

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON PUBLIC HEALTH AND
HUMAN SERVICES

Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, November 16, 2016
10:25 a.m.

PRESENT:

COUNCILWOMAN CINDY BASS, CHAIR
COUNCILMAN WILLIAM K. GREENLEE
COUNCILWOMAN HELEN GYM
COUNCILMAN KENYATTA JOHNSON
COUNCILMAN DAVID OH
COUNCILWOMAN MARIA D. QUINONES-SANCHEZ
COUNCILWOMAN BLONDELL REYNOLDS BROWN
COUNCILMAN AL TAUBENBERGER
COUNCIL PRESIDENT DARRELL L. CLARKE

BILLS 160609, 160618, 160687, and 160811
RESOLUTION 160052

- - -

1
2 COUNCILWOMAN BASS: Good
3 morning, and this hearing is now going to
4 be called to order. This is a public
5 hearing of the City Council Committee on
6 Public Health and Human Services. The
7 purpose of this hearing is to hear
8 testimony on Bills No. 160811, 160609,
9 160618, and 160687. Also listed today is
10 Resolution No. 160052 on the heroin abuse
11 epidemic. As you all may know, this
12 resolution has already had a public
13 hearing and so no further testimony will
14 be taken. It will be part of our public
15 meeting for the purpose of adopting a
16 report.

17 I want to recognize the
18 presence of a quorum of Committee members
19 here today, and the members in attendance
20 are Councilman Bill Greenlee,
21 Councilwoman Helen Gym, and Councilwoman
22 Blondell Reynolds Brown.

23 And now the Clerk will now read
24 the title of Bill No. 160811.

25 THE CLERK: Bill No. 160811, an

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2 ordinance amending Chapter 16-300 of The
3 Philadelphia Code, entitled "Maintenance
4 and Supervision," by adding a new section
5 requiring that all City buildings and
6 facilities with bathrooms open to the
7 public have baby diaper changing
8 stations; and requiring the installation
9 of diaper changing stations in connection
10 with capital projects; all under certain
11 terms and conditions.

12 COUNCILWOMAN BASS: Thank you.
13 Can we have the Clerk please call up the
14 first witness panel to testify.

15 THE CLERK: Aparna Palantino,
16 Deputy Commissioner, Philadelphia
17 Department of Parks and Recreation.

18 (Witness approached witness
19 table.)

20 COUNCILWOMAN BASS: Good
21 morning. Please state your name for the
22 record and please proceed with your
23 testimony.

24 DEPUTY COMMISSIONER PALANTINO:
25 Aparna Palantino.

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2 COUNCILWOMAN BASS: Please
3 speak into the mic. We can't hear you.

4 DEPUTY COMMISSIONER PALANTINO:
5 Aparna Palantino.

6 Good morning, Chairwoman Cindy
7 Bass and Committee members. My name is
8 Aparna Palantino and I'm the Deputy
9 Commissioner of Capital Infrastructure
10 and Natural Lands with the Department of
11 Parks and Recreation. I appear before
12 you today concerning Bill No. 160811,
13 which requires that all facilities with
14 bathrooms open to the public have baby
15 diaper changing stations. This bill also
16 requires that all capital projects
17 include the installation of diaper
18 changing stations.

19 Since inception, our Department
20 has demonstrated a strong commitment to
21 the people we serve. One of our core
22 value statements is "clean, safe, and
23 ready to use." Our ongoing goal is to
24 maintain all of our facilities to the
25 highest standards so they remain secure,

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2 accessible, and welcoming for everyone
3 who uses them. This bill helps to ensure
4 our facilities are as family-friendly as
5 possible. Therefore, on behalf of the
6 Department, I offer my support of this
7 bill.

8 Thank you. I'd be happy to
9 answer any questions that you may have.

10 COUNCILWOMAN BASS: Thank you
11 for your testimony. And I can only say
12 that I'm very pleased to have your
13 support for this bill. This is very,
14 very important. Any of us who are
15 parents, not just mothers but parents,
16 and who have ever tried to change a baby
17 where there's no baby changing table,
18 it's like a balancing act, a very
19 dangerous, I should add, balancing act.
20 So having the Administration's support is
21 critical, and we just really appreciate
22 it.

23 Are there any questions from
24 the panel?

25 (No response.)

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2 COUNCILWOMAN BASS: Well, thank
3 you for your testimony.

4 DEPUTY COMMISSIONER PALANTINO:
5 Thank you.

6 COUNCILWOMAN BASS: Can we have
7 the Clerk now call up the next witnesses
8 to testify.

9 THE CLERK: Sara Jann, Maternal
10 Care Coalition; Stacy Phy; and Dawn
11 Chavous.

12 (Witnesses approached witness
13 table.)

14 COUNCILWOMAN BASS: Good
15 morning. Thank you for being here, and
16 you can state your name for the record
17 and please begin with your testimony.

18 MS. JANN: Good morning. My
19 name is Sara Jann and I'm the Executive
20 Associate at Maternity Care Coalition,
21 and I am here today to testify in support
22 of Bill No. 160811.

23 Maternity Care Coalition is a
24 Philadelphia-based non-profit
25 organization which works to improve

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2 maternal and child health and well-being
3 through the collaborative efforts of
4 individuals, families, providers, and
5 communities. Many Philadelphians know us
6 as the MOMobile or as the largest
7 provider of Early Head Start in the State
8 of Pennsylvania. And for more than 30
9 years, Maternity Care Coalition has
10 worked tirelessly to improve the quality
11 of life for pregnant women, infants,
12 families, and children ages zero to
13 three, which is why I am so pleased to be
14 here today to speak in support of this
15 bill.

16 I am also a mom. I have a
17 16-month-old son, Casper, and I'm the
18 spouse of a City employee. So
19 unfortunately I have had the unpleasant
20 experience of changing my son on the
21 floor of a restroom in a City building.
22 Aside from the obvious sanitary concerns,
23 I want you to know that in doing so, I
24 felt as though my baby and I were
25 unwelcome. Philadelphia has already

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2 taken the lead on ensuring breastfeeding
3 accommodations for working mothers and
4 protecting every mother's right to
5 breastfeed her baby. This bill is an
6 ideal opportunity for the City to
7 demonstrate its ongoing commitment to
8 supporting Philadelphia's families with
9 young children and welcoming all families
10 to our city.

11 I'm sure this won't come as a
12 surprise to most, but being a parent is
13 hard work. Young parents shouldn't have
14 the stress of not knowing where they can
15 change their babies. For us City
16 parents, it's impossible to carry around
17 all the things needed to care for a baby
18 on a given day. We have to rely on our
19 communities to be conducive environments
20 in which we can care for our babies. So
21 when a parent visits a City building and
22 has to scramble to find a place to change
23 their baby, the message is that babies
24 and families are not expected or allowed
25 to be in these facilities and that the

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2 needs of a child are not important. As
3 caregivers, we learn to adapt. Many of
4 us know where we can go to find a clean
5 place to change our babies, but dads and
6 male caregivers are almost entirely out
7 of luck. The lack of places for men to
8 change their babies perpetuates the
9 problematic notion that caring for
10 children is strictly women's work. Is
11 this the message the City wants to send,
12 that parents must go elsewhere to find a
13 clean place to change their babies?

14 Also worth considering are the
15 millions of tourists, newcomers, and
16 potential future residents that visit
17 Philadelphia annually. What do we want
18 their impression of our city to be? This
19 bill is a prime opportunity for the City
20 to do something small to support families
21 in a big way and set an example for other
22 cities.

23 At Maternity Care Coalition, we
24 are proud to be a Philadelphia-based
25 organization and we are proud of the City

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2 of Philadelphia for the strides it has
3 already made as a family-friendly city.
4 We are constantly asking ourselves what
5 do families need and how can we better to
6 support them? In considering this bill,
7 I urge you to ask yourself the same
8 question. Caregivers, both male and
9 female, need a safe and clean place to
10 change their babies. Philadelphia must
11 welcome babies and families to its
12 publicly accessible buildings. This bill
13 is both a vital and logical step for the
14 families and for the City of
15 Philadelphia.

16 Thank you.

17 COUNCILWOMAN BASS: Well, thank
18 you. Thank you very much for your
19 testimony.

20 Can we have the next witness
21 state your name for the record and please
22 begin with your testimony.

23 MS. PHY: Hellow. My name is
24 Stacy Phy. I'm here presenting testimony
25 in favor of Bill 160811.

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2 I am a City employee. I work
3 for the Managing Director's Office for
4 Philly 311, but today I stand before you
5 as a constituent. I am a citizen and a
6 mother. I have been with Philly 311 for
7 about five years, and in that time, I
8 encountered countless number of women
9 changing their infants and young children
10 on the floor or sinks of the bathroom
11 downstairs. I have run into parents
12 changing their babies on benches and also
13 in the grass of the Dilworth Plaza.

14 My daughter is now nine, so
15 changing a baby is a thing of the past
16 for me, but as a mother, I find it
17 uninviting and inconvenient to be out in
18 a public setting and not having a
19 changing table to change a diaper.

20 One thing a parent or guardian
21 wants is convenience and accessibility,
22 things to make an already busy life a lot
23 less hectic and a lot more comfortable.
24 We want to protect our children from harm
25 and provide a safe place for them.

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2 Changing a child on the floor in a public
3 bathroom is unhygienic and can
4 potentially cause disease. It's not safe
5 and it is dangerous. There's no privacy
6 to change a child in the open or in a
7 public park such as a bench or in the
8 grass. There's no telling who can walk
9 by.

10 What struck my heartstrings was
11 three incidents that I had encountered,
12 two of which were right here in City
13 Hall. About a year ago, I was on break
14 and I walked into the public bathroom
15 where a grandmother was changing her
16 baby, bending over on the floor in the
17 corner. When she went to stand up, she
18 hollered in pain because of her back. As
19 I was washing my hands, she expressed how
20 City Hall should have a changing table if
21 they are going to allow the general
22 public to use them. I instantly thought
23 to myself how this was true.

24 I went back to the office and
25 mentioned it to my supervisor, who said

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2 they would contact Public Property. I
3 never heard back from them. Then in June
4 of 2016, I was working in the walk-in
5 center of 311. A three-generation of
6 males walked in, grandfather, father, and
7 son. The son was no older than maybe
8 eight or nine months. The father asked
9 if there was a changing table where he
10 could change his son. He went into the
11 restroom and there was no changing table
12 there. I explained to him that there was
13 no changing table inside of City Hall,
14 but he can possibly check Macy's across
15 the street.

16 Agitated, the grandfather
17 stated they were touring our city from
18 another country and found it very
19 displeasing that a major city such as
20 ours would not have a changing table for
21 people to use. My heart dropped and I
22 instantly thought back to many times when
23 my daughter was little and how much
24 trouble it was to bring her places and I
25 needed to get a sitter.

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2 I am here today to ask you to
3 please consider approving this bill.
4 Think of all the families who would
5 benefit from this and how inviting it
6 would be for people and infants and young
7 children to go to playgrounds for a safe
8 place to change their child with privacy.
9 This will help many families who want to
10 go to libraries for the day and families
11 without needing to hire a sitter or
12 grabbing a book and leaving. Something
13 as small as a changing table could be the
14 next big thing for change for the better.
15 Let Philadelphia show other cities we
16 welcome families.

17 Thank you.

18 COUNCILWOMAN BASS: Thank you
19 very much for your testimony.

20 And if you want to state your
21 name for the record and begin.

22 MS. CHAVOUS: Thank you. Good
23 morning. My name is Dawn Chavous and I
24 wanted to thank Councilwoman Bass for
25 inviting me to be here and also say good

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2 morning to the distinguished members of
3 this Committee.

4 I am an entrepreneur here in
5 the City of Philadelphia. I serve on the
6 Philadelphia Women's Commission as well
7 as the Coalition of 100 Black Women, but
8 I'm actually here today as a mom, not
9 only of a two-year-old but one on the
10 way. I have about two weeks to go until
11 I deliver, hopefully. In any case, I
12 have testimony here in support of 160811,
13 but my testimony also requests that we
14 consider having baby changing stations in
15 all public restrooms in the City of
16 Philadelphia and in our Commonwealth.

17 So I offer this statement in
18 support of Bill 160811, which would amend
19 Chapter 16-300 of The Philadelphia Code,
20 entitled "Maintenance and Supervision."
21 This would require that all City
22 buildings and facilities with bathrooms
23 open to the public have baby diaper
24 changing stations.

25 One of the challenges facing

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2 parents today is finding suitable
3 changing accommodations for babies. This
4 is not an issue that solely impacts moms
5 like myself. A recent federal study
6 performed by the Center for Disease
7 Control and Prevention found that 90
8 percent of fathers regularly bathe,
9 diaper, and dress their children. I know
10 that firsthand because my husband is a
11 very active father who takes great care
12 of our son.

13 Readily available baby changing
14 stations would help all parents avoid
15 changing their babies on bathroom floors
16 and counters. Facilities that lack baby
17 changing stations present a hardship for
18 all parents, as we are all then forced to
19 face potential sanitary concerns, return
20 to our car, if a parent even owns a car,
21 to change our baby or leave our baby in a
22 soiled diaper.

23 Just last month on October 7th,
24 2016, President Obama signed into law the
25 Bathrooms Accessible in Every Situation

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2 (BABIES) Act. This new law requires
3 federal public buildings to be equipped
4 with baby changing facilities in male and
5 female restrooms. However, I believe it
6 is critical to have changing stations in
7 all public buildings, stores, and
8 restaurants that have public restrooms.

9 In addition to the City of
10 Philadelphia Council considering this
11 bill, you should also know that there is
12 a bill being considered before the New
13 York State Assembly that would implement
14 and require changing tables at the state
15 level. Miami Dade County, Florida
16 requires certain and new remodeled
17 businesses to have baby changing stations
18 accessible to men and women, and San
19 Francisco's City Planning Code requires
20 new or renovated public-serving
21 businesses to install diaper changing
22 stations that are accessible to women and
23 men.

24 In 2015, actor Ashton Kutcher
25 created a petition on change.org that

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2 demanded universally accessible changing
3 tables in all stores, but specifically
4 identified Costco and Target in leading
5 the effort to establish tables in men and
6 women restrooms. The petition received
7 104,384 supporters, and both stores
8 responded favorably, stating that they
9 would provide or already had begun
10 providing changing tables in men's and
11 women's bathrooms.

12 Koala Bear Kare is the leading
13 manufacturer of baby changing stations
14 across the country. Businesses can
15 purchase one standard horizontal changing
16 table for as low as \$205. This
17 represents a minimal cost to government
18 agencies and businesses across the City.
19 And for smaller businesses for which this
20 may present a hardship, the City and
21 State should consider a tax credit
22 incentive to reduce the burden to smaller
23 stores and restaurants that might
24 incur -- for the expenses they might
25 incur for the added installation.

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2 However, we should still have the tables
3 in place for the sake of our smallest and
4 youngest constituents, babies.

5 Once again, I commend
6 Councilwoman Bass on her efforts in
7 raising this issue. In addition to this
8 legislation, I will also be advocating
9 for a companion bill on this subject to
10 be introduced at the state level, as this
11 is a commonsense reform that would
12 provide instant relief to parents across
13 Pennsylvania and provide a place for
14 every human being, including babies, to
15 have access to a public restroom.

16 Thank you very much.

17 COUNCILWOMAN BASS: Thank you
18 for your testimony. I want to say --
19 well, first of all, let me acknowledge
20 the presence of Councilwoman Maria
21 Quinones-Sanchez and also the presence of
22 Councilman Kenyatta Johnson. Thank you
23 for being here.

24 But I did want to state that
25 again as speaking from a parent's

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2 perspective, I've been there. I've been
3 there with the balancing act. My
4 daughter is seven, and you're thinking
5 back to when she was a small little thing
6 just coming out, you know, and just
7 starting out into the world and you take
8 them somewhere for the very first time
9 and you need a baby changing station.
10 And when you mentioned the cost of it,
11 the cost of a baby changing station is
12 probably the least expensive thing in
13 that bathroom.

14 And so this is something that's
15 a no-brainer. Businesses should provide
16 it. Municipalities should provide it.
17 Our hope is that the City of Philadelphia
18 will provide it as a way to show and to
19 lead the way that this is something that
20 is a requirement, it's something that's
21 necessary. It really should not be
22 optional. And we're counting on them to
23 see our example. The world didn't come
24 to an end because we put in baby changing
25 tables and stations. And so this is

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2 something that's critically important.

