

## Lead Panel's Advice Rejected

by **THOMAS BREEN** | Jul 25, 2019 4:08 pm

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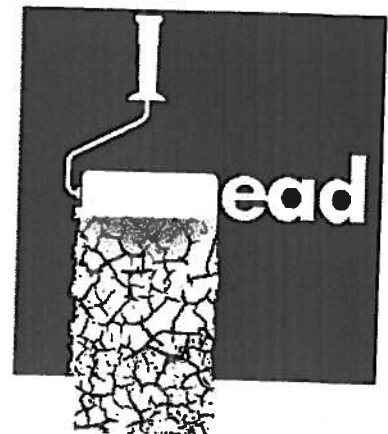


Task force's DuBois-Walton: "Not comfortable, for the record."

Under fire on lead poisoning, City Hall formed a new task force — then informed its members it would have no say in drafting a new version of a city law.

Task force members shot back: Wait a minute.

That dispute took place during the second meeting of a newly re-formed Lead Paint Advisory Committee on the second floor of City Hall Thursday.



The panel's two dozen health care providers, attorneys, health officials, and state and city housing officials convened to talk about Mayor Toni Harp's proposed changes to the city's lead poisoning regulations. Kind of.

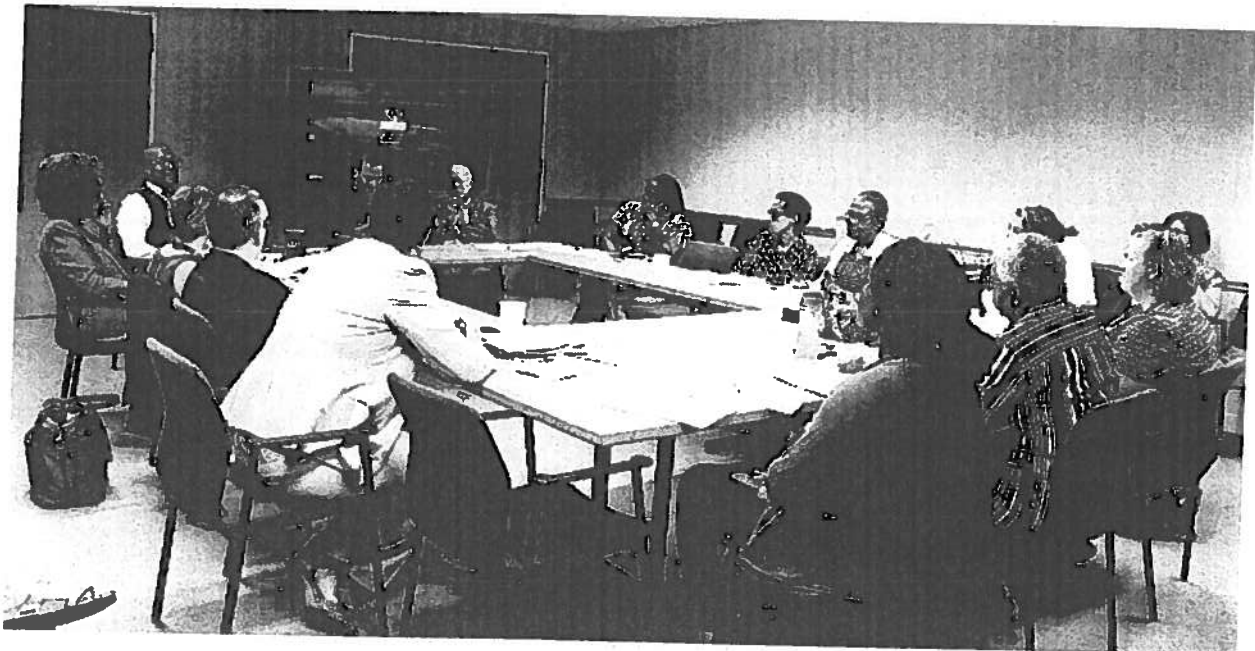
Acting Health Director Roslyn Hamilton, who is serving as the temporary replacement for recently resigned Health Department Director Byron Kennedy as well as for recently retired Environmental Health Director Paul Kowalski, repeated time and again during the meeting that the committee had not technically been re-formed yet.

