

City of New Haven

Toni N. Harp – Mayor



FAKE NEWS: Can We Speak Truth About Lead?

By Mayor Toni N. Harp

For more than forty years, the City of New Haven has been committed to protect children from exposure to lead paint hazards. Contrary to an admittedly well-orchestrated campaign to convince city residents otherwise, that effort has NEVER faltered.

The Board of Alders will consider a proposed amendment to the City’s ordinance governing lead paint Monday, December 2. This thoughtful, well vetted legislation has been mischaracterized, maligned and attacked by the lawyers suing the City of New Haven. Why? Because current law is ambiguous, and these plaintiffs have used that ambiguity to beat the City time and again.

The Office of the Corporation Counsel has a duty to defend the City in the litigation. Settlement attempts include outrageous demands that would not only endanger the most vulnerable children by diverting limited resources but would also harm low income residents by placing undue pressure on the city’s affordable housing stock.

There is one demand on which we all agree: inspecting homes of children under the age of six with blood lead levels of five micrograms per deciliter or above. The plaintiffs’ counsel has relied upon an interpretation of the city’s law by one court. That court ordered the City to amend the ordinance: that’s what the Health Department has recommended to the Board of Alders.

This court-ordered amendment does not “weaken protections” as asserted in recent, public appeals by plaintiffs’ counsel. Rather, the amendment strengthens protections for the city’s most vulnerable residents – the children.

The amended ordinance will also engage all parties to help protect the children:

- The current ordinance, essentially in effect since 1974, focuses solely on child exposure to lead paint. While it is true lead dust and peeling and chipping paint is a significant source of lead exposure for young children, it is NOT the sole source. The new ordinance codifies the Health Departments current practice of investigating and assessing ALL sources of lead exposure. For example, one child with a very high blood lead level has a parent who brought home lead dust on work clothing. Other sources of lead include cosmetics, jewelry, and other products made in other countries.
- A flyer encouraging residents to call their alder says: “Under the current law, the Health Department is required to inspect and fix this problem if a child under 6 years old has lead

City of New Haven

Toni N. Harp – Mayor



poisoning at least 5 micrograms per deciliter.” The truth is, current city law doesn’t refer to inspection, which is the purview of state law. The state requires the local health department to inspect a home if a child there has a blood lead level of 20 micrograms or greater (or has had two venous blood tests with BLLs of 15 micrograms). The proposed ordinance gives the Health Department authority to inspect at the lower blood lead level of 5 micrograms per deciliter. Without that authority, homeowners could argue that the City doesn’t have a right to inspect their properties.

- The amended ordinance also enhances the City’s ability to enforce the law with noncompliant homeowners, while also engaging and encouraging them to be a part of the solution.
- The ordinance amendment recognizes the federal regulatory obligation of the Housing Authority of New Haven (a.k.a. Elm City Communities) to inspect federally subsidized housing so the city can maximize the use of available resources to the benefit of the children.
- The ordinance amendment provides for Health Department professionals to use their considerable judgment to employ whatever is necessary to protect the children.

The FACT is the City of New Haven and its Health Department are committed to the protection of children. This is the truth, despite the self-interested hyperbole of lawyers.

I recommend an alternate script when you call your Alder:

“Hello, my name is _____. I’m a constituent who cares deeply about children’s health and safety. If you vote in favor of the new lead ordinance on December 2nd, your vote will enhance protections for children. Please vote in favor of the new ordinance.”

###