3 Just to the young lady who said
4 you witnessed a number of different
5 scenarios with people changing babies on
6 a bathroom floor. You know, I actually
7 witnessed in a different scenario, but
8 still nonetheless very troubling, a woman
9 changing a baby on a restaurant table in
10 a fast food restaurant and just, you
11 know, thinking, okay, you know, that's
12 not a good idea, you don't want to do
13 that. But if there's no changing table
14 in the restroom, you know, people will
15 take it upon themselves to try to figure
16 out the situation. We need to make it
17 easier. It can be easier, and these
18 tables exist for a reason.

19 So I just really want to thank
20 and commend all of you for being here
21 today and for your testimony.

22 Any questions or comments from
23 the panel?

24 Councilman Johnson.

25 COUNCILMAN JOHNSON: I want to

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2 commend, first and foremost, Chairwoman
3 Bass for spearheading this particular
4 legislation and thank all the panelists,
5 specifically also Ms. Dawn Chavous.

6 But on a serious note, I
7 recognize how critically important this
8 issue is as a new dad and having
9 experienced down in North Carolina with
10 my son and we were in an auto dealership
11 and I had to change him. And so because
12 there weren't any changing tables,
13 obviously I'm going to take him inside
14 the bathroom. And I got it done, but it
15 was not only difficult, but it was also
16 very dangerous, because you're
17 maneuvering -- actually, we were on the
18 sink, if I could be frank with everybody.
19 You know, I had to kind of position him
20 on the sink. And, you know, obviously
21 you want to make sure that you try to
22 secure him as much as possible, but if I
23 had a changing table, things would have
24 just worked out much more easier and I
25 wouldn't have been balancing. And who is

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2 to say if there are instances where a
3 person may be balancing and trying to
4 keep a child safe in which things don't
5 work out the right way.

6 And so I wholeheartedly endorse
7 this legislation and support it. I think
8 it's a no-brainer if we're going to be a
9 progressive city in advocating for our
10 most vulnerable, which are our children.

11 Thank you, Madam Chair.

12 COUNCILWOMAN BASS: Thank you
13 for your comments.

14 Is there anyone else here to
15 testify on behalf of this bill?

16 (No response.)

17 COUNCILWOMAN BASS: And no more
18 questions from the panel. Thank you very
19 much for coming today.

20 And seeing that there are no
21 other witnesses, can we have the Clerk
22 please read the title of Bill Nos.
23 160609, 160618, and 160687.

24 THE CLERK: Bill 160609, an
25 ordinance amending Chapter 6-800 of The

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2 Philadelphia Code, entitled "Lead Paint
3 Disclosure," to require as a condition of
4 licensing Family Child Day Care
5 facilities built before March 1978 that
6 such facilities be certified as lead safe
7 or lead free; and amending Section B-425
8 of the Code, entitled "Family Child Day
9 Care Facilities," and Section F-409 of
10 the Code, entitled "Family Child Day Care
11 Facilities," to make conforming changes;
12 all under certain terms and conditions.

13 Bill No. 160618, an ordinance
14 amending Section A-703.1 of Title 4 of
15 The Philadelphia Code, entitled "Special
16 Certificate of Inspection," to require
17 certification of water quality as a
18 condition of occupancy for certain
19 buildings used for education, all under
20 certain terms and conditions.

21 Bill No. 160687, an ordinance
22 amending Title 6 of The Philadelphia
23 Code, entitled "Health," to require
24 disclosure of lead hazards, including
25 lead service lines, and making technical

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2 changes, all under certain terms and
3 conditions.

4 COUNCILWOMAN BASS: And I ask
5 if we can have the Clerk call up the
6 first witness, who is coming in. He can
7 take off his coat.

8 THE CLERK: The first panel
9 will be Dwayne Wharton of The Food Trust
10 and Francine Locke, School District of
11 Philadelphia, speaking on behalf of
12 160618.

13 COUNCILWOMAN BASS: And before
14 we actually begin with that testimony, we
15 want to hear from our panel, Councilwoman
16 Blondell Reynolds Brown and Councilwoman
17 Helen Gym.

18 Councilwoman Brown.

19 COUNCILWOMAN BROWN: Thank you,
20 Madam Chairwoman.

21 To our guests, visitors,
22 interested parties, to my Council
23 colleagues, Councilwoman Bass and members
24 of the Philadelphia City Council on
25 Health and Human Services, good morning.

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2 First, a thank you is in order to
3 everyone who stepped away from their work
4 today and joins us here where this
5 hearing centerpiece is focused on
6 children.

7 I would be remiss also not to
8 offer a thank you to the Administration,
9 in particular the Department of Health,
10 the Department of L&I, for all they have
11 done to date around this ugly issue. The
12 bottom line is that we must all do more.
13 Now, more than ever, we must continue to
14 work strategically -- and I repeat
15 that -- strategically to safeguard our
16 children from the dangers of lead.

17 According to EPA, the sources
18 of lead exposure are homes, schools, and
19 child care facilities. I'll repeat that.
20 According to the EPA, sources of lead
21 exposure are homes, schools, and child
22 care facilities. Lead poisoning rates
23 have dropped dramatically, falling about
24 90 percent over the last ten years. And
25 while that is good news, we recognize

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2 that it is not just important to treat
3 children who are already lead poisoned,
4 but more to prevent children from getting
5 lead poisoned.

6 Today, this hearing represents
7 another installment to do better and to
8 do more for our City's children. Bill
9 No. 160609 co-sponsored by my colleagues
10 Councilwoman Bass and Councilwoman Gym
11 would require that all family child care
12 facilities become certified as lead-safe
13 before being granted a license from the
14 Department of L&I. No adult, no
15 caregiver, no parent should ever have to
16 worry about their little one being
17 exposed to lead while in child care.

18 In 2010, my office worked
19 closely with Shelly Yanoff and PCCY, the
20 leadership of Community Legal Services
21 where we together tackled the issue of
22 lead paint in apartment buildings. We
23 had a healthy tension with HAPCO.
24 However, over two years of sitting down
25 and working closely with HAPCO and

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2 closely with the Department of Health and
3 closely with PCCY, together ultimately we
4 figured out a way to begin to tackle this
5 public health issue. The process was
6 long. It took two years, sometimes
7 tension for sure, but after layered acts
8 of diplomacy, layered acts of diplomacy,
9 HAPCO, PCCY, Community Legal Services, my
10 office, coupled with shuttle diplomacy by
11 Councilwoman Maria Quinones-Sanchez and
12 Marian Tasco, we drafted a win-win
13 outcome. Not a perfect outcome, but a
14 win-win outcome. That was our first
15 installment designed to tackle lead.

16 Why was it important? Because
17 of the long-term irreversible health
18 effects that impact the most vulnerable
19 among us, children.

20 HAPCO, PCCY, and my office
21 acknowledged and acted on the fact that
22 lead poisoning destroys the nervous
23 system, impacts cognitive development,
24 affects behavior, hearing, sight,
25 mobility, the digestive system, and

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2 circulation. So, therefore, there is no
3 safe level of lead. Our city needs to
4 look towards a zero tolerance level for
5 lead.

6 So this bill this morning,
7 along with those bills introduced by
8 Councilwoman Bass and Councilwoman Gym,
9 represent another tangible step in the
10 right direction to tackle this long-term
11 irreversible health policy issue.

12 For these reasons and more, I'm
13 asking for my colleagues for an
14 affirmative vote on Bill No. 160609.

15 And with that, I do want to
16 acknowledge that I've read with interest
17 documents that are put out by the
18 Department of Health and L&I that guide
19 citizens on what we need to do about
20 lead. And while if it's not in writing,
21 it doesn't exist, it is in writing, but
22 there are too many of our citizens who
23 won't read these documents. So we have
24 to be innovative and think outside the
25 box on how we capture their attention so

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2 that they can do better for the children
3 that are in their care.

4 Thank you, Madam Chairwoman.

5 COUNCILWOMAN BASS: And thank
6 you.

7 And Councilwoman Gym.

8 COUNCILWOMAN GYM: Thank you so
9 much, Madam Chair. And I really
10 appreciate the opening remarks that were
11 made by my colleague Councilwoman
12 Blondell Reynolds Brown, who has been a
13 champion on the issue of lead and
14 especially lead poisoning for so many
15 years. I want to thank Councilwoman Bass
16 for your leadership through this
17 Committee on this issue, and in
18 particular, I just would like to say how
19 encouraging it is that we have a package
20 of bills that is moving forward
21 co-sponsored by all the women on City
22 Council that is trying to take a creative
23 look at the different areas in which not
24 just lead exposure, but I really want to
25 emphasize that we're talking about lead

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2 poisoning here, that this is an issue of
3 lead poisoning, and that there isn't a
4 safe level of lead that is acceptable
5 when young children are being poisoned in
6 the numbers that we are seeing.

7 We acknowledge the advances
8 that have been made by the City
9 government, and what we hope is that this
10 process and the work that lies ahead
11 allows us to take fresh eyes to a
12 half-century-old problem and that we
13 renew this not just by saying we've done
14 so much, but think about it in the ways
15 of what more we have to do and the
16 opportunities that we have presented
17 before us.

18 In particular, I really also
19 want to emphasize how much has been done
20 by advocates, many of whom are in this
21 room today, and others who have been
22 advancing the issue on one of the bills
23 before you, which is discussion about
24 water access in our schools and the
25 safety of the water in our schools. Last

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2 year, through a series of town halls, our
3 office had been hearing about student
4 after student talking about the lack of
5 water access in their schools. We had
6 called young people and we joined -- our
7 office joined a number of young people
8 who called for a full inventory of the
9 offerability, I guess, of the District's
10 water fountains and found that 15 percent
11 of the District's water fountains were
12 inoperable. A number of schools had very
13 few water fountains that were available
14 to them, with a number of schools such as
15 Franklin Learning Certain, Dobson, and
16 Moore Elementary complaining that they
17 may have access to only just one working
18 water fountain in the entire school.

19 We passed a bill bringing the
20 City policy in line with national best
21 practices of having one water fountain
22 for every 100 students and making that
23 applicable to all school buildings, but
24 that doesn't address the problem of water
25 quality in the schools. And we've seen

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2 that in districts across the country,
3 Newark, for example, really taking
4 seriously the issue of testing their
5 water and recognizing that we are having
6 some serious issues. We pushed the
7 District to test. We pushed the District
8 preemptively to install cold water
9 hydration fountains in schools that were
10 already filtered so that children and
11 young children could have access to water
12 immediately. And, you know, we really
13 had to push the District on this testing
14 issue. The District had originally
15 agreed to test a small sample of the
16 schools, but it quickly became clear that
17 there was a significant problem even
18 within the schools that they tested.
19 Forty-nine out of 360 water fountains had
20 lead levels above the 15 parts per
21 billion. That was deemed to be
22 unacceptable, and since then, seven more
23 fountains were found to be above the safe
24 level. And that's why we're in part here
25 today, because we're trying to push,

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2 we're trying to have the City establish a
3 level of standards.

4 We recognize that this is a
5 serious issue. It takes a lot of time,
6 but we believe that the safety of our
7 young people are at stake. And we also
8 believe that we need to make serious
9 investments in our school infrastructure,
10 that it's not just a matter of there's
11 nothing we can do about it, we just have
12 to shut down fountains, but we actually
13 have to start having conversations about
14 investments in our school infrastructure
15 as we move forward. We can't allow what
16 has been happening over the past ten
17 years, when water fountains were simply
18 not tested, there was very little
19 inventory and very little information
20 being publicly acceptable, to be the kind
21 of standard that we have moving forward.
22 More than ever, especially as we see
23 potentially sweeping changes that may
24 happen in our nation around how we're
25 going to look at environmental

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2 protections and especially the safety and
3 evaluation of our young people in this
4 country, I believe more than ever that
5 municipalities, Philadelphia in
6 particular, has both a duty, a moral
7 responsibility, and an opportunity to
8 establish and set forward the types and
9 values and standards that we're going to
10 have to ensure safety for our young
11 people. No matter what may happen at the
12 national level or in other places, this
13 advocacy community that has pushed us to
14 this point that is continuing to push us
15 forward is going to be who we rely on to
16 establish the standards that we have.

17 So thank you very much,
18 Councilwoman Bass.

19 COUNCILWOMAN BASS: Thank you
20 very much, Councilwoman.

21 And I want to thank the entire
22 panel really and all of the members of
23 City Council for really recognizing the
24 importance of this issue and for taking a
25 stand on it. This is something that's

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2 very important. It's not taken lightly.

3 And I take very offense to the idea that

4 this is something that should be taken

5 lightly or that we don't take very, very

6 seriously, because when you think about

7 it, this is about saving our children.

8 This is about making sure -- we talk

9 about what's happening in Flint,

10 Michigan. We got a problem right here in

11 Philadelphia, Pennsylvania. And so this

12 is something that is serious. It's very

13 heavy. We need to deal with it. And

14 when we talk about our children, our

15 future, there's nothing more important.

16 And so we really do have to stay on top

17 of this issue.

18 We recognize the enormous scope

19 of the problem, but we thank you all for

20 being here today and for your commitment

21 as well as we try to figure out how to

22 get at this very big, not that

23 complicated but very big problem and

24 situation we have before us.

25 So, Commissioner, if you'd like

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2 to state your name for the record and
3 begin with your testimony on Bill No.
4 160618.

5 COMMISSIONER FARLEY: Yeah.
6 I'm Tom Farley and I'm the Commissioner
7 of Health.

8 Just to be clear, I don't
9 know -- there are three bills. Am I
10 going to be talking about all three bills
11 now?

12 COUNCILWOMAN BASS: I think
13 we're going to do them separately. So
14 we're going to start with 160618, and if
15 you could hang around as we go through
16 each bill.

17 COMMISSIONER FARLEY: I'm here
18 as long as you need me.

19 COUNCILWOMAN BASS: Thank you
20 so much.

21 COMMISSIONER FARLEY: The
22 testimony that I prepared was discussing
23 all three bills, so --

24 COUNCILWOMAN BASS: That's
25 fine.

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2 COMMISSIONER FARLEY: So I'll
3 go through all of them, if you don't
4 mind.

5 COUNCILWOMAN BASS: You can say
6 it three times.

7 COMMISSIONER FARLEY: Then I'll
8 be around for questions after that.

9 So good morning. I'm Thomas
10 Farley, Commissioner of the Philadelphia
11 Department of Public Health. Thank you
12 for the opportunity to provide testimony
13 on Bills No. 160687, 160609, and 160618
14 sponsored by Councilwoman Bass,
15 Councilwoman Brown, and Councilwoman Gym,
16 respectively.

17 Let me begin with Bill No.
18 160687 introduced by Chairwoman Bass to
19 amend Chapter 6-800, "Lead Paint
20 Disclosure." This bill, as I understand
21 it, as proposed to be amended, will add
22 provisions to the current disclosure law
23 that would require residential landlords
24 to provide tenants with City-mandated
25 information about the possible presence

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2 of lead in plumbing materials and many
3 service lines.

4 Lead can be damaging to the
5 developing brain, and when young children
6 are exposed to lead, it can cause
7 lifelong developmental and behavioral
8 problems. By far, the most common source
9 of exposure to lead in children is paint
10 in older houses. However, some old water
11 lines and fixtures contain lead, and
12 there's reason to take steps to avoid
13 exposure to lead from drinking water.

14 Until recently, federal law
15 allowed plumbing materials and fixtures
16 to contain as much as 8 percent lead and
17 still be sold as lead-free. Fortunately,
18 with appropriate water treatment, as is
19 done in Philadelphia, we can reduce the
20 leaching of lead into water from pipes,
21 which protects against the possibility of
22 lead exposure from water. Furthermore,
23 there are steps that Philadelphians can
24 take to provide an additional measure of
25 protection from water-born lead exposure;

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2 namely, flushing the system daily and
3 knowing whom to contact for testing in
4 the unlikely event a problem is
5 suspected. This bill will require
6 landlords provide that information to
7 tenants when they sign a lease, which we
8 support.

9 Similarly, the Health
10 Department supports Bill 160618, which
11 requires City schools and certain day
12 cares to systematically test water for
13 the presence of lead and to take
14 appropriate action if found at levels in
15 excess of the bill's standard.

16 I should say here there are
17 different standards as far as testing
18 water, and I think some discussion on
19 what's the appropriate standard should
20 take place. There's a 15 micrograms per
21 deciliter standard for residences, which
22 is mandated. There's a 20, which is
23 voluntary, for schools. And so some
24 discussion of what the appropriate
25 standard is is worthwhile. Nonetheless,

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2 I think that's a minor issue in an
3 otherwise strong bill that we very much
4 support.

5 Bill No. 160609 deals with lead
6 paint in day cares. Before turning to
7 the specifics of that bill, I'd like to
8 give some context and some background.