That would require vetting and final sign-off from the Board of Alders. Thursday's gathering, she and Community Services Administrator Dakibu Muley said, was just an informal meeting of the group that will likely comprise the official committee.

As for the proposed changes to the city's lead ordinance, Hamilton and Deputy Corporation Counsel Catherine LaMarr declined to share an actual draft of the proposed changes.

Instead, they promised that the changes reflect the commitment that Mayor Harp made during a July 1 press conference — in response to a legal aid lawsuit and scoldings from four separate state judges — that the city will clearly define child lead poisoning as 5 micrograms per deciliter ( $\mu\text{g/dL}$ ) of blood for children 6 years old and younger.

That's the definition a state judge has declared earlier this summer to be applicable under current city law, considering the local ordinance's direct reference to the federal Centers for Disease Control's reference level for dangerously high lead levels.



The not-yet official Lead Advisory Committee.

Hamilton said the health department plans to submit the proposed law change to the Board of Alders as early as next week.

Elm City Communities Executive Director Karen DuBois-Walton jumped in. "This committee will have

no input on the drafting of this ordinance?" she asked.

We plan to run the draft by the Board of Alders first, Hamilton responded. Then the committee can weigh in.

That's not exactly how the process works, Livable City Initiative (LCI) Executive Director Serena Neal-Sanjurjo said. Once a proposed law change is submitted to the alders, that is supposed to reflect the final, fully vetted and fully informed recommendation coming from the mayor's office as to what a law should be. The alders hold committee hearings and multiple readings on every proposed law, but that's for alder and public input. Not necessarily city staff input on something introduced in an unfinished form.

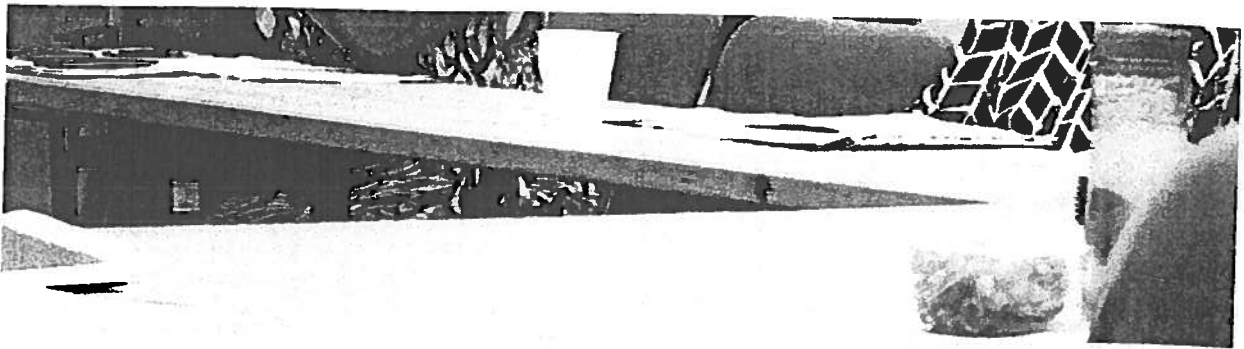


Acting Health Director Roslyn Hamilton (center): "The problem" is New Haven promised "to do more." THOMAS BREEN PHOTO

"I just think we should look at it first," Neal-Sanjurjo said. "Once you submit to the Board of Alders, you've got a document you want to move through the process."

"The Board of Alders is not going to sign off on something you've never seen before," Hamilton said. Still, Neal-Sanjurjo replied, "it's just kind of putting the cart before the horse, in my mind."





Serena Neal-Sanjurjo: Doesn't work that way.

Judith Dicine, a housing attorney for the state's attorney's office, said that when she was on the city's lead advisory committee back in the 1990s, the committee members had ample opportunity to comment on and advise on draft legislation. Furthermore, she asked, the committee should really be formalized before any of this process moves forward.

