization of a mentally retarded child for life were estimated at \$250,000.

Dr. Laurence Finberg, professor of pediatrics, Albert Einstein College of Medicine, in testimony before the Select Committee on Nutrition and Human Needs, U.S. Senate, in September 1970 described lead poisoning as being the worst scourge, except for the automobile and the trauma of birth, for infants living in large cities in this country.

It is well recognized that the problem of housing blight and deterioration in the District represents a significant challenge to the District Government and that, with the limited resources currently available to apply to this problem, it will be difficult to immediately eliminate all risk of lead-based paint poisoning that now exists. We believe, however, that strong code enforcement is needed.

Our review showed that housing inspectors generally did not inspect for lead hazards during required annual

B-118638

inspections of rented dwellings of three or more apartments for housing code compliance. Annual inspection of single-family houses in the District for housing code compliance are not required, and inspections are made only on a specific-complaint basis. Complaint-initiated inspections of single-family houses do not include inspection for lead hazards unless the specific referral is in connection with a lead-poisoning case or a complaint associated with lead hazards.

Our review showed that about 800 cases of child lead-paint poisoning had been referred to the Housing Division for corrective action during the period April 1970 through July 1971. The majority of these cases had been referred by the Department of Human Resources. Of these 800 cases, 419 had resulted in the Housing Division's issuing orders to owners of the dwellings to correct lead hazards and the remaining cases had been referred for purposes other than deleading. Of the 419 orders issued, the Housing Division reported that 285 had resulted in the owners' deleading the dwellings--that is, the Housing Division considered the case abated--and the remaining 134 cases either were still pending or were closed for another reason. The abatement of a case, however, does not necessarily mean that a dwelling is free of lead. In many cases, only that portion of a wall or ceiling cited as flaking or peeling has been repaired and thus abated.

We randomly selected, for a detailed analysis, a sample of 60 cases of child lead-paint poisoning that had been referred by the Accident Prevention Division, Department of Human Resources, to the Housing Division for corrective action. Generally such referrals involved children who had been screened for lead poisoning and had been found to have a concentration of 40 micrograms or more of lead per 100 milliliters of whole blood or otherwise had been diagnosed medically as having lead poisoning.

Our analysis of the 60 cases showed that, at seven of the involved dwellings, subsequent lead-poisoning cases had developed after the dwellings had been inspected and reported cleared of the lead hazard by the Housing Division's Lead

Poisoning Inspection Unit. In 25 of the cases, annual or complaint-initiated inspections had been made of the dwellings involved but no action had been taken to remove the lead hazards. We believe that these 25 lead-poisoning cases might have been prevented had the inspectors detected the lead hazards in their inspections of the dwellings and taken action to have the hazards removed.

Our review showed that the average time from referral of a lead-poisoning case to abatement of the hazard was about 91 days, comprising an inspection-processing stage of about 35 days and an order-enforcement stage of about 56 days. The former stage covers the time taken by the Housing Division to inspect a dwelling and to issue an order. The latter stage covers the time from issuance of an order to correction of the hazard by the owner. A delay in abating lead-based-paint hazards can be dangerous because a child may be re-poisoned. Also, when a child who has been poisoned is returned to a leaded environment before the lead hazard has been eliminated, the danger of severe damage to the child is significantly increased. We note that the District has rarely taken steps to protect children by removing them from the environment in which they were poisoned until the lead hazard has been eliminated.

The District currently has a limited lead-poisoning screening program for children in the District's Model Cities area that is financed under a grant from the Department of Housing and Urban Development. The grant was to terminate December 22, 1971, but had been extended until April 1972. Also, children are being screened, on a selective basis, in the Neighborhood Health Clinics, the D.C. General Hospital Outpatient Clinic, and Children's Hospital of the District of Columbia. Currently, there are no mass screening programs in the District.

We note that Commissioner's Order No. 70-111, does not require the Housing Division to order the removal of paint from interior surfaces of a dwelling, unless the lead content is in excess of 1 percent by weight, or in a quantity

otherwise sufficient to constitute a hazard to the health of the occupants. This section apparently has been interpreted by the Housing Division to mean that removal of leaded paint does not preclude repainting with paint containing up to 1 percent lead by weight. Because of this apparent interpretation, there have been instances where paint containing up to 1 percent lead by weight has been removed and replaced with substantially the same type of leaded paint.

We note also that a December 1971 publication of the Department of Health, Education, and Welfare entitled "Control of Lead Poisoning in Children" advocates the prohibition of lead-containing substances for use on any exposed surfaces of dwellings, dwelling fixtures, toys, or furniture. We note further that the housing code of the city of Baltimore prohibits the use of any paint for interior painting of residential dwellings, unless the paint is free from any lead pigments.

We are bringing this matter to your attention before we complete our overall review of the Housing Division because we believe that there is an urgent need for corrective action. Therefore we recommend that:

- The Housing Division be required (1) to enforce the housing code relative to lead based paint by having its inspectors take positive measures on all dwelling inspections to ascertain whether a lead hazard exists, (2) to take timely action to ensure that existing lead hazards are eliminated so that a poisoning will not occur at the dwelling, and (3) to enforce, on a timely basis, its orders issued for correction of lead based paint hazards because delay increases the possibility of severe damage to children from ingestion of leaded paint.
- The city of Baltimore be required to amend the Housing Code to prohibit all paint containing lead in any quantity sufficient to be a health hazard to children, to require the removal of all such paint from dwellings, and that the

surfaces be repainted with paint free of lead pigment.

--Procedures be established whereby a child who has been poisoned will not be returned to a leaded environment until the lead hazard has been eliminated and thereby preclude the possibility of a subsequent re-poisoning.

We have discussed our findings and recommendations informally with officials of the Department of Economic Development and with the Chief of the Accident Prevention Division, Community Health Services Administration. These officials have indicated that they will consider taking actions relative to our findings and recommendations. D-1745
D-1719

We shall appreciate receiving your comments regarding the matters discussed in this report.

Copies of this report are being furnished to
C3 Some of Edward E. Kennedy, Congressman William A. Barnett
14 and William F. Ryan, and the Chairman, City Council,
District of Columbia Government.

Sincerely yours,

O. F. ...
Director, Civil Division

The Honorable Walter L. Washington
Commissioner of the District of Columbia
Washington, D.C. 20005