9 When the Health Department
10 investigates the environment of a child
11 with a high lead level, the source is
12 nearly always in the primary residence in
13 the form of chipping and peeling paint.
14 The Centers for Disease Control and
15 Prevention have determined that while
16 there's no known safe level of lead,
17 children with blood lead levels of at or
18 above 10 micrograms per deciliter have a
19 high enough risk that they should receive
20 education, home inspection, and lead
21 remediation services, as is done by our
22 Lead and Healthy Homes Program.

23 Fortunately, the percentage of
24 children with such blood lead levels in
25 Philadelphia has been declining. Among

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2 children being tested for lead between
3 the ages of zero and five years, the
4 proportion newly diagnosed with a level
5 of 10 micrograms per deciliter or above
6 has declined from 4.5 percent in 2006 to
7 1.0 percent in 2015.

8 Still, this represents too many
9 children in Philadelphia who continue to
10 be exposed to lead from paint. Although
11 lead-containing paint has been banned
12 since 1978, Philadelphia still has many
13 homes that have surfaces that are covered
14 with lead paint. With thousands of
15 Philadelphia's young children thought to
16 be living in rental properties, the lead
17 paint disclosure law was intended to
18 prevent that exposure by requiring
19 landlords to identify and mitigate lead
20 risks such as peeling paint in any
21 properties where children age six or
22 under live. In brief, the law states
23 that a landlord shall not enter into a
24 lease agreement unless he or she provides
25 the tenant and the Health Department with

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2 a valid certification stating that the
3 property has been tested and found to be
4 lead-free or lead-safe and that the
5 tenant acknowledges receipt of the
6 certificate by signing a copy. Landlords
7 are required by the law to submit signed
8 copies of these certificates to the
9 Health Department. However, enforcement
10 of the law has been challenging given the
11 fact that a number of landlords do not
12 obtain licenses, and among those
13 licensed, it is not known in which units
14 children may live.

15 To address these issues with
16 enforcement of the current law, we have
17 been working within the Department of
18 Health and with the Department of
19 Licenses and Inspections and Law on the
20 following action items. The first of
21 these items has already been completed.
22 We launched a public information
23 advertising campaign advising tenants who
24 are parents of young children of their
25 right to a lead-safe environment.

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2 In case you didn't see it on
3 SEPTA, it looks like this. Couldn't
4 resist. Such a cute kid.

5 Families were instructed as to
6 whom they can call for assistance if they
7 have not been provided with a lead-safe
8 certificate by their landlord.

9 The same campaign served to
10 educate and inform landlords of their
11 responsibility to comply with the lead
12 paint disclosure law. This campaign
13 generated more than 20 fold increase in
14 traffic to the Lead and Healthy Homes web
15 page from about 2,000 page views in June
16 2016 to 44,000 in July.

17 We are working to identify
18 landlords and associated rental
19 properties without lead-free or lead-safe
20 certificates where children age six or
21 under are likely to be living. We have
22 identified the highest risk properties
23 and have begun to send notices to these
24 landlords to encourage them to comply
25 with the lead paint disclosure law. As

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2 part of this mailing, we also included
3 educational information to assist the
4 landlords. If landlords do not submit
5 certificates after full notification, we
6 plan to send them tickets for violating
7 the disclosure law. For landlords who
8 repeatedly fail to comply or who have
9 high-risk properties, we have additional
10 enforcement tools, such as including
11 seeking court-ordered fines, requiring
12 compliance through court action, and
13 making landlords with open violations
14 ineligible for rental license renewal.

15 We are working with the
16 Department of Licenses and Inspections to
17 modify the rental license application to
18 require more affirmative responses from
19 the applicant regarding the certification
20 requirement. This will allow us to
21 better capture information about rental
22 properties that may be required to submit
23 a certification.

24 In addition, we will continue
25 to identify children with lead levels

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2 above 10 micrograms per deciliter and
3 either require the landlords remediate
4 their homes or do the remediation
5 themselves.

6 Now turning to Bill No. 160609.

7 It is also clear that family day cares
8 where many children are cared for in
9 private settings should meet the same
10 lead-safe or lead-free standards as the
11 homes in which they live. For this
12 reason, the Philadelphia Department of
13 Health wishes to endorse Bill 160609,
14 which proposes to require as a condition
15 of licensing that family day care
16 facilities built before March 1978 be
17 certified lead-free or lead-safe.
18 Assuring that young children attending
19 day cares are not exposed to lead paint
20 while at those facilities is a reasonable
21 and achievable requirement, with
22 potential for preventing cases of
23 childhood lead poisoning.

24 In summary, we are very pleased
25 with the Council's concern about

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2 preventing lead poisoning in children.

3 We are very open to discussing this
4 further. I would be happy to answer any
5 of your questions.

6 Thank you.

7 COUNCILWOMAN BASS: Thank you
8 very much.

9 And, Ms. Swanson, if you want
10 to state your name for the record and
11 begin with your testimony.

12 MS. SWANSON: Absolutely. Like
13 Dr. Farley, I also have combined
14 testimony. 618 is at the end, so bear
15 with me.

16 Good morning, Chairwoman Bass
17 and members of the Committee on Public
18 Health and Human Services. My name is
19 Rebecca Swanson. I am the Director of
20 Planning for the Department of Licenses
21 and Inspections. Commissioner Perri
22 sends his regrets. Due to a pre-existing
23 commitment, he asked me to stress that he
24 is always personally available to you to
25 discuss these issues or any other issues.

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2 Today, I am here to provide
3 testimony on Bills No. 160687, 160609,
4 and 160618, as proposed to be amended,
5 sponsored by Councilwoman Bass,
6 Councilwoman Reynolds Brown, and
7 Councilwoman Gym, respectively.

8 In Philadelphia, where 95
9 percent of the housing stock is more than
10 40 years old, it is an unfortunate fact
11 that many buildings contain lead paint or
12 have lead water service lines or lead
13 plumbing components. The requirement
14 that these three bills add to The
15 Philadelphia Code will empower residents
16 with information that they should have
17 about the presence of lead in residential
18 homes, as well as put in place more
19 protection for children attending in-home
20 family day care facilities and
21 Philadelphia public schools.

22 L&I is extremely supportive of
23 all efforts to address and eradicate
24 childhood lead poisoning. We can and
25 will provide specific support to

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2 achieving the objective of all three
3 bills, including by holding landlords
4 more accountable for submitting lead
5 disclosure certifications, requiring
6 family day care center operators to prove
7 that their facilities are lead-free or
8 lead-safe, and working with the School
9 District of Philadelphia in its
10 collection of water testing
11 certifications.

12 I will begin with Bill No.
13 160687, introduced by Councilwoman Bass.
14 The bill adds to Chapter 6-800 of The
15 Philadelphia Code a requirement that
16 tenants be informed that lead service
17 lines and plumbing components do exist in
18 residential housing throughout the City,
19 but that there are measures that they can
20 take to ensure that the water in their
21 homes meets the highest standards. We
22 will work with the Health Department to
23 assist in disseminating this information
24 to landlords so that they can comply with
25 the new requirement.

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2 Given the seriousness of lead
3 as a health hazard, especially to
4 children, we should look at Chapter 6-800
5 in its totality and acknowledge its
6 continued emphasis on lead paint. We
7 know that lead paint is a concern in our
8 rental housing stock in particular, and
9 as the agency responsible for issuing
10 rental licenses to property owners, we
11 pledge to provide any operational support
12 to the Department of Public Health or
13 changes to our existing system that are
14 necessary to assist them in their
15 mission.

16 Currently, there are active
17 rental licenses for approximately 200,000
18 dwelling units in 75,000 unique
19 properties. These licenses carry with
20 them a set of requirements and
21 responsibilities for landlords, including
22 an obligation to ensure that there are no
23 lead paint hazards in the dwelling unit.
24 As is well established, lead paint was
25 only used in buildings constructed prior

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2 to 1978 and lead is most dangerous to
3 children age six and under. Therefore,
4 the lead disclosure obligation applies to
5 landlords who lease or seek to lease
6 units in buildings constructed prior to
7 1978 to families with children age six or
8 under.

9 Specifically, landlords to whom
10 the requirement applies must obtain a
11 certification from a certified lead
12 inspector stating that the unit they seek
13 to rent is lead-free or lead-safe. The
14 landlord must provide the lessee with a
15 copy of the certification for the
16 lessee's review and signature. The
17 landlord must then submit a copy of the
18 signed certification to the Philadelphia
19 Department of Public Health.

20 This system relies on landlords
21 to self-identify on their rental license
22 application as having units constructed
23 prior to 1978 that are being rented or
24 may be rented in the future to families
25 with children age six or under and then

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2 satisfy the applicable certification
3 requirement.

4 We acknowledge that there are
5 challenges with this system that have
6 made enforcement difficult in the past.
7 It is estimated that 26,000 rental units
8 are occupied by a child age six or under,
9 but there is no easy way to discern which
10 of the 200,000 licensed units they are.

11 The realities of
12 landlord-tenant relationships also pose
13 some obstacles. However, L&I has taken
14 meaningful steps toward addressing these
15 challenges, and we believe that these
16 changes will help the Department of
17 Public Health aggressively investigate
18 and enforce against non-compliant
19 landlords.

20 First, L&I has revised its
21 rental license application effective in
22 January of next year to provide clear
23 direction to and require more affirmative
24 responses from any applicants regarding
25 the certification requirement. This

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2 change will allow L&I to electronically
3 capture a list of applicants who certify
4 that they submitted a lead disclosure to
5 the Department of Public Health. This
6 will be accessible to the Department of
7 Public Health, which will review, verify,
8 and audit this information and take
9 enforcement action against known
10 landlords who fail to submit a valid
11 certification despite being required to.

12 Where the Department of Public
13 Health enforcement actions against a
14 landlord include the issuance of a notice
15 of violation for failure to comply with
16 the certification requirement, that
17 landlord will be made ineligible for
18 renewal of his or her rental license by
19 L&I until the certification is submitted.
20 This process mirrors L&I's existing
21 process for denial of rental license
22 renewals at properties with open Property
23 Maintenance Code violations.

24 Going forward, we are exploring
25 other technological changes that will

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2 streamline both the certification
3 submission process and the Department of
4 Public Health verification and auditing
5 program.

6 It must be noted that the
7 system will only be effective for online
8 license application renewals. Therefore,
9 we are soon going to be mandating that
10 all rental license applicants use our
11 online licensing portal or our in-person
12 services to obtain or renew their
13 licenses.

14 L&I has also taken additional
15 steps to educate landlords on the
16 disclosure requirement, including
17 detailing the requirement on our website
18 and printed materials, and identifying
19 potential unlicensed rental properties.
20 L&I has also committed to improving our
21 referral system with the Department of
22 Public Health. Currently, L&I inspectors
23 refer properties with evidence of chipped
24 paint and damaged walls, windows, and
25 doors to the Department of Public Health

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2 to inspect for potential lead paint
3 hazards. Going forward, this referral
4 process will be formalized and automated.

5 I now turn to Bill No. 160609,
6 which requires family child day care
7 facilities, which are defined elsewhere
8 in the Code as day care facilities
9 serving 12 or fewer children in a
10 residential dwelling, to adhere to new
11 obligations for certifying that the
12 premises are lead-safe or lead-free in
13 order to obtain or renew their required
14 operating license.

15 This bill will further
16 strengthen L&I's strict licensing and
17 inspection procedures for in-home family
18 child day care facilities. As it stands,
19 before a family child day care facility
20 opens, it must obtain a family day care
21 license at a cost of \$50 from L&I.
22 Before the license is issued, the
23 Department conducts a thorough
24 reinspection of the interior and exterior
25 of the property for compliance with the

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2 Property Maintenance and Fire Codes. If
3 any violations are found at the property,
4 the operator cannot obtain a license
5 until the violations are corrected. This
6 process is repeated each year upon
7 license renewal.

8 This bill requires another step
9 in the process, one that the Department
10 agrees is important to protect the health
11 and safety of the children occupying
12 these facilities. Going forward,
13 applicants must certify that the building
14 in which the day care is housed was built
15 after 1978 or they must submit a
16 lead-free certification or a lead-safe
17 certification that is based on an
18 inspection no more than two years prior
19 to the license application or renewal.

20 Operationally, this new
21 procedure will require new and renewal
22 applicants to indicate the age of the
23 building on the license application. If
24 the applicant answers that the building
25 was built prior to 1978, the applicant

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2 must then certify that he or she
3 submitted a valid lead certification to
4 the Department of Public Health. L&I
5 will collect this information and provide
6 the Department of Public Health with a
7 list of all applicants who certified that
8 he or she submitted a lead certification.
9 If the Department of Public Health's
10 review determines that the applicant who
11 certified that he or she submitted a lead
12 certification but failed to do so, it
13 will notify L&I, and L&I will not issue
14 or renew the applicant's license until a
15 valid certification is submitted.

16 As with rental licenses, this
17 system will be most effective if
18 applications and renewals are done
19 online, so we will be strongly
20 encouraging all applicants to use our
21 online licensing portal.

22 Ensuring the safety of children
23 in family child day care facilities is a
24 priority of L&I. As mentioned
25 previously, we inspect these facilities

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2 annually to look for any potential
3 life-safety issues, such as fire alarms
4 and accessible exits, but to also look
5 for any and all property maintenance
6 issues. This includes chipped paint and
7 damage to walls, windows, and doors,
8 which we know present potential lead
9 paint hazards. As we do with rental
10 units, L&I inspectors refer any day care
11 facilities with chipped paint violations
12 to the Department of Public Health for
13 further inspection. Going forward, this
14 process will be formalized and automated.

15 We are also committed to
16 increased education about lead
17 certification requirements to family
18 child day care providers. We are
19 partnering with the Commerce Department
20 to create an instructional video for
21 those seeking to open a new family child
22 day care facility and will include in the
23 video detailed information about the lead
24 certification requirement and about the
25 importance of compliance with the section

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2 of the Property Maintenance Code related
3 to the condition of interior surfaces.

4 Finally, I will turn to Bill
5 No. 160618, which places a new
6 requirement in schools and certain other
7 facilities to conduct testing of their
8 water supply. L&I supports this bill and
9 will support schools in this effort by
10 incorporating the collection of the
11 required testing certification during the
12 Department's annual inspection of each
13 school.

14 We believe that the commonsense
15 measures set forth in these three bills
16 will hold the owners of properties that
17 are occupied by children, whether they be
18 rental units, day care facilities or
19 schools, more accountable to their
20 obligation to ensure that their
21 properties are safe, healthy
22 environments. In turn, this will help us
23 all meet our shared goal of eradicating
24 childhood lead poisoning in Philadelphia.

25 Thank you for the opportunity

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2 to testify. Happy to answer any
3 questions.

4 COUNCILWOMAN BASS: Thank you
5 for your testimony.

6 And before we move to Dwayne
7 and The Food Trust, what I'd like to do
8 is have the School District speak first
9 so that we can have all of the folks who
10 are sort of responsible for addressing
11 this issue, and then we'll have our
12 advocacy groups come forward.

13 So, Dwayne, if you don't mind
14 just holding for one more moment.

15 MR. WHARTON: I'm a middle
16 child. I'm very --

17 COUNCILWOMAN BASS: It's okay?
18 All right. There's no issue with it.
19 Okay. Great. Thank you. Thank you for
20 your patience.

21 So we have Ms. Francine Locke,
22 Environmental Director for the School
23 District of Philadelphia.

24 MS. LOCKE: Francine Locke,
25 Environmental Director for the School

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2 District of Philadelphia. I'm thankful
3 to be here today.

4 COUNCILWOMAN BASS: Can you
5 please pull the microphone closer so we
6 can hear you.

7 MS. LOCKE: Yes, ma'am.
8 Francine Locke, Environmental Director
9 for the School District of Philadelphia.
10 Thankful to be here today.

11 I submitted my testimony, but I
12 just would like to speak freely, if you
13 don't mind.

14 COUNCILWOMAN BASS: Certainly.

15 MS. LOCKE: So the School
16 District of Philadelphia understands that
17 lead is a serious issue for children and
18 that it causes permanent learning
19 disabilities. It's been associated with
20 many different public health issues,
21 including incarceration in the future.
22 It's a very insidious public health issue
23 that we're taking very seriously.

24 We had a water testing program
25 that was conducted between 1999 and 2010

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2 that tested over 30,000 drinking water
3 outlets, and we used the EPA standard of
4 20 parts per billion during that testing.

5 We have initiated a second
6 retesting program, and the reason we did
7 that is because of the national attention
8 around Flint, Michigan and the heightened
9 level of concern by our stakeholders.

