

Lead-Related Priorities for State-Level Action: Water, Paint, and Soil

Listed below are priorities for state-level action on lead in paint, soil, and water to achieve a lead-safe environment in New Jersey. They were informed by input from stakeholders, including the Green and Healthy Homes Initiatives' and New Jersey Future.

<u>I. Remediate Lead in Homes with a Primary Focus on Paint</u>	<u>II. Lead in Child Care and School Facilities</u>	<u>III. Lead in Soil</u>	<u>IV. Lead in Drinking Water</u>	<u>V. Coordinated Child-Centric Data-Sharing, Screening & Services</u>	<u>VI. Pending Legislation (All Lead Sources)</u>
1. Seek a holistic approach to lead-safe homes, with a primary focus on paint, lead service lines, internal plumbing and soil	1. Provide electronic databases of environmental and drinking water lead testing results	1. Strengthen existing standards	1. Ensure permanent replacement of lead service lines (LSL) in 10 years (legislation) PASSED	1. Coordinate data access and service delivery across agencies and increase public access to state agency data on at-risk populations	1. Disclosure PASSED FOR PAINT IN RENTAL UNITS PASSED FOR LEAD/WATER RE: HOME SALES
2. Ensure regular inspection of all rental housing and require rental and owner-occupied housing to be certified as lead-safe PASSED FOR PAINT IN RENTAL UNITS	2. Identify how to improve water safety at family-run child care centers		2. Authorize funding program, including rate recovery and targeted state grants to high-need cities. (legislation)	2. Increase childhood blood lead screening and engage in primary-preventative focused services	2. Common law public nuisance lawsuits vs lead paint manufacturers (A808)
3. Identify sustainable long-term funding sources for lead in paint	3. Require drinking water management plans to include remediation		3. Authorize protective measures: strengthen DEP's Lead and Copper Rule and adopt health-based levels of lead-in-water.	3. Adopt a data-driven, risk-based and equitable approach to lead poisoning prevention resource allocation	3. Lead service line replacement (A-5343; S-3459) PASSED
4. Improve other lead-related standards and tenant protections statewide	4. Provide financial assistance to child care centers for lead hazard remediation		4. Ensure regular inspection of all rental housing for lead in water and require all housing to be certified as lead-safe.	4. Engage the health and energy sectors in aligned, coordinated investment in lead poisoning prevention	

	5. Distribute \$100m state bonds for water improvements in public schools in manner sensitive to environmental justice issues (and secure funding for lead-based paint remediation in schools)			5. Identify and implement effective enforcement strategies for regulation of lead hazards in rental housing statewide	
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I. Remediate Lead in Homes with a Primary Focus on Paint

	1. Seek a holistic approach to lead-safe homes, with a primary focus on paint, lead service lines, internal plumbing and soil.
	2. Ensure regular inspection of all rental housing and require rental and owner-occupied housing to be certified as lead-safe
	a. Targeted, pro-active housing code inspection (including 1 and 2 family)
	b. Pursue holistic (paint, water, soil) home inspections
	c. Targeted, pro-active housing code inspection (including 1 and 2 family)
	d. Require lead safe certification
	3. Identify a long-term funding source for lead in paint
	a. Identify and remove barriers to use of the Lead Hazard Control Assistance Fund including implementing more streamlined processes for program eligibility: <ul style="list-style-type: none"> i. Allow eligibility for other benefits programs (e.g., Medicaid, TANF, unemployment, WAP) to automatically qualify families for state-funded lead remediation programs; ii. Waive the requirement that municipal utility bills be paid in full for program participation.

	b. Dedicate funding to the NJ Lead Hazard Control Assistance Fund or other approach, and address the high cost and low capacity for lead remediation in NJ, including:
	i. Provide support for administrative activities for community-based housing services providers;
	ii. Provide support for lead abatement training, certification, and other supports for residents seeking to enter the lead remediation workforce;
	iii. Provide support for technical assistance and planning to build or expand workforce capacity statewide in the state's lead remediation programs. ¹
	4. Improve other lead-related standards and tenant protections statewide
	a. Promulgate lead safe demolition standards
	b. Seek EPA designation authorizing NJ to implement and enforce the federal Renovation, Repair, and Painting Rule
	c. Seek HUD adoption of broad healthy housing standards for its properties.
	d. Retaliatory eviction protection for tenants in properties with lead.
	e. Cross train inspectors to check for housing and health violations.
	f. Target lead reduction funding to housing in most at-risk localities, with a goal of spending 70% on prevention activities