"When do we become a real body?" she asked.

"I can't answer that," Hamilton said. That would require several months for the alders to hear the committee nominations and then eventually vote. And the city wants to pass the updated ordinance much sooner than that.

"I would recommend that we be formalized before submission" of the proposed ordinance, Dicine said.

No only should the committee be formed before it makes recommendations on the new lead law, DuBois-Walton said, but the city officials staffing the committee should provide data on how many lead abatement orders the health department sends out every quarter, how many children have which severities of elevated blood lead levels in the city, and so on.

"I don't think it's in the interest of the city to delay" the passage of this law, LeMarr said. The Health Department should be empowered to flesh out the details of the policy, she said, and the committee should then make recommendations on how best to implement that policy. "Delaying the order is really delaying the implementation of the new policy."

"I'm not comfortable with that, for the record," DuBois-Walton said about passing the law first and then forming the committee. After all, the current ordinance states that the committee shall play a role in the "development and adoption of policies, programs, and procedures" related to lead.

"When the draft goes out," Hamilton said, "this committee will get the draft. And hopefully we will be able to have a meeting between now and that time."

### **Confusion Over New Practice**

Amanda DeCew, a nurse practitioner with Fair Haven Community Health Care and a member of the not-yet-formed committee, asked Hamilton to clarify where the city's lead policy stands today.

The answer left open the question of whether the city is indeed conducting prompt full inspections of homes of children testing positive for blood levels above 5 µg/dL. Mayor Harp stated at a July 1 press conference that the city would indeed return to that practice, as it had in the past, and as legal aid law-

yers are seeking in a lawsuit to have the city do. But at that same July 1 press conference Hamilton contradicted Harp and said that her department would not be returning to that practice. Then Harp contradicted Hamilton and reiterated that in fact, the city would. (Read about that [here](#).)

"I don't know what to tell the families" who come to me with children with elevated blood lead levels above 5 µg/dL, DeCew told Hamilton at Thursday's sort-of-advisory-committee meeting: Does the city only send out lead inspectors and enforce lead hazard abatement for children who surpass the state lead poisoning threshold of 20 µg/dL? Or does the health department, with only two lead inspectors, stick to the city law of inspecting and enforcement abatement for children at a 5?

Right now, Connecticut Department of Public Health Epidemiologist Kimberly Ploszaj said, the city sends out lead inspectors based for children who test above 20 µg/dL or twice above 15 µg/dL within the same six-month period. Those cases get full lead inspections with X-ray fluorescence (XRF) analyzers and abatement enforcement orders.

"Right now, when a call comes in and we see a level is 5," Hamilton said, "we have contact with the parents and we'll send somebody from the Healthy Homes program out to look around and talk about what's going on in the house." That inspection is just a visual one, Hamilton said, both of the interior and of the exterior of the property. A full health department lead inspection is then scheduled for some time "down the road."

Supervisory Assistant Prosecuting Attorney for Housing Matters Judith Dicine.

For children testing at between 15 and 19 µg/dL, Hamilton said, the Healthy Homes visitor will schedule a full lead inspection then and there with the tenant and the landlord. "The tenant has to be there," she said. "If the tenant doesn't open the door, we try another time or shift them on the list." They

always give tenants the health department's phone number, she said, and encourage them to reach out to set up a subsequent inspection.

"Let me just say this," Hamilton continued: New Haven isn't the only city that has problems with lead. "Hamden has lead. East Haven has lead. And West Haven has lead. And those towns stick with the state law. Just so you know, it's a nationwide problem. This isn't just New Haven."

"New Haven is the one that said, 'We want to do more.' That's the problem. We said, 'We're going to do more.'" Then, because of that progressive lead enforcement goal, she said, critics of the city respond with, "We're gonna get you for that."

Neal-Sanjurjo put her head in her hands.

"That is supposed to be a positive thing," she said about the city's progressive history of protecting children with blood lead levels less than that set by the state.

"I just want to clarify," Muley said. "The mayor is committed to 5. That's our marching orders."