10 I just want to comment on
11 Councilwoman Gym's mentioning pushing the
12 District and other City officials. I
13 believe in working together, and we have
14 very similar goals. I have worked for
15 the District for 11 years. I went to
16 Philadelphia public schools and my
17 children also attend Philadelphia public
18 schools, and we take this issue very
19 seriously and we want to do everything
20 possible to ensure that our children are
21 drinking water. And so I just want to
22 make sure that that's clear, that we
23 understand the importance of healthy
24 hydration and ensuring that our water is
25 safe, accessible, and appealing.

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2 So the EPA's guidance to
3 protect children is at an action level of
4 20 parts per billion. The School
5 District initiated this retesting program
6 this summer and we instituted the action
7 level of 15 parts per billion of lead.
8 This is the same action level as the
9 State of New Jersey, New York City public
10 schools, as well as Chicago public
11 schools. This is lower than the EPA's
12 action level of 20 parts per billion. I
13 just want to make sure that was clear.

14 With our new testing program,
15 we have put all of the data on our
16 website so that families can access that
17 data to ensure that they can see that the
18 school was tested, and on an
19 outlet-by-outlet basis, they are able to
20 see the results. We're trying to be as
21 open and transparent as possible, because
22 I understand as a parent I would want to
23 see that as well.

24 And I just want to also say I
25 appreciate hearing what our stakeholders

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2 are saying and working with genuinely
3 concerned stakeholders, and it's actually
4 an honor to work with you guys to make
5 the City of Philadelphia and our schools
6 healthier and safer.

7 So Phase 1, we tested 40
8 schools, and the result indicated that 92
9 percent of the outlets or almost 700 of
10 the outlets were below the action level
11 of 15. So 8 percent, or about 50 of the
12 outlets, were above the action level of
13 15. Yesterday I spoke at the SRC meeting
14 and I said this was good.

15 I just want to say that it
16 was -- I'm just thankful that we are
17 seeing these results and that they are
18 less than I expected. At first we were
19 receiving a 15 percent increase. We saw
20 15 percent of the outlets being above the
21 action level. We now see 9 percent. No
22 level of lead is considered okay, so we
23 definitely want to keep moving forward
24 with testing and remediating and moving
25 forward in that fashion.

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2 One of the changes in the Phase
3 2 of our testing is going to be no more
4 pre-stagnation flushing. So that's going
5 to accelerate our project. Originally we
6 thought that we would have to wait until
7 December of 2017 to complete testing all
8 of our schools. We're going to move that
9 up to June, because we're removing the
10 flushing portion of the testing program.
11 That means that water will still remain
12 stagnant in the pipes for 8 to 18 hours,
13 but we're not flushing them three days in
14 advance. And we're also adding
15 additional outlets, including nurses'
16 offices, kitchen cold water sinks, and
17 culinary arts and autistic support
18 classrooms where children may be using
19 the water for cooking or drinking.

20 And with regards to the bill
21 that impacts schools for testing, there
22 are a few comments. I think that it's
23 wonderful and I agree with everything
24 there. There's two pieces that I'd like
25 to just comment on. One is about the

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2 action level of 10 parts per billion. I
3 believe that's proposed in this. I just
4 would like to have that reconsidered,
5 because it is challenging for us to do
6 that in terms of resources, as well as
7 other standards that are out there from
8 other school districts are using the 15
9 parts per billion. There's no federal
10 regulation stating that the 10 parts per
11 billion is what is -- what we're moving
12 towards and, as I said, there are other
13 large school districts that are using the
14 15 parts per billion, as we are.

15 Additionally, there is language
16 in the proposed bill that says that we
17 should post the results or have to post
18 results within five days after receiving
19 the results. I would like to ask if we
20 could have a little bit more time,
21 because we'd like to actually look at the
22 laboratory data for quality control
23 purposes to ensure that we are
24 receiving -- we're getting accurate,
25 quality information. So 15 business days

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2 to 30 business days is what I would like
3 to request, if possible.

4 And that completes my
5 testimony. Thank you very much for your
6 time.

7 COUNCILWOMAN BASS: Okay.
8 Well, thank you very much for your
9 testimony.

10 Before we move to Mr. Wharton,
11 I'm going to ask that we actually do a
12 little bit of musical chairs, because I
13 know that the panel probably has
14 questions for the Commissioner and for
15 Ms. Swanson from L&I. So if we could
16 have them come back to the table. Go
17 don't far, Dwayne. Don't go far. Just
18 roll right on over.

19 But I do have a question for
20 Ms. Locke before we actually speak with
21 the other members of Council. So I had a
22 question for you, Ms. Locke, when you
23 just mentioned that you're asking that we
24 reconsider the 10 parts per billion in
25 terms of the count of lead in the water,

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2 and you said that other large
3 municipalities or large school districts
4 were also at 15 parts per billion, which
5 is where Philadelphia School District is
6 right now.

7 MS. LOCKE: Yes.

8 COUNCILWOMAN BASS: Can you
9 give me an idea of what those school
10 districts are?

11 MS. LOCKE: Chicago public
12 schools. The State of New Jersey's
13 Department of Ed has made this their law
14 to have every school tested and using 15
15 parts per billion, as well as -- Chicago
16 and I said another one. Good Lord. So
17 New Jersey, Chicago, and New York City.
18 Forgive me.

19 COUNCILWOMAN BASS: Okay.

20 Thank you.

21 MS. LOCKE: Thank you.

22 COUNCILWOMAN BASS:

23 Councilwoman Brown.

24 COUNCILWOMAN BROWN: Good
25 morning, everyone.

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2 (Good morning.)

3 COUNCILWOMAN BROWN: So the
4 backdrop for and the stunning fact for me
5 is that 95 percent of the housing stock
6 is 40 years old. So with that being what
7 we're up against, let me just speak to
8 the good news first.

9 The good news that I've learned
10 and heard in the testimony is that the
11 departments are talking more intimately
12 with each other around this particular
13 issue. Ten years ago that was not the
14 case. Six years ago where we were
15 actively engaged on this issue, that was
16 not the case. So that's great news.

17 What I can't figure out and
18 what I'm asking the Health Commissioner
19 and the L&I Deputy Commissioner,
20 ultimately who is responsible for helping
21 those who own properties get rid of the
22 lead? Who is the ultimate enforcer?
23 Where does the buck stop?

24 COMMISSIONER FARLEY: Well, I
25 think both -- first of all, the two

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2 departments are working closely together
3 now, and both the departments have to be
4 involved, because the law says that the
5 lead-safe, lead-free certificate goes to
6 the Health Department. And so we're the
7 ones that would know whether their
8 certificate is there, but the certain
9 enforcement authority lies with L&I.

10 As I said earlier, we have a
11 process for sending out tickets to
12 landlords who have not sent in
13 certificates, and then for landlords
14 where we perceive a bigger problem, we
15 can do notices of violation, which would
16 bring in L&I, and if we need to go beyond
17 that, potential denial of renewal of a
18 license, which would be L&I. So both
19 departments really have to be involved,
20 but I do think we have a strong protocol
21 and we are working closely together so
22 that we can make the protocol work.

23 COUNCILWOMAN BROWN: So how
24 many staffers are responsible for
25 monitoring the enforcement actions around

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2 this issue in L&I?

3 MS. SWANSON: So as far as --
4 these are license issuance. So we renew
5 about 80,000 or have 80,000 rental
6 licenses a year, give or take. So this
7 will just be incorporated into our
8 license renewal process. We currently
9 will start denying rental license
10 renewals for properties with open
11 Property Maintenance Code violations for
12 any type of Property Maintenance Code
13 violation and this will be just absorbed
14 into that system. It will just look like
15 this has an open violation, they can't
16 have their license.

17 COUNCILWOMAN BROWN: Now, on
18 Page 2 of your testimony, Commissioner --
19 no; L&I, fourth paragraph, you say
20 effective 2017 this new process will
21 become apparent, L&I.

22 MS. SWANSON: Yes. So we
23 changed our rental license application.
24 Those changes are going to go into effect
25 in January, because that is when the

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2 license renewal period starts. The vast
3 majority of our rental licenses, the
4 renewal is due in February. So the vast
5 majority start renewing and applying in
6 January. So it will kick in for that
7 period.

8 COUNCILWOMAN BROWN: Okay. And
9 I have one more question that I now can't
10 find. So thank you all for your
11 testimony.

12 Thank you, Madam Chairwoman.

13 COUNCILWOMAN BASS: Thank you,
14 Councilwoman.

15 And Councilwoman Gym.

16 COUNCILWOMAN GYM: So thank you
17 very much.

18 I guess I should just clarify a
19 little bit for Ms. Locke about where we
20 are. So based on this widely accepted
21 understanding that there is no safe level
22 of lead in drinking water, I guess one of
23 the questions that we have about this 10
24 parts per billion is the enforcement of
25 as low as recently achievable kind of

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2 standard. And at the current time, this
3 standard of the 10 parts per billion is
4 certainly achievable and practical and
5 has been supported in other school
6 districts. So I know that you quoted
7 others that might use this 15 parts per
8 billion, and I think, you know, again,
9 these are all very arbitrary figures, but
10 I think what we're trying to go for is
11 this lowest achievable standard.

12 Certainly Jefferson County Kentucky
13 School District is the largest school
14 district in Kentucky with 156 schools and
15 they've been enforcing the 10 parts per
16 billion standard for the last five years.
17 Seattle, Washington with its 93 schools
18 is now at a 10 parts per billion. St.
19 Louis, Missouri with 72 schools also has
20 a 10 parts per billion. And the Seattle
21 Superintendent said very clearly that the
22 Seattle public schools consider student
23 and health safety as a top priority.

24 The World Health Organization
25 also recommends the 10 parts per billion,

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2 and Washington, DC is going to 1 part per
3 billion.

4 So I guess the question is,
5 should we accept less than that?

6 MS. LOCKE: You have excellent
7 points here and excellent questions.

8 Number one, if we think about the Water
9 Department and having their standard be
10 15 parts per billion, having the outlet
11 be anything less than that is somewhat of
12 a challenge if you just think of it from
13 a scientific age and technical
14 perspective, even though we are seeing
15 that. However, I agree with you that
16 there is no safe level of lead. It's an
17 argument that no one can really win.
18 It's an arbitrary number, as you also
19 said, 15, 20, 10, 1. It's not an
20 argument that anyone can win saying that
21 any level is okay.

22 There are standard-setting
23 organizations that we follow. The EPA
24 has provided us with a guidance document
25 that says 20 parts per billion. So the

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2 School District of Philadelphia is
3 following the guidance of a
4 standard-setting organization that is
5 reputable. I don't know the methodology
6 used by those other school districts in
7 terms of how they're collecting it. It
8 might be a very large sample, and when
9 you collect a larger sample, you can use
10 a much lower threshold. So it's based
11 upon methodology as well.

12 But, you know, I'm asking for
13 15 parts per billion, because that is
14 what standard-setting organizations are
15 recommending. It's actually less than --
16 it's a more stringent number. And that's
17 the answer I have, but I respect what
18 you're saying and I understand your
19 viewpoint.

20 COUNCILWOMAN GYM: So I think
21 the standard-setting organizations are I
22 guess what we're trying to understand a
23 little bit better. So you can have EPA.
24 There's also the World Health
25 Organization. There are others that

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2 could be considered standard. And part
3 of it is is that I want us to be cautious
4 about how we're looking at things. I
5 think that there is some level of us
6 coming together as the City, coming
7 together as a health community and as an
8 advocacy community to establish
9 standards. I think that it's possible
10 that the EPA could wildy swing in other
11 directions in the future, and I want to
12 be cautious about making sure that the
13 standards that we're setting follows the
14 intention of what -- rather than just
15 picking numbers, following what some of
16 these superintendents have been saying,
17 which is that the student health and
18 safety is their top priority and that
19 what we're trying to go for is this
20 lowest level that should be reasonably
21 and expected to be achieved for safety.

22 So the one question is, the
23 amendments to the bill grant the School
24 District ten days as opposed to five days
25 for disclosure. Is that acceptable?

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2 MS. LOCKE: Fifteen was the
3 request, but anything greater than five
4 would be appreciated.

5 COUNCILWOMAN GYM: Okay. Thank
6 you.

7 Two quick questions for
8 Commissioner Farley. Thank you so much
9 for your work and your advocacy in this
10 area. One of the questions that I had
11 was -- I appreciate the public
12 information advertising campaign, and
13 it's great to hear that there is an
14 increase in the websites. Is there a way
15 to measure whether there's an increase,
16 an uptick in the number of calls about
17 assistance if families have not been
18 provided with a lead-safe certificate?
19 It didn't really give me a lot of clarity
20 about whether they're calling in to a
21 district -- I mean into a City call
22 center or whether you're able to track
23 that kind of information, but I'd be
24 curious about if there's an uptick in the
25 number of calls requesting help.

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2 COMMISSIONER FARLEY: We did
3 have calls in response to that campaign.
4 I don't have the numbers for you here. I
5 can tell you that it was small compared
6 to the number of hits to the website. It
7 seemed to be that's people's preferred
8 method of trying to get more information
9 on this.

10 COUNCILWOMAN GYM: Great.

11 And then for Ms. Swanson,
12 something that I'm just not as clear with
13 the L&I process. Who actually certifies
14 buildings to be lead-free and lead-safe?

15 MS. SWANSON: That is an
16 independent third-party lead certifier,
17 who then has that -- they do the dust
18 wipe test. And Dr. Farley knows way more
19 about that than I do. And then they
20 submit the certificate to the Health
21 Department as part -- and they identify
22 on their rental license application
23 whether or not they were required to
24 submit it and then whether or not that
25 they did.

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2 COUNCILWOMAN GYM: And they're
3 required to be certified in all of this
4 and it's an official document and they
5 can be held accountable if it's wrong; is
6 that right?

7 COMMISSIONER FARLEY: Yes.
8 They are required -- the contractors that
9 do the testing are required to be
10 certified as well. They are certified by
11 the state to be qualified to do that. I
12 don't know more details about the
13 enforcement of that rule. I can get back
14 to you on that.

15 COUNCILWOMAN GYM: And can the
16 landlords themselves be certified?

17 COMMISSIONER FARLEY: I believe
18 the landlords can be certified for the
19 dust wipe. And I want to see -- the
20 answer is yes. They need to go through
21 training and receive certification from
22 the state as well, but their staff can
23 receive that certification.

24 COUNCILWOMAN GYM: And we would
25 always cross-check about whether and who

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2 is actually producing the lead-free
3 certificate if a child was found to be
4 poisoned in a particular dwelling; is
5 that right? We would cross-check the
6 lead certificates and other types --

7 COMMISSIONER FARLEY:

8 Absolutely. If we get a child with a
9 lead level above 10, then among the
10 things we would do, many things we would
11 do, would be check to see if there's a
12 certificate there. Among other things,
13 that might give us a clue that maybe the
14 child was exposed somewhere other than
15 his primary residence.

16 COUNCILWOMAN GYM: And then one
17 last question I had was -- this came up
18 with our hearing, Councilwoman Bass, but
19 one question that we had is that a lot of
20 the focus is on the individual dwelling
21 that the child may be in. Whereas I'm
22 wondering is it possible to look at like
23 the landlord? So usually a landlord
24 isn't renting one individual unit. They
25 have an entire building, and if a unit is

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2 found to have lead poisoning, can you
3 look at other units within that building
4 or can you look at multiple holdings of a
5 landlord should there be deemed to be a
6 problem across a number of different
7 areas? So it's part of tapping into the
8 preventability rather than just kind of
9 going after the landlord after a child
10 has been poisoned, but recognizing that
11 the building may have a problem or the
12 landlord may be holding multiple
13 properties that have problems that have
14 not been appropriately remediated.

15 COMMISSIONER FARLEY: Right.

16 So we are, as I said, just beginning with
17 the primary prevention work. Letters
18 have been sent out. But there is
19 potential to do that. We have the
20 database from L&I of landlords that can
21 identify if they use the same name as the
22 landlord what are the multiple properties
23 that they own. And as we get into this
24 more, if we see that there is particular
25 problems with particular landlords, then

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2 we can check their other properties.

3 I should say, though, that some
4 landlords may have multiple LLCs under
5 different names, and at the moment, we
6 don't have the ability to connect them
7 all up. So, yes, we can do some of that
8 and we do intend to do some of that.

9 I can be clear, lead is in
10 homes all over in Philadelphia, but only
11 a relatively small number of children get
12 lead poisoning, because it's when the
13 paint becomes deteriorated, peeling,
14 chipping, which doesn't happen all that
15 often. It's homes that are really very
16 poorly maintained. So we don't have
17 any -- we have data on the age of the
18 housing. We don't have data on how well
19 it's maintained, but as we learn more
20 about the maintenance and what
21 neighborhoods these are in and what
22 particular types of landlords, for
23 example, they are, we are probably in a
24 better position to target our primary
25 prevention efforts.