II. Lead in Child Care and School Facilities

¹ Among the barriers to implementation of the priorities below is lead remediation workforce capacity in New Jersey. There are not enough trained and certified lead abatement professionals, and those that do exist include very few Black and Brown residents of the state's most impacted communities. While New Jersey is home to qualified, statewide healthy housing training providers, there is currently limited state and federal funding for training, certification, technical assistance or planning to build or expand workforce capacity statewide and facilitate equity in the opportunity to enter the lead remediation workforce.

	1. Provide electronic databases of lead testing results
	2. Identify how to improve water safety at family-run child care centers
	3. Require drinking water management plans to identify remediation
	4. Provide financial assistance to child care centers
	5. Distribute \$100m state bonds for water improvements in public schools in manner sensitive to environmental justice issues

III. Lead in Soil

	1. Strengthen existing standards
	a. Match California's science-based standard of 80ppm
	b. Mandate disclosure in soil testing/reporting prior to home sale (see disclosure requirements above)
	c. Include soil remediation funds in DEP's lead remediation program

IV. Lead in Drinking Water

	1. Ensure permanent replacement of lead service lines (LSL) in 10 years (legislation)
	a. Require disclosure of LSL at time of home sale and rental
	i. Legislation - LSL in rental properties
	ii. Regulatory - for LSL in owner occupied units - water systems annually notify property owners of LSL or service line of unknown composition

	b. Require LSL inventories by all water systems with address-specific website listing of LSLs
✓	c. Require utilities to replace all LSLs within 10 years
x	i. No property owner cost share
✓	ii. No partial LSL replacements (some exceptions)
	iii. Indemnify water systems for LSL inventory data and damage to private property from LSL replacement
	iv. Warranty to property owner on LSL replacement work
	v. Penalties for non-compliance
	2. Authorize funding program (legislation)
✓	a. Authorize full rate recovery
	i. No profit additive on customer-owned LSL work
	b. Target state subsidy to water utilities with high lead, fiscally distress
	3. Authorize protective measures
	a. Strengthen DEP's Lead and Copper rule
	b. Research health-based thresholds for lead-in-water

V. Coordinated Child-Centric Data-Sharing, Screening and Services

	1. Coordinate data access and service delivery across agencies and increase public access to state agency data re: at-risk populations
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	g. Develop a coordinating committee or position within state government to align efforts to eliminate lead hazard and provide primary and secondary prevention services to families.
	h. Develop a publicly-accessible portal for EBL data and link these data to other indicators of risk
	2. Increase childhood blood lead screening
	i. Target screening to highest-risk census tracts
	i. Mandate universal screening of Medicaid-covered 1 and 2 year- olds
	ii. Provide Lead Care II analyzers to pediatricians, obstetric, local health departments
	3. Adopt a data-driven, risk-based and equitable approach to lead poisoning prevention resource allocation
	j. Track lead screening by race/ethnicity to identify barriers and include such data in DOH's annual report on childhood lead
	k. Use risk indicators (housing and health data) to effectively and transparently allocate remediation resources, case management resources, and primary prevention efforts to advance racial and health equity
	l. Educate at-risk populations via community organizations
	4. Engage the health and energy sectors in aligned, coordinated investment in lead poisoning prevention
	m. Engage anchor health institutions, Medicaid and other health sector partners to sustainably support lead poisoning prevention and lead hazard remediation for community impact.
	n. Align residential lead remediation with energy-efficiency and other housing resources and services statewide
	5. Identify and implement effective enforcement strategies for regulation of lead hazards in rental housing statewide

	o. Create recommendations for enforcement of recently-enacted rental housing inspection and lead safe certification laws at the state and municipal levels, based on national best practices
	p. Advance these recommendations to ensure effective enforcement of NJ's innovative statewide lead laws

VI. Pending Legislation (All Lead Sources)

	1. Disclosure
✓	i. Home sales and property rentals (S-1147)
✓	ii. Water in property rentals (S-3712)
✓	iii. Water in property sales - real estate disclosure form (S-320)
	2. Common law public nuisance lawsuits vs lead paint manufacturers (A808)
✓	3. Lead service line replacement (S-3398; S-3459)