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2 COUNCILWOMAN GYM: And is there
3 any way to audit the accuracy of the
4 inspectors' work to see, you know -- is
5 there any way to take a look at how well
6 we're doing in terms of catching some of
7 this?

8 COMMISSIONER FARLEY: To see if
9 these certificates are reflecting
10 accurately the risk there? There is
11 probably a way to do it. We haven't
12 gotten to that stage. We have a big
13 problem now with we don't even have -- we
14 have very few certificates overall. We
15 want to get the system in place that
16 they're coming in routinely. That is the
17 next step that I do want to look at.

18 COUNCILWOMAN GYM: Thank you
19 very much.

20 Thank you, Madam Chair.

21 COUNCILWOMAN BASS: Thank you.

22 So to get that system in place,
23 I know that it's just coming up now, but
24 can you make some sort of a commitment in
25 terms of is this a project that would be

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2 able to be undertaken within the next,
3 you know, 30 days, six months, one year?

4 COMMISSIONER FARLEY: I would
5 say it will take us some number of months
6 to get to where we are sending letters to
7 all the landlords. So we're sending them
8 in batches and seeing what response we
9 get and learning from that. So it won't
10 take a year, but it won't be the next 30
11 days either.

12 COUNCILWOMAN BASS: Okay. But
13 a number of months, but you are going to
14 be actively working to address that?

15 COMMISSIONER FARLEY: Yes.

16 COUNCILWOMAN BASS: Very good.

17 Councilwoman Maria
18 Quinones-Sanchez.

19 COMMISSIONER FARLEY: I should
20 also say that once the initial letters go
21 out, there's a long process there. Once
22 they get tickets, there's appeals, et
23 cetera, that will drag on a good bit
24 after that, but the initial letters, we
25 should be doing that.

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2 COUNCILWOMAN BASS: So 60 days.

3 All right.

4 Councilwoman.

5 COUNCILWOMAN SANCHEZ: Thank
6 you, Madam Chair.

7 I want to speak about what we
8 consider to be the universe. I think one
9 of the great things that's happening with
10 the public debate is there's a heightened
11 awareness. Unfortunately when we
12 legislate, we legislate and the good
13 actors are the good actors and folks will
14 come and testify and say, you know, we
15 have our systems in place, but what is
16 the universe outside of the 200,000 units
17 where people who have rental licenses.
18 And I say that because I'm in a district
19 where maybe 50 percent of the units are
20 not licensed. So what are we doing on
21 the prevention side and on the public
22 relations side and information side to
23 get to every unit built prior to 1978?

24 COMMISSIONER FARLEY: Let me
25 start a little bit, then I want to turn

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2 it over to Deputy Commissioner Swanson.

3 So that was part of the reason
4 for the media campaign that reaches
5 everybody, and it's just very simple,
6 very basic information and a place for
7 people to get more information. We're
8 going to look for other opportunities
9 like that. That's only a piece of the
10 solution. Increasing the number of units
11 that are licensed is another piece.

12 MS. SWANSON: We do recognize
13 that there is a good number of unlicensed
14 rental units out there. Unfortunately,
15 it is an unknown population. We do think
16 it's twofold. Number one is education,
17 getting the word out there to tenants
18 that their landlords must have a rental
19 license. They can check online. They
20 can go on their website, see if their
21 landlord has one. If not, the education,
22 that doesn't necessarily come from the
23 Department, but that there are some
24 remedies available, that that tenant does
25 not have to pay rent to the landlord if

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2 there is no rental license.

3 So we are working on that
4 education piece, putting some more things
5 on our website and some more -- updating
6 our Partners for Good Housing and some of
7 our other printed materials.

8 The second half of it is doing
9 some research and some data-lining on our
10 end. We are looking at -- we're trying
11 to identify properties that have a
12 mailing address that is not -- that is
13 off site. So the thinking is that
14 someone lives there besides the property
15 owner. The property owner may live
16 elsewhere. So we're trying to gather
17 some data so that we can identify
18 properties that are suspected to be
19 rentals and then do some -- a letter from
20 the Commissioner or some sort of outreach
21 to those properties to say if you are not
22 owner-occupied, you must obtain a rental
23 license and here's how you do it.

24 COUNCILWOMAN SANCHEZ: Again,
25 on the L&I side, I'm interested on the

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2 prevention side from the Health
3 Department perspective, is let's not
4 waste an opportunity to coordinate with
5 the Water Department, their monthly
6 mailings. I think the issue of reaching
7 out to the broadest universe of folks
8 that potentially fit in that framework.
9 Again, the good actors are the good
10 actors. We don't legislate for the bad
11 actors here. We try. Good actors are
12 good actors. The bad ones is -- so what
13 can we do to heighten that awareness, you
14 know, using the Water Department and
15 their monthly mailing cycle and other
16 things to get the word out so people know
17 what to look at? Because we're also
18 talking about owner-occupied homes where
19 we may have seniors and others and we
20 leave those kind of out of the poor folks
21 in the housing. What are we doing about
22 them? It's not just the landlords. It's
23 like there may be people who have it in
24 their house and are unaware of it.

25 COMMISSIONER FARLEY: I mean,

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2 there are many pieces to the solution to
3 this problem, and we have talked about
4 things like putting messages in water
5 bills and that sort of stuff. Have not
6 done that yet, but we are going to look
7 for other opportunities and welcome any
8 suggestions you have for notifying both
9 unlicensed landlords and owners about the
10 risk, about what they can do, about what
11 the City can do for them.

12 Our greatest focus in this
13 early phase for my involvement here has
14 been getting a system in place for when
15 we know we have a licensed landlord who
16 has not submitted a certificate and
17 making sure that we can enforce that so
18 that there's more to this than just the
19 education. We need to do more of the
20 education as well.

21 COUNCILWOMAN SANCHEZ: How much
22 money do we currently invest to help
23 either owner-occupied folks and others
24 who may have lead? I mean, how much
25 money as a city do we invest in helping

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2 people remediate lead?

3 COMMISSIONER FARLEY: Let me
4 just say that roughly ten years ago, the
5 Lead and Healthy Homes Program had a
6 budget of \$11 million. It is now --

7 COUNCILWOMAN SANCHEZ: For
8 lead?

9 COMMISSIONER FARLEY: For the
10 entire Lead and Healthy Homes Program.
11 Most of that was lead. Currently, the
12 budget is \$2 million. That decrease has
13 been almost entirely a loss of federal
14 funds. We used to have substantial funds
15 from the Department of Housing and Urban
16 Development for remediation, and that's
17 where most of that went to. So we have
18 much less available now, and so we're
19 much more dependent upon getting the
20 landlords to do remediation themselves.
21 And so our hope is that we will have a
22 stronger enforcement program for
23 landlords, but then a smaller amount of
24 money available for those landlords who
25 simply cannot or will not remediate and

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2 we can remediate, and then the City would
3 have to pick up that cost.

4 COUNCILWOMAN SANCHEZ: Okay.

5 So how are we going to -- again, the
6 issue of coordinating and leverage, we
7 have a whole housing preservation
8 strategy. We have our Basic Systems. We
9 have our housing component. How are we
10 incorporating some of that into those
11 programs to ensure that if we're doing
12 basic systems in a house, that we're
13 checking those things? Again, those tend
14 to be isolated, and if we're in someone's
15 home particular -- again, I'm going to
16 the poor owner-occupied unit. What are
17 we doing on the preventive side to say
18 are we testing for that as part of that?

19 COMMISSIONER FARLEY: I'm not
20 sure I totally understand the question.
21 Can you say it again.

22 COUNCILWOMAN SANCHEZ: Of the
23 \$2 million that we're currently spending,
24 where is the majority of the money going
25 and how is that helping poor

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2 owner-occupied folks?

3 COMMISSIONER FARLEY: Much of
4 that goes into the outreach team to go
5 speak to families of children who have
6 lead levels that are above 10, educate
7 them about this, test for lead on the
8 walls, and then work with landlords. And
9 some of that, a small fraction, is used
10 for the remediation themselves.

11 We do coordinate with the Basic
12 Systems Repair system, but if the
13 question is, is there -- could we do more
14 if we had more funding on remediation,
15 yes, we could.

16 COUNCILWOMAN SANCHEZ: It's not
17 just about more money. It's about the
18 coordination of what we're currently
19 doing. We pay a lot of people to go into
20 people's houses for different reasons.
21 If this is a priority to us, how are we
22 incorporating that? We should never
23 waste an opportunity when we have someone
24 going into someone's house. So my
25 question is, on the preventive side, how

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2 are we going to ensure that whether it's
3 Basic Systems, housing, whatever, this
4 becomes a component? How are we going to
5 thread this through our services,
6 particularly on housing preservation?

7 COMMISSIONER FARLEY: I believe
8 that we do work with those existing
9 systems to say when you're in a house, if
10 you see chipping and peeling paint, refer
11 them to us and we can follow up on that.

12 COUNCILWOMAN SANCHEZ: So we
13 don't test them while we're out there?

14 COMMISSIONER FARLEY: Well,
15 it's other entities that are out there.
16 It's not the Health Department. So these
17 other entities when they're in there,
18 they don't have the equipment to actually
19 test for lead. They can see if they have
20 peeling paint, and if they see that, then
21 we ask them to refer them to us, and then
22 we will follow up with the testing.

23 COUNCILWOMAN SANCHEZ: To the
24 Health Department? When you say --

25 COMMISSIONER FARLEY: To the

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2 Health Department, yes.

3 COUNCILWOMAN SANCHEZ: Okay.

4 So do you keep track of those referrals?

5 Is there some datasets that you can share
6 with us around that?

7 (Witness approached witness
8 table.)

9 DR. RAVAL-NELSON: Hello. I'm
10 Dr. Raval-Nelson, Director of
11 Environmental Health. Lead and Healthy
12 Homes is one of the programs that I'm
13 responsible for.

14 We absolutely keep data when
15 our folks go out there for education,
16 whether it's for primary prevention for
17 our neighborhood project, which is in the
18 Kensington and KCDC, where we go door to
19 door. We absolutely keep data. We knock
20 on doors. At that time, our folks will
21 take lead dust wipes. If there are
22 children present that are under the age
23 of six, we will go ahead and have our
24 risk assessors that are on staff go out
25 and do a full risk assessment of the

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2 home. If there are deteriorated paint
3 and potential for lead poisoning, we try
4 to use some of our HUD remediation
5 dollars to remediate those homes that are
6 owner-occupied.

7 I believe your other question
8 was regarding BSR and how we coordinate
9 services. BSR, PHDC will prioritize the
10 homes when we get them on their list. So
11 if it's a child with an elevation, we
12 will make the referral and they will go
13 above on the list to make sure that the
14 basic systems repairs are completed prior
15 to us going in there and utilizing
16 remediation dollars to remediate the home
17 and make it lead safe.

18 COUNCILWOMAN SANCHEZ: I'm
19 going to ask you to submit to the Chair
20 what the data is. I'd like to see what
21 we're currently funding and where the
22 gaps may be, what is the gap of what is
23 already an identifiable need.

24 I think this is hugely
25 important. When we ask the private

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2 market to do something that we don't do
3 ourselves in the most coordinated and
4 leveraged way, I have a problem with
5 that, because we got to look internally
6 before we start saying and mandating
7 stuff externally. And so we're looking
8 as we -- again, this Council is very
9 committed to housing preservation,
10 long-term housing preservation, and
11 helping poor homeowners with their homes.
12 It's like what are the gaps in there. So
13 if you have service data, I'd like to see
14 what the gap is.

15 DR. RAVAL-NELSON: Absolutely.
16 And if I can just for a second, the way
17 that our services are is that when we
18 have a child that has an elevation of 10
19 micrograms per deciliter or above, we go
20 in and we do education and we also do a
21 full risk assessment. If the family
22 qualifies based on income -- all of our
23 funding is contingent on income -- we
24 will go ahead --

25 COUNCILWOMAN SANCHEZ: Is that

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2 CDBG dollars?

3 DR. RAVAL-NELSON: It's CSBG
4 dollars through CEO as well as HUD, and
5 we've had limited General Fund dollars to
6 help them as well. And we will go ahead
7 and if our own teams can remediate the
8 home, we will do that or we will utilize
9 the HUD funding up to \$9,800 a home to
10 remediate the home, replace windows.

11 COUNCILWOMAN SANCHEZ: What did
12 you say, \$9,800?

13 DR. RAVAL-NELSON: Yes, ma'am.

14 COUNCILWOMAN SANCHEZ: So how
15 many of those do you think you do a year?

16 DR. RAVAL-NELSON: We, off of
17 the HUD grant, do approximately 80 to 110
18 depending on the work scope. So, for
19 instance, if it's a home with -- a very
20 small home versus a very large home, the
21 costs are going to be different.

22 COUNCILWOMAN SANCHEZ: So what
23 do you think is estimated unmet need?

24 DR. RAVAL-NELSON: An estimated
25 unmet need if we helped every child, I

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2 would --

3 COUNCILWOMAN SANCHEZ: Of the
4 ones we've identified. And the reason
5 is, again, Council is looking at
6 investing \$100 million in housing
7 preservation. Part of that looks at our
8 backlog of Basic Systems and our
9 emergency repair. I want to make sure
10 that if there's a high unmet need here,
11 that we don't wait until you guys come up
12 with a prevention plan and stuff, that we
13 really look at do we incorporate that in
14 that pot of money. Just because I don't
15 know when we're going to have another pot
16 of money like that in a very focused way
17 to take care of our poor homeowners so
18 that we can address that. So that's why
19 I'm trying to get -- if the data is
20 there, I don't want us to deal with this
21 in a siloed way, because there is going
22 to be this investment in folks through
23 BSRP and we want to make sure of that.
24 So what do you estimate is the unmet
25 need?

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2 DR. RAVAL-NELSON: Our
3 Commissioner's office will go ahead and
4 get back to you with all that data and
5 details.

6 COUNCILWOMAN SANCHEZ: Okay.
7 Thank you.

8 Thank you, Madam Chair.

9 COUNCILWOMAN BASS: And thank
10 you, Councilwoman, for making sure that
11 we don't miss that opportunity to get in
12 front of it. We have a habit sometimes
13 of putting the cart before the horse, and
14 we want to make sure that we do this
15 properly and in order.

16 Councilwoman Brown.

17 COUNCILWOMAN BROWN: Yes. I
18 simply want to underscore the insightful
19 questioning of Councilwoman Sanchez. She
20 clearly read my notes, because I had here
21 where is money the impediment, and you
22 answered those questions knowing that ten
23 years ago it was 11 million, mostly
24 federal dollars, and now it's 2 million.

25 COMMISSIONER FARLEY: Correct.

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2 COUNCILWOMAN BROWN: Has there
3 been any appeal to the state to help fill
4 the gaps that we're talking about here
5 with regards to needed dollars?

6 DR. RAVAL-NELSON: We have made
7 appeals to the state. Most recently the
8 state has announced RFAs for funding
9 that's more holistic for healthy homes
10 and injury prevention. So we have made
11 those appeals, but, again --

12 COUNCILWOMAN BROWN: What's the
13 status?

14 DR. RAVAL-NELSON: I'm sorry?

15 COUNCILWOMAN BROWN: What is
16 the status of those appeals?

17 DR. RAVAL-NELSON: The status
18 of those appeals is that the RFAs were
19 awarded to other agencies that actually
20 do work in not just Philadelphia counties
21 but also the other suburban counties.

22 COUNCILWOMAN BROWN: So
23 Philadelphia was unsuccessful in securing
24 any of those dollars?

25 DR. RAVAL-NELSON: Well, the

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2 RFAs required that agencies that provided
3 services to multiple counties apply for
4 funding.

5 COUNCILWOMAN BROWN: I see.

6 And while I'm persuaded that the
7 Department of Health and L&I are working
8 more intimately together, I'm not
9 convinced that the level of that
10 relationship exists with housing in the
11 way that Councilwoman Sanchez just
12 articulated. So when you say
13 "coordinated," what does that mean? What
14 does that mean when you're coordinating
15 with OHCD around Basic Systems and the
16 like?

17 DR. RAVAL-NELSON: Sure. So
18 essentially what happens is that
19 oftentimes when we walk into a home, most
20 of our owner-occupied homes that are in
21 real disrepair, they might have holes in
22 the ceiling. They might have holes in
23 the roof. And for us to go and just deal
24 with the chipping/peeling paint and
25 remediate that, the same problem is going

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2 to occur again, because when there's
3 rain, there's going to be water coming
4 in. So since we don't have dollars to
5 fix the roof and those things, we work
6 with BSR. So essentially our program
7 chief will refer to BSR, and BSR looks at
8 their list and because it's a public
9 health issue and the issue of a child
10 being impacted, they will go ahead and
11 move those properties to the top of the
12 list so that those repairs can be done,
13 and then our teams can go in there and
14 make the home lead-safe.

15 COUNCILWOMAN BROWN: Two more
16 questions. What's the status of Lead
17 Court? Where is that in the universe?

18 COMMISSIONER FARLEY: Lead
19 Court still exists. It's where we take
20 landlords who have children who have lead
21 levels above 10 who have not remediated
22 the property on the request of the Health
23 Department. We take them there for
24 fines. That system definitely could be
25 strengthened, and we are working talking

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2 to the Law Department and talking to the
3 Courts trying to figure out how to make
4 that system be strengthened.

5 COUNCILWOMAN BROWN: So it can
6 be strengthened with additional dollars
7 or it can be strengthened with greater
8 authorization by law? What does that
9 mean?

10 COMMISSIONER FARLEY: I think
11 it's not clear at this point. I think
12 it's more changing some of the processes.
13 I can't say whether there might see some
14 costs with that as well. Certainly the
15 processes right now make it so that it's
16 too easy for a landlord to simply not
17 show up or delay the case and ultimately
18 not pay the fine, and then there's not a
19 lot of consequences to them ultimately
20 not paying the fine. There needs to be
21 ultimately some sort of consequences and
22 likely as soon as possible and then we'll
23 have more landlords complying.

24 So I'm not sure if there's
25 costs in making that enforcement better,

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2 but definitely the system needs to have
3 more teeth.

4 COUNCILWOMAN BROWN: Tight.

5 The last question. Let's go to
6 the reverse. Is the Department
7 alerted -- when children end up at CHOP
8 or Saint Christopher's, what is the
9 protocol for those doctors to alert the
10 City about a home where a child was and
11 poisoned by lead? Because we've done
12 from the City internally/externally, but
13 for those not affiliated with the City of
14 Philadelphia but still end up with little
15 people in their hospital rooms, what's
16 that process?

17 COMMISSIONER FARLEY: Right.

18 So the vast majority of children who have
19 high lead levels are not showing any
20 symptoms and so it's picked up on lead
21 screening, and it's recommended the
22 children be tested at one year of age and
23 at two years of age. All the screening
24 blood tests go to laboratories and all
25 those laboratories are required to report

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2 those results to a state database which
3 we have access to. So we get all those
4 laboratory reports and we follow based on
5 simply the laboratory report, no matter
6 what provider drew that blood test.

7 COUNCILWOMAN BROWN: I see.

8 Okay, then. Very informative.

9 Thank you, Madam Chairwoman.

10 COUNCILWOMAN BASS: Okay.

11 Thank you.

12 Thank you so much for your
13 testimony. And if you could hang around
14 for a few moments and we're going to have
15 the next panel come forward to testify,
16 including Dwayne Wharton. He's waited
17 patiently.

18 If we could have the Clerk call
19 up the next folks to testify.

20 THE CLERK: Dwayne Wharton, The
21 Food Trust; Colleen McCauley, Public
22 Citizens for Children and Youth; Mervyn
23 Kline, Clean Air Council; and George
24 Gould, Community Legal Services.

25 (Witnesses approached witness

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2 table.)

3 COUNCILWOMAN BASS: Okay. And
4 you can state your name for the record
5 and begin your testimony.

6 MR. WHARTON: Dwayne Wharton.

7 Good morning, Chairwoman Bass
8 and members of the Public Health and
9 Human Services Committee. My name is
10 Dwayne Wharton, Director of External
11 Affairs with The Food Trust, a local
12 non-profit with the mission to help
13 people and communities become healthier.

14 The issue of how to increase
15 student access to and consumption of
16 water has been a priority for us and an
17 ad hoc group from the Philadelphia
18 Department of Health, Philadelphia Water
19 Department, School District of
20 Philadelphia, Children's Hospital of
21 Philadelphia, Youth United for Change and
22 others. This group has been convening
23 regularly for the past several months to
24 bring safe, appealing, palatable, and
25 accessible drinking water to all of our

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2 schools. Today, I am here in support of
3 the water safety bill for the
4 Philadelphia School District, Bill No.
5 160618.

6 As part of its comprehensive
7 approach, The Food Trust works in schools
8 to teach the importance of nutrition and
9 healthy lifestyles. In partnership with
10 the School District of Philadelphia and
11 the Department of Health and Get Healthy
12 Philly's initiative, our HYPE (Healthy
13 You, Positive Energy) Youth Leadership
14 Program supports Student Wellness
15 Councils in about 60 middle and high
16 schools, engaging youth to become leaders
17 for healthy change in their schools.

18 During last fall's annual HYPE
19 Leadership Summit, students identified
20 access to and safety of school water as a
21 major concern. At this year's HYPE
22 Summit held a few weeks ago, the tone was
23 very different. Students were excited to
24 share their feedback regarding the
25 progress they're seeing in school water

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2 quality, consumption, and access. We're
3 not there, but we are certainly making
4 progress, and for that, I am grateful for
5 the leadership of Council, the
6 willingness of the School District, and
7 for the advocacy of many people,
8 especially the students who have made
9 their voices heard and worked diligently
10 to create the change they want to see.

11 Largely as a result of strong
12 advocacy efforts, again, including that
13 of students, we have seen a City Council
14 bill calling for schools to achieve a
15 ratio of one drinking fountain per 100
16 students, a \$1 million commitment from
17 the School District of Philadelphia to
18 install at least three new hydration
19 stations in every school by the end of
20 the school year, and now the introduction
21 of this bill from City Council calling
22 for regular testing for lead and
23 certification in schools.

24 Similarly, we've seen a
25 commitment by the School District of

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2 Philadelphia to broaden lead testing and
3 the repair or removal of all outlets with
4 elevated lead findings by the end of the
5 school year and more clear and
6 transparent communication with the public
7 around the testing process, actions, and
8 outcomes. Bill No. 160618 will further
9 cement our city's commitment to
10 protecting water safety for all children
11 by raising the standards to 10 parts per
12 billion for lead, to test every five
13 years, and to ensure that those results
14 are posted in a timely manner.

15 In addition to this bill, we
16 also ask that the School District of
17 Philadelphia analyze a sample data from
18 the testing conducted between 1999 and
19 2010 and identify outlets that tested
20 above 10 parts per billion at that time
21 and take immediate action to restore
22 student access -- to restrict student
23 access to those outlets and provide
24 alternative means of drinking water.

25 In addition, we recognize the

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2 benefits of drinking water and the
3 extraordinary efforts made by people to
4 bring quality water to schools.

5 Contradictory to this process
6 and progress, it is our understanding
7 that some schools restrict students from
8 bringing refillable water bottles to
9 class and/or students are not allowed to
10 get up and get a drink of water during
11 class time. This doesn't make sense.

12 All students should be allowed to bring
13 refillable water containers to class.

14 All students should be allowed to get up
15 and get a drink of water during class
16 time.

17 Philadelphia is leading the way
18 and showing how to reverse the country's
19 troubling obesity trends. For the first
20 time in decades, the obesity rates among
21 Philadelphia schoolchildren is
22 decreasing. A comprehensive approach
23 with the addition of increasing access to
24 and the promotion of consumption of water
25 in schools will continue this momentum

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2 and have long-lasting health benefits for
3 our children.

4 Access to safe, appealing, and
5 quality drinking water in our schools
6 should not be a privilege for some, but a
7 right for all. Let's work together to
8 continue implementing policies and
9 practices that support this key element
10 to students' overall health and readiness
11 to learn.

12 Thank you very much for this
13 opportunity to testify.

14 COUNCILWOMAN BASS: Thank you
15 for your testimony.

16 And if we can now hear from the
17 next panelist. Mr. -- actually,
18 Ms. McCauley, Colleen McCauley.

19 MS. McCAULEY: Sure. I just
20 want to make clear that I'll be
21 commenting across all the bills. Is this
22 an appropriate time to testify?

23 COUNCILWOMAN BASS: That's
24 fine.

25 MS. McCAULEY: Thank you.

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2 Thanks very much.

3 Thank you for this opportunity
4 to speak with you all today and for your
5 leadership on this issue. I'm Colleen
6 McCauley, the Health Policy Director at
7 Public Citizens for Children and Youth.
8 We're a child advocacy and policy
9 organization working on behalf of kids in
10 Southeastern Pennsylvania.

11 Last year, approximately 2,400
12 children under six were poisoned by lead.
13 And I'd like to pause there just for a
14 second. Those 2,400 children had a lead
15 level of 5 micrograms or greater. We've
16 heard earlier this morning about
17 testimony with kids at the level of 10.
18 In 2012, the CDC reduced the threshold at
19 which kids are poisoned, to the point we
20 heard at the top of this session that no
21 level of lead in the kid's blood is safe,
22 right? So the threshold was reduced.

23 So what's true is that it's a
24 challenge for public health systems
25 across the country to dedicate resources

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2 to kids at this level under 10, because
3 they're already challenged with
4 addressing the needs of kids at 10 and
5 above. But I just want to clarify that
6 officially children are poisoned at 5
7 micrograms and above. So we're talking
8 about 2,400 kids last year, and 2,400
9 kids that also includes children by any
10 means that they were tested. There were
11 closer to 2,000 children last year who
12 were poisoned who had a more confirmatory
13 test through a needle in their arm.
14 That's a more accurate test to confirm
15 the blood lead level. So I'm going to
16 modify what I wrote in my testimony and
17 say we're talking about closer to 2,000
18 children last year in Philadelphia who
19 were poisoned by lead. That's enough
20 kids to fill about 75 kindergarten
21 classrooms in Philadelphia, and that's
22 way too many.

23 If about 2,000 kids had
24 contracted measles last year, the City
25 would have gone into Code Blue mode,

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2 dedicating substantial human and
3 financial resources to contain the
4 disease and prevent more kids from
5 becoming ill. I was -- back in 1990,
6 1991, we did have a measles outbreak in
7 the City. I'm a nurse. I was working in
8 homeless shelters to help make sure kids
9 were getting protected. We really pulled
10 out the stops to make sure that we were
11 protecting kids at that time.

12 Even though lead poisoning
13 inflicts permanent damage to kids,
14 compared to measles, which is temporary
15 and treatable, Code Blue mode is not how
16 we've responded to lead poisoning.

17 I've been working on preventing
18 childhood lead poisoning for the 15 years
19 I've been at PCCY, and during this time,
20 I can tell you and many people in the
21 room know that the City has made very
22 good progress reducing the number of
23 children permanently injured by lead, but
24 we're still talking about 2,000 every
25 year, so we've got a ways to go. And so

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2 I commend you all for taking this issue
3 so very seriously and putting forth the
4 public policy that you have today.

5 We've already heard that the
6 number one way that young kids are
7 injured from lead in Philadelphia and
8 across the country is exposure to
9 lead-based paint. Most kids are poisoned
10 by lead paint-based hazards where they
11 spend the majority of their time, that
12 being in their primary residence or in
13 the home of another caregiver such as a
14 child care provider, and your three --
15 your bill rightly seeks to prevent
16 children from being poisoned in
17 home-based child care environments. The
18 additional bills dealing with lead in the
19 water, children should not be exposed to
20 lead in water either. So the actions
21 described in these bills will further
22 protect children.

23 And I'd like to add that I
24 understand that there are some districts
25 that were able to test -- large school

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2 districts that are able to test their
3 water supply in a shorter amount of time,
4 in a matter of months. I understand that
5 happened in Chicago.

6 To your point about money, we
7 can't save kids for free, right? This
8 costs money. It costs money and it
9 involves a greater investment, partly by
10 increasing funds in the City budget. So
11 in the case of home-based child care
12 providers, for example, many of them have
13 small incomes themselves and won't be
14 able to afford the thousands of dollars
15 it often costs to remediate lead hazards
16 if indeed they're found on their
17 property. So providers could either
18 possibly go out of business and the City
19 would lose that child care resource or
20 additional funds could be budgeted to
21 help low-income providers remediate their
22 properties. We had a program like this a
23 few years ago. It was called Healthy
24 Homes for Child Care where low-income
25 child care providers voluntarily

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2 volunteered to have their properties
3 inspected for lead and other hazards, and
4 then there were dollars available to help
5 them remediate them and keep their kids
6 safe. Unfortunately, those state dollars
7 have dried up. But we have a model and,
8 you know what, it was successful.

9 Funds can also be raised by
10 collecting fines and other fees assessed
11 to landlords who violate housing codes.
12 Clearly, there are a lot of landlords who
13 adhere to the Property Maintenance Codes
14 and keep kids safe in their properties.
15 Some landlords do violate these codes.
16 And in the recent past, the majority of
17 children poisoned in Philadelphia were
18 poisoned by a lead hazard in a rental
19 property. No data that I know of is
20 available to discern how many of those
21 rental properties were licensed and how
22 many were not.

23 I commend the Administration
24 also for looking into how to remove lead
25 hazards in homes. And so we saw this

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2 morning that two key departments are
3 talking to each other, L&I and Health,
4 about how to further implement and
5 strengthen the current lead law.

6 We've also been talking to the
7 Health Department and to L&I, and from
8 those conversations, we understand that
9 there are 55 property maintenance
10 inspectors for approximately 80,000
11 licensed rental properties in the City.
12 Inspectors inspect those properties when
13 tenants contact them with complaints.
14 That's how that happens. Inspectors do
15 not routinely proactively inspect rental
16 properties to check if owners are
17 complying with the Property Maintenance
18 Code. Yet, building Philly's capacity to
19 do proactive inspections could
20 significantly improve conditions for
21 kids.

22 And I have a case in point -
23 Rochester, New York. Rochester requires
24 proactive inspections to assess for
25 compliance with housing codes, and

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2 they've been doing it since 1970. So
3 they've got a solid foundation. And on
4 top of that, Rochester has a very strong
5 lead law in place for an inspector to act
6 on if he or she identifies a possible
7 lead hazard violation during the course
8 of their inspection. Since the inception
9 of Rochester's lead law in 2006, the
10 number of kids poisoned has been reduced
11 by 80 percent. We have something to
12 learn. I believe we have something to
13 learn about what's going on in Rochester.
14 It's smaller than Philadelphia. They
15 have a population of 210,000 compared to
16 our 1.5 million, but both cities have a
17 high share of individuals who are low
18 income and a high share of individuals
19 who live in rental properties.

20 It's also not an
21 apples-to-apples comparison of housing
22 rules in these two cities either but,
23 again, I think we have something to learn
24 from them. Rochester has about 53,000
25 housing units, and depending on how many

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2 units are in a premise, the premise has
3 to be inspected every three or six years.

4 And Rochester has designated
5 "high risk" areas for lead poisoning in
6 the city and it ends up covering
7 two-thirds of the city. So they're a
8 city with a big risk factor. So if a
9 property in one of these areas passes an
10 inspector's visual inspection for lead
11 during their regular inspection process,
12 it still must have a lead dust wipe test
13 performed to ensure that there are no
14 unseen lead hazards. Each year
15 Rochester's 26 inspectors perform visual
16 inspections in approximately 14,000 units
17 and conduct lead dust wipes in about
18 2,500. And they have gotten this done
19 despite the fact that they've seen a drop
20 in the number of inspectors on their
21 staff since the law was enacted.

22 I also -- to Councilwoman Gym's
23 point about monitoring -- so they do it
24 themselves. City government inspects
25 themselves. In Philadelphia for our lead

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2 law we have third-party independent
3 inspectors. And Rochester was recently
4 granted the authority to monitor those
5 independent inspectors. I talked to the
6 head of their code enforcement this week,
7 and he said that's been very important,
8 because over the tenure of their lead
9 law, they've suspended at least six times
10 an independent contractor's license.

11 So with Rochester's steep
12 reduction in poisoned children, I think
13 we should look more closely at Rochester,
14 what they've done, and how it may be
15 replicable to Philadelphia to strengthen
16 our existing law.

17 I applaud you all here for
18 championing these thoughtful policies to
19 protect our youngest citizens from
20 permanent damage caused by lead. The
21 great news is that lead poisoning is
22 entirely preventable and we know how to
23 keep kids safe and healthy. So together,
24 let's craft sound, efficient,
25 cost-effective, and expeditious public

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2 policy to save the very next child from
3 permanent damage.

4 Thank you.

5 COUNCILWOMAN BASS: Thank you
6 very much for your testimony.

7 And if we could hear from our
8 next speaker, Mr. Kline.

9 DR. KLINE: Thank you.

10 COUNCILWOMAN BASS: I'm sorry.
11 Ms. McCauley, if you want to hang close
12 in case there's any questions for you.

13 Mr. Kline.

14 DR. KLINE: I'm Dr. Kline from
15 the Clean Air Council. I'm going to
16 focus on what lead does to everybody.
17 I'm here today to briefly discuss why
18 family child care facilities should be
19 lead-safe or lead-free, but of course it
20 could apply to any facility at all, our
21 homes and other things as well.

22 Lead-safe refers to the fact
23 that the paint itself is there, but it
24 can be protected and covered because it
25 hasn't flaked. Whereas, lead removal or

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2 lead-free, that means basically the lead
3 is flaking and has to be removed, and
4 that has to be done by authorized people.

5 Why do we have to worry about
6 lead? Obviously we want all the
7 occupants, both the children and
8 employees, to be in a safe environment.
9 Lead must not be allowed to endanger the
10 occupants of the family child care
11 facilities.

12 Lead is a toxic chemical, as
13 you all know. It damages many organs.
14 The brain is especially vulnerable. A
15 child's brain develops over many years,
16 some say up to age 22, and must be
17 protected. Lead can interfere with the
18 development in many ways. It can lower
19 the IQ, it can affect normal behavior of
20 the child, and it can affect the ability
21 of the child to think and solve problems.

22 Also very dangerous is what can
23 happen in the future, the delayed
24 criminal behavior. Studies have shown
25 that after 22 years after children have

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2 been exposed to lead, they're more likely
3 to exhibit violent criminal behavior.

4 This was shown to be a case a number of
5 years ago. When leaded gasoline was
6 removed from the environment, there was a
7 decrease in violent crimes. Although the
8 leaded gasoline was not eliminated at the
9 same time around the world, when the
10 replacement took place, the same pattern
11 emerged, violent crimes decreased.

12 As if that wasn't bad enough,
13 lead can also affect many other organs
14 such as kidneys and the GI tract. It
15 could also affect the blood pressure.

16 The reason that lead has such
17 global effects on the body is because
18 they can mimic other chemicals that are
19 required for vital functions, such as
20 manufacturing hemoglobin for red blood
21 cells. Lead can block the synthesis of
22 hemoglobin, which is needed for the red
23 blood cell to function.

24 Calcium is needed for many
25 vital purposes, and when lead interferes

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2 with those functions, it prevents the
3 normal processes from occurring. Muscle
4 contraction and nerve conduction are two
5 of these functions.

6 Our bodies contain a substance
7 called glutathione, which is an
8 antioxidant. It prevents oxidative
9 damage to our tissue. Lead combines with
10 glutathione, blocks its action, and then
11 oxidative damage to tissues can occur.

12 When a woman is pregnant, her
13 diet and her bones supply the calcium to
14 the fetus. If she has lead in her bones,
15 the fetus will get both the needed
16 calcium and the unwanted lead from her
17 bones. So an expectant mother can be a
18 source of lead pollution for the fetus.

19 We do not want lead to get into
20 our children for another reason. They
21 can't get rid of it. Once in the
22 bloodstream, lead is primarily
23 distributed among three compartments -
24 blood, mineralized tissue, and soft
25 tissue. Ninety-five percent is stored in

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2 bone and teeth. Although the lead in
3 blood has a half life of a month and can
4 be removed by chelation therapy, this is
5 not true of the lead in the bones. It
6 has a half life of between 25 and 30
7 years. So it is continuously being
8 leached out of bones into the blood. The
9 body accumulates lead over a lifetime and
10 normally releases it very slowly.

11 Sources of lead: The most
12 pervasive source of lead poisoning we
13 think of is lead in dust, contaminated
14 lead in paint. Lead in dust is ingested
15 by normal hand to mouth activities as
16 children are crawling on the ground.
17 Children put toys in their mouth and eat
18 without washing their hands after playing
19 on the ground.

20 Another source is from water
21 from lead-soldered pipes. In Flint,
22 Michigan, the water itself was polluted.
23 In Philadelphia, water in older homes can
24 be contaminated from pipes which have
25 been soldered with lead solder. So it is

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2 important to make sure that cold water is
3 allowed to run for a short time and hot
4 water is not used at all for cooking or
5 drinking purposes, because hot water
6 contains too much dissolved lead.

7 I'd like to end by emphasizing
8 that we want to keep children safe from
9 lead poisoning. The children would have
10 to have the same protection at home as in
11 the child care facility. Children may be
12 exposed to lead in the home environment
13 for the reasons mentioned above. They
14 may also be exposed to other sources of
15 lead. Some cultural activities involve
16 eating non-food items such as dirt, paint
17 chips, and chalk at home. If a child's
18 mother has high levels of lead in her
19 body from eating such non-food items,
20 future pregnancies will endanger her
21 unborn babies. The mother should be made
22 aware of this.

23 I will end by repeating that
24 there are no safe levels of lead.
25 Parents will feel secure, though, when

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2 they place their children in family child
3 care facilities that are safe from lead.

4 Thank you for your attention.

5 COUNCILWOMAN BASS: Thank you
6 for your testimony.

7 Mr. Gould, do you want to give
8 your testimony as well.

9 MR. GOULD: I was going to say
10 good morning, but now it's good
11 afternoon.

12 COUNCILWOMAN BASS: Good
13 evening almost.

14 MR. GOULD: My name is George
15 Gould and I thank Chairwoman Bass and
16 members of the Committee for giving me
17 the opportunity to testify regarding two
18 bills, 160609 and 160687, important bills
19 concerning lead poisoning in this city.

20 I would like to particularly
21 thank Chairwoman Bass for her efforts in
22 bringing this issue forward and having
23 this Committee meeting and in particular
24 her staff, and I'll point to Shoshana
25 Bricklin, who has been very involved in

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2 these issues, and I thank you very much.

3 I'm the Managing Attorney of
4 the Energy Unit at Community Legal
5 Services in Philadelphia. I have worked
6 in the area of childhood lead poisoning
7 for almost 40 years. I have been
8 involved in federal court litigation
9 against HUD and PHA. I served as a
10 member of the National Task Force on
11 Lead-Based Paint Hazard Reduction and
12 Financing, which Congress created in
13 Title X of the Housing and Community
14 Development Act of 1992. I also served
15 as a member of the ASTM, the American
16 Society for Testing and Materials, Lead
17 Task Group and was a member of the
18 Philadelphia Housing and Childhood Lead
19 Poisoning Task Force. I have also worked
20 with members of this Committee and other
21 Councilpeople on numerous bills which
22 attempted and did in many instances
23 reduce the risk of childhood lead
24 poisoning.

25 Childhood lead poisoning is a

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2 most serious problem, and you've heard a
3 lot about it. We are still aware of the
4 devastating impact lead can have on young
5 children. However, even at very low
6 levels, lead poisoning causes intelligent
7 quotient deficiencies, reading and
8 learning disabilities, impaired hearing,
9 reduced attention span, hyperactivity,
10 and behavior problems. To this date,
11 science has not been able to identify any
12 safe level of lead exposure to children.

13 The societal costs of childhood
14 lead poisoning are extremely high,
15 including medical treatment, special ed,
16 and long-term care. There are other
17 costs that are just as real, school
18 failure rates, reduction in lifetime
19 earning, increased crime, and traumatic
20 suffering that the child and their family
21 must endure throughout their lives.

22 We strongly support 160609, the
23 child care bill. It creates a real and
24 positive framework to deal with this
25 serious issue. The bill amends the

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2 existing lead disclosure ordinance, which
3 deals with lead-based paint in
4 residential properties, to include child
5 care centers.

6 Child care centers are a place
7 where many of our children spend a
8 significant amount of time. The bill
9 would require that an operator of a child
10 care center obtain a lead-safe or
11 lead-free certification in order to
12 obtain a family child care facility
13 license. This would apply to properties
14 built before 1978. The lead-free or
15 lead-safe certification would have to be
16 signed by a certified lead inspector.
17 The lead-safe certification must state
18 that the certified lead inspector has
19 determined that the property is free of
20 any deteriorated paint and that interior
21 dust samples were collected in compliance
22 with EPA regulations and found not to
23 contain lead-contaminated dust under the
24 EPA regulations.

25 This is an important proactive

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2 step. Rather than waiting for a child to
3 be lead poisoned and then trying to
4 determine where the problem is, steps are
5 being taken in the beginning to make the
6 child care facility lead safe.

7 Since the family child day care
8 facility license must be renewed every
9 year and the certification is only good
10 for 24 months, the operator will have to
11 get a lead-safe certification every two
12 years. We urge this Committee to vote
13 this bill out of this Committee.

14 Would you also want me to
15 discuss your bill, the water disclosure
16 bill now?

17 COUNCILWOMAN BASS: Sure. If
18 you want to continue, that's fine.

19 MR. GOULD: Okay. I am here
20 today to also testify in strong support
21 of Bill No. 160687, which also amends the
22 current lead disclosure ordinance. The
23 bill addresses the issue of lead in
24 plumbing components and water service
25 lines and requires a lead warning

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2 statement concerning lead plumbing
3 components and lead water service lines.
4 It advises the tenant to read a pamphlet
5 on these issues at the time of entering
6 into the lease.

7 As the bill preamble states,
8 lead water service lines and lead
9 plumbing components can cause water to be
10 contaminated with lead. As previously
11 testified, I mentioned that lead, quote,
12 "even at low levels," can impair
13 children's brain development, slowing
14 their growth and development, damaging
15 hearing and speech, and making it harder
16 to pay attention and learn.

17 The bill also extends the
18 existing lead disclosure ordinance which
19 requires landlords to put in the lease
20 that a tenant has ten days to have a
21 certified lead inspector inspect the
22 property at the tenant's expense to
23 determine if there are lead-based paint
24 hazards. If so, the tenant may terminate
25 the lease within two business days of

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2 receiving the report. This language has
3 been amended to include lead water
4 service lines and lead plumbing
5 components.

6 The bill also makes clear that
7 lessors are prohibited from not renting
8 to families because of the requirements
9 of the bill.

10 The bill also deletes the
11 existing requirement that a lessee must
12 notify the landlord in writing they have
13 not received the disclosure request.
14 This gives unscrupulous landlords the
15 ability not to comply with the disclosure
16 requirement by waiting to see if a lessee
17 notifies them. There is no such
18 requirement with the seller and the
19 buyer.

20 As mentioned, we strongly
21 support this bill, but believe that one
22 additional amendment should be made. I
23 believe that if a landlord is aware of
24 the existence of a lead service line
25 and/or lead plumbing components, the

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2 information should also be provided prior
3 to entering into the lease. I have
4 attached an amendment which reflects this
5 change in Section 6-803(3)(a)(.3).

6 The other thing I wanted to
7 mention is that the Philadelphia Water
8 Department has a very good website
9 regarding lead and water, in particular
10 with lead water service lines and
11 plumbing components. There has been some
12 question about whether or not lead water
13 service lines are actually a problem, and
14 I think some landlords argue that, well,
15 it's really not. Well, if you take a
16 look at the Water Department's website,
17 first they give out interest-free loans
18 to replace lead service lines. If it was
19 not a problem, they certainly would not
20 be giving out interest-free loans.

21 Secondly, they have what's
22 called daily cleaning tips to rinse lead
23 from your home's drinking water, and it
24 says if your home is connected to the
25 City water main by a water distribution

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2 pipe that has a section made from lead,
3 it can impact your health.

4 It also talks about how to
5 check your service line for lead, which
6 is very good, and it talks about meeting
7 the lead standards and it says, Some
8 homes in Philadelphia still have lead
9 service lines and, when disturbed, these
10 lines can contribute to lead in tap
11 water.

12 There was some mention
13 regarding what the City of Philadelphia
14 has done with lead, and I think given the
15 very limited resources they've had and
16 the severe cuts they have got at the
17 federal level, I think their interest is
18 real sincere in dealing with this
19 problem, but I think there is a basic
20 issue and, that is, the availability of
21 money to have inspectors, to have staff
22 to see to it in fact that they can do
23 what needs to be done. This was
24 mentioned at a press conference that we
25 had a couple weeks ago with members of

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2 Council and State Representatives and now
3 Congressmen, and I think a lot of energy
4 needs to be put in to getting money from
5 the City budget, from the State budget,
6 and certainly from the federal budget to
7 increase the funding for the Health
8 Department to deal with this problem of
9 lead.

10 Thank you.

11 COUNCILWOMAN BASS: Well, thank
12 you for your testimony. And I could not
13 agree with you more. I think that,
14 again, we all know what the problem is,
15 is that the lead is poisoning us and we
16 have to get it out. The question is how
17 do we do that, who is going to pay for
18 it, and where is the money going to come
19 from. And so we can't afford not to do
20 it. The question is we really have to
21 figure out how much will be invested in
22 terms of resources from the federal and
23 state government to help us fix this
24 problem.

25 So we know what to do, but

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2 getting the resources is really what our
3 challenge is, because there's no other
4 way to deal with this problem except that
5 we have to remove as much of the lead, if
6 not all of the lead, as quickly as we
7 possibly can.

8 So, again, I want to thank
9 everyone for being here today, and we'll
10 take questions.

11 Councilwoman Gym.

12 COUNCILWOMAN GYM: Not really
13 any questions. Just a note of gratitude
14 to the panelists, especially to those of
15 you that we worked really closely with on
16 a lot of these issues, particularly
17 Dwayne Wharton with Food Trust and the
18 whole Council on just showing how young
19 people can lead actually on an issue. I
20 think that that's been incredibly
21 empowering. It's been inspiring. And I
22 certainly hope that there's a way for us
23 to acknowledge all those young people who
24 are able to really champion on this issue
25 and recognize as difficult as it is in

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2 the 21st century to ask for clean, fresh,
3 safe water supplies, that this is a role
4 that young people in Philadelphia had a
5 significant part in playing to champion.

6 So thank you for your
7 leadership. Thank you so much to PCCY
8 for being a long-time advocate, to Clean
9 Air Council and especially to CLS for
10 figuring out that intersection between
11 policy, advocacy, and organizing that
12 makes the difference between
13 acknowledging and recognizing the problem
14 and then doing something about it.

15 So thank you.

16 COUNCILWOMAN BASS: Thank you
17 very much.

18 There's no additional questions
19 or comments from the panel. So I just
20 want to thank you all for being here and
21 taking the time out to testify. I know
22 it's been a while that you've been
23 waiting, but we really do value your
24 testimony and you being here. So, again,
25 many thanks for your input.

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2 And also one last thing I just
3 wanted to mention is that the
4 conversation around lead in pregnant
5 women, in women in Philadelphia and the
6 potential for the effect on the
7 pregnancy, I think that that's something
8 that we haven't discussed extensively,
9 but needs to be brought to the forefront
10 and there needs to be more conversation
11 on that.

12 So, again, I thank all of you
13 for being here today and for your
14 testimony. Thank you.

15 MR. WHARTON: Thank you for
16 your leadership.

17 COUNCILWOMAN BASS: Thank you.

18 And if we can have the Clerk
19 call up the next panel to testify. I
20 believe it's the last panel.

21 Okay. Is there anyone else
22 here who would like to testify?

23 MR. ZASLOW: Yes, Madam Chair.

24 (Witness approached witness
25 table.)

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2 MR. ZASLOW: Thank you. I'm
3 Darrell Zaslow, Madam Chair.

4 COUNCILWOMAN BASS: Good to see
5 you.

6 MR. ZASLOW: I represent the
7 landlords of Philadelphia, and I see
8 behind me a vast array of my people to
9 assist.

10 COUNCILWOMAN BASS: Before you
11 begin, I just want to make sure, is there
12 anyone else here who is here to testify
13 today?

14 No? Okay. Oh, Maurice
15 Sampson. Okay. Mr. Sampson, if you want
16 to come forward.

17 MR. ZASLOW: I'll be brief.

18 COUNCILWOMAN BASS: Okay.

19 MR. ZASLOW: I'm here to let
20 you know that the landlords in
21 Philadelphia exist, that we're here, and
22 those of us who are responsible recognize
23 that there is a problem that must be
24 dealt with. It would be much easier if I
25 could just hide today like everyone else

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2 in the City of Philadelphia does. I sat
3 here for hours waiting my turn, listening
4 to all my compatriots spell it all out.
5 They understand it. They're experts.
6 And here I am.

7 The problem is real. The
8 issues of children are real, and for me
9 to stand here this afternoon and say to
10 you it's not a real problem would be very
11 disingenuous. The only thing we ask for
12 is help from government in solving the
13 problem. And I say that because this
14 issue can be solved. There's so many
15 issues that we deal with, you deal with
16 more than we do, day in and day out and
17 year in and year out and they can't be
18 solved. You can throw billions of
19 dollars and we're not going to solve some
20 problems. But this problem can be solved
21 with money. And we, therefore, seek
22 fairness, although it's hard to say to a
23 lead-poisoned parent, Oh, just be fair,
24 because how can you tell that to a child.
25 But at the same time, the problem is so

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2 enormous and so expensive and of such
3 longstanding that for us to stand here
4 and say, Oh, you know, just let us skate
5 by for another year, you're not going to
6 tolerate that.

7 So I want you to know that
8 HAPCO at a minimum, the Homeowners
9 Association of Philadelphia, which owns a
10 certain percentage of the rental housing
11 stock, we are here. Or rather they're
12 not here and they send me to appear in
13 front of you and bear the brunt of all
14 this. So all I would ask is that we seek
15 the solutions that are economically
16 feasible and that money can solve this
17 problem. If only we could put together
18 all the resources utilized today, the
19 problem could be solved. So if we can
20 somehow use the resources the City
21 government has and State and federal
22 towards attacking the worst of the
23 problem and not allowing landlords to
24 skate away with horrible properties,
25 that's completely unacceptable, gives us

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2 all a bad name, but we're here to help.

3 The law which you're proposing,
4 which is really just seeking to begin to
5 monitor these problems in the lead lines,
6 we acknowledge that that needs to be
7 done. We're going to help if that needs
8 to be done. But the landlords are not
9 all going to do it. I'm not sure how to
10 tell you to get, quote, "them," because
11 we're here, because I'm here, but what I
12 would like to suggest is is that when
13 it's a problem which money can solve,
14 let's put money into it. The landlords
15 in poor areas who are poor themselves and
16 who are renting houses for very low rents
17 and the rents barely sustain the
18 profitability of the house, if even that,
19 won't solve the problem. We'll have more
20 children lead poisoned, and none of us
21 want that.

22 So I suggest and request that
23 we put real resources, City resources, in
24 order to solve the problem where it's
25 most needed, in the inner cities, in the

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2 most difficult areas, so that we can
3 solve it, so that we can solve the
4 problem and have a solution to it.

5 I see the Council President
6 walks in. It's an honor that he's here.
7 But we are the bad guys because we own
8 the properties. We want to be the good
9 guys by solving the problem. We want to
10 be part and parcel of the solution, which
11 money will solve.

12 We're here. We're going to do
13 our best to comply with your requirements
14 of notification, and we're going to do
15 our best to solve the problem in any way
16 we can. We suggest that it be by money
17 being spent to solve the problem. The
18 less money that goes to forcing landlords
19 to be punished, the less money we have
20 for real solution. I would ask that
21 those landlords who are good, who are
22 trying, who are working so hard, who have
23 no money, who can't afford it -- a \$5,000
24 bill, that house is dead for the whole
25 year. It probably won't live beyond the

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2 year.

3 So I thank you for the
4 opportunity to be appearing before you --
5 to make an appearance before you, to know
6 that the property owners are here and we
7 stand ready to do what we can do to help
8 implement real solutions regarding the
9 rental properties in Philadelphia.

10 I thank you, Madam Chair, and I
11 thank you, members of the panel.

12 COUNCILWOMAN BASS: Thank you
13 for your testimony.

14 And if we could have someone
15 from the Health Department come forward,
16 we have a question for the Health
17 Department.

18 Also I want to acknowledge that
19 we've been joined, formally acknowledge,
20 that we've been joined by Council
21 President Clarke.

22 And, Mr. Sampson, if you want
23 to come up as well.

24 MR. ZASLOW: Thank you very
25 much.

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2 COUNCILWOMAN BASS: No. If you
3 could stay just in case there's any
4 questions for you. And also, Mr.
5 Sampson, if you could have a seat. And
6 also we can have a question for the
7 Health Department representative.

8 (Witnesses approached witness
9 table.)

10 COUNCIL PRESIDENT CLARKE: Hi.
11 Good afternoon. Thank you, Madam Chair.

12 I had one quick question,
13 somewhat related but unrelated. My
14 question centers around additional
15 inspectors. It's not for you, sir. But
16 my understanding, to the Health
17 Department people, that a significant
18 part of the challenges was determining
19 where these properties are that have lead
20 paint and all the other things associated
21 with lead poisoning. There are not
22 enough City inspectors; am I correct?

23 DR. RAVAL-NELSON: Correct,
24 Council President. We currently have
25 three certified lead risk assessors on

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2 staff that --

3 COUNCIL PRESIDENT CLARKE:

4 Three?

5 DR. RAVAL-NELSON: Three.

6 -- (continued) that go out and
7 do inspections.

8 COUNCIL PRESIDENT CLARKE: So

9 if you had an infusion of around

10 \$500,000, right, to your department, how
11 many more inspectors would you be able to
12 hire?

13 DR. RAVAL-NELSON: We would be
14 able to hire at least an additional
15 anywhere from 10 to 15, but I can get you
16 exact dollar amounts. I apologize, the
17 salary rate of the lead risk assessor is
18 not coming to my mind directly at this
19 time.

20 The other issue is really
21 needing dollars for the actual
22 remediation of the owner-occupied homes
23 to make them lead-safe.

24 COUNCIL PRESIDENT CLARKE:

25 Okay. So I know some people are saying

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2 why am I coming in here and asking that
3 question, and I'm going to be very up
4 front about it.

5 So there was a recent decision
6 by the Art Commission determining that an
7 opportunity that was presented to the
8 City above and beyond the traditional
9 taxing measures that we get into as a
10 government where we were able to bring in
11 \$500,000 to the City's General Fund based
12 on a contract that we thought we had with
13 an advertising entity, but the Art
14 Commission made a decision to reject that
15 proposal. And I would have liked to have
16 seen us bring that money in, and actually
17 the executive branch would have to
18 dedicate it, but to have that money
19 dedicated to hire additional inspectors
20 given the severity of the problem. So
21 that's why I'm asking that question, so I
22 can have a sense of if we did get
23 \$500,000, what could we actually spend it
24 on, and I think this is clearly one of
25 the most significant --

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2 DR. RAVAL-NELSON: Sure,
3 Council President. Under the leadership
4 of our Commissioner, Dr. Farley, we've
5 been working diligently to develop a
6 potential lead expansion budget that
7 would account not only for funding for
8 inspectors as well as appropriate
9 supervisors, enforcement folks. So that
10 is under -- it's under development as we
11 speak, and I'm sure that our
12 Commissioner's office and our Chief of
13 Staff and Deputy Commissioner would be
14 glad to share that. But that information
15 has been compiled and we've been steadily
16 working on it to figure out a solution to
17 this issue.

18 COUNCIL PRESIDENT CLARKE:
19 Thank you. Thank you. Thank you so
20 much.

21 Thank you, Madam Chair.

22 COUNCILWOMAN BASS: Thank you,
23 Mr. President.

24 And I think having that
25 information since this is such an

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2 important issue, having that information
3 provided to members of Council as soon as
4 possible, because that's part of the
5 solution. We're looking for solutions
6 here. And so we want to work with you
7 and get that information as quickly as
8 possible. Thank you.

9 DR. RAVAL-NELSON: Absolutely.

10 COUNCILWOMAN BASS: Thank you.

11 Mr. Sampson.

12 MR. SAMPSON: Good morning.

13 COUNCILWOMAN BASS: Good
14 afternoon.

15 MR. SAMPSON: I feel like I'm
16 batting clean-up here today.

17 My name is Maurice Sampson. I
18 am the recently appointed Director for
19 Clean Water Action for Eastern
20 Pennsylvania. I'm going to start by
21 thanking Councilwoman Bass and her
22 associates for your work on this bill.
23 In particular as it relates to water, I'm
24 very pleased to see that we are looking
25 at the powder that makes the Kool-Aid,

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2 the lead that is in the water, the lead
3 lines, the lead solder, the lead
4 plumbing. We all know we shouldn't drink
5 the Kool-Aid. And you're not going to be
6 able to deal with lead in the water until
7 you get the lead out.

8 And I also would suggest to you
9 that if there is no lead in the plumbing,
10 that problem is solved for us. And I
11 think that emphasis -- because there is
12 almost a hysteria about people talking
13 about water testing and understanding
14 what water testing is. Water testing
15 tells us what's in the water we tested.
16 Not what happens tomorrow, not what
17 happens yesterday, but what happens for
18 that test in particular.

19 Our residential rules here
20 really are clear about that in the
21 changes that you have made. I've been
22 focusing on that, because I've been
23 sitting listening. The one thing I would
24 just ask for you to consider is, as we
25 are doing all this work in the schools,

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2 are we checking to make sure that there's
3 not going to be any lead in the plumbing
4 that's in the schools? I hate the
5 thought that we would feel that we've
6 done our job and to come back five years
7 later to determine that we missed
8 something.

9 So I would just ask that you
10 put that on your checklist as a question
11 to ask.

12 I think that all of us can
13 agree that what we've done is a good
14 start, but there is a whole lot of work
15 that needs to be done. But I also think
16 that we need to also look at how we're
17 going to measure the work that we've done
18 as we move forward.

19 In 1972, I was an urban studies
20 major at Rutgers University, and I came
21 across the river to the Health Department
22 in order to learn about a program they
23 had put together that talked about lead
24 paint poisoning. That was 44 years ago.
25 Had we had a program that dealt with

1 11/16/16 - PUBLIC HEALTH - BILL 160609, ETC.

2 one-fortieth of the problem, we'd have
3 finished this problem four years ago, and
4 yet after all this time, we still don't
5 even -- we can't tell you how many homes
6 exactly have the problem. We don't know
7 how many lead lines there are really,
8 just because of the ownership of those
9 sorts of things. It's a problem that
10 we've had that hasn't really moved the
11 needle in a great significant manner over
12 40 years.

13 One of the things that we do
14 need to look at is a metric, you know, of
15 how we measure how we're going to succeed
16 in what we're doing.

17 The Sustainability Office is
18 big on metrics these days. It would be
19 great to have a metric that we could
20 measure every year. People move; housing
21 doesn't. So as we are measuring this
22 problem based on how many people are
23 affected, we ought to also be measuring
24 which neighborhoods we consider clean so
25 you know if you live there, that you're

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2 going to have that opportunity to be free
3 of lead. It's a different way of looking
4 at it, but it's something that I really
5 think we need to be thinking about when
6 we talk about how are we going to effect
7 and resolve this problem.

8 Several of the speakers have
9 said -- the gentleman sitting next to
10 me -- this is a resolvable issue. It's
11 not one like so many of the things we
12 face are so retractable that we're not
13 sure how to get our hands around it. We
14 can quantify where this problem is and we
15 can talk about what it means when an area
16 is free of lead so that you are probably
17 living in a lead-free zone where you have
18 less concern about, that we need to think
19 about that.

20 The other point that I think
21 needs to be made is looking at how we're
22 talking about informing people. You
23 know, we're talking about providing
24 brochures. We're talking about providing
25 access by the Internet and such. I want

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2 to remind everybody that 52 percent of
3 the adult population in this city is
4 illiterate. And I would also suggest to
5 you that a great number more than that
6 are alliterate, those people who can read
7 but don't. So that when we talk about a
8 requirement that provides a brochure,
9 that provides information, how many of us
10 have all that mail that comes in the
11 front door that we never bother to open
12 and read?

13 I was particularly struck when
14 I read the Inquirer articles about those
15 people who were affected who said, I
16 didn't know that lead was a problem or I
17 didn't realize how bad it was. You know,
18 a campaign that looks to just get people
19 knowledgeable about the fact that this is
20 a problem is something that's missing in
21 everything else that we have talked
22 about. We've talked about the
23 responsibilities of landlords,
24 responsibility of schools to look at it,
25 but how about a campaign that simply

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2 let's people know, that helps them to
3 determine whether they have any lead in
4 their home, looking at the user working
5 backwards. Because we haven't taken a
6 perspective of that yet.

7 As I come into Clean Water
8 Action, one of the things that I've
9 particularly noted about -- and I've been
10 in the field of environment for many
11 years -- is rules and regulations are not
12 based on health. They do not say will
13 everybody be healthy as a result of
14 writing this rule. They typically are
15 written based on what we feel we can
16 afford to accomplish. Not that we
17 shouldn't have that measure, but there is
18 a difference between what we can pay and
19 do and what it is, and we need to know
20 what that is so that we know what we are
21 not covering. Otherwise, we all say what
22 we're doing meets the standard and we
23 don't have to think about it anymore, and
24 then we wonder why people are still being
25 poisoned.

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2 Case in point, if we are
3 looking at children who have already been
4 affected by lead at that level of 10
5 units per deciliter, those children are
6 already seriously ill. So we really need
7 to understand what standards mean, and we
8 need to understand and probably ask that
9 question, what is necessary to be healthy
10 versus what is the standard and how are
11 we going to bring those two closer
12 together.

13 I think that there's a lot of
14 actions that we also need to be taking in
15 terms of talking about how -- what are we
16 going to do next, how are we going to
17 implement these things. I have the good
18 fortune of having an industrial hygienist
19 and a toxicologist working with me at
20 Clean Water to help me look and
21 understand these issues, and I constantly
22 challenge them at telling me what do I
23 tell people that they need to do so that
24 they can be safe. Because that's the
25 question that I hear. There's a problem

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2 out there. What impact does it have on
3 me? Or am I reading this and listening
4 to this and assuming, Oh, well, that's
5 somebody else, so I don't need to worry
6 about it? Because that happens.

7 It is very true that the
8 low-income community is very impacted.
9 When I look at the numbers --
10 Councilwoman Bass, in our district Mount
11 Airy is affected, Chestnut Hill is
12 affected. Quite frankly, all the
13 gentrifiers that are going in and
14 cleaning up the houses by themselves and
15 restoring their houses could be creating
16 conditions in their own homes that are
17 going to be dangerous for their children,
18 and I doubt that they have any concept
19 that this is a problem for them, because
20 what they've heard is this is a problem
21 of the people who are poor.

22 It is a problem that all of us
23 have. We all have, to some degree or
24 another, lead in our homes. All of us
25 do. Ninety-two percent of the housing

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2 stock in the City was built before 1978.

3 That means there is lead everywhere. And
4 every time you open and close a wooden
5 sash window, you are creating lead dust.

6 It's also true, from what I
7 understand, that we could be of different
8 incomes and have exactly the same kind of
9 exposures to lead and still those that
10 are low income are affected greater. The
11 reason? Stress. It is very stressful
12 being poor, and if you are stressed, you
13 are more susceptible to all of these
14 things.

15 So I would encourage as we look
16 at the next step -- I got one more
17 point -- we have to in addition to
18 looking at punitive measures to try and
19 enforce the issue, if we are serious
20 about solving these problems, we need to
21 look at what are the strategies to help
22 make these things happen. For us to
23 simply sit back and say, Well -- I'll use
24 landlords in this case -- to say we
25 passed the laws, now they need to do it,

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2 without being sure that they can, is
3 disingenuous. In the end it doesn't
4 solve the problem and people are still
5 hurt. We're going to come back a couple
6 years later and say, Well, maybe they
7 weren't strict enough.

8 We've all acknowledged it costs
9 money, and we need to come up with
10 strategies beyond just the enforcement
11 pieces to help figure out how we can
12 truly resolve this issue.

13 Now, unfortunately, there are
14 some provisions in the law -- on my block
15 we have 50 residences, and five of those,
16 or 10 percent, have turned over in the
17 last three years, 10 percent. One of
18 those houses, interestingly enough, when
19 the inspector came in, found a lead line,
20 told the people that owned the house, and
21 they refused to buy their house unless
22 the lead line was taken out. Another
23 house sold the next week. I actually ran
24 into the people who were going to buy it
25 and the inspector and just asked, Do you

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2 know what happened down the street? The
3 inspector had no knowledge of even how to
4 look for a lead line. It wasn't on his
5 list. So I went in and helped him look,
6 and it turned out this house built at the
7 same time as the house down the street
8 didn't have a lead line. So, you know,
9 in this case I could have had 10 percent
10 of the homes on my block knowledgeably
11 free of lead had there been any
12 provisions to provide the information and
13 perhaps a 30-year mortgage to pay for
14 whatever changes had to happen.

15 Now, I'm going to tell you,
16 we're not allowed to do that because the
17 law won't allow us to create that kind of
18 requirement between buyers and sellers,
19 but that is one of the things that we
20 need to work with our state delegation,
21 to talk about what needs to be done in
22 order to make those kind of commonsense
23 solutions happen so that over time, we
24 have a strategy where a certain
25 percentage are going to get cleaned up

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2 just because it's part of the design of
3 buying and selling homes. Also such
4 things as how about a tax on paint in
5 order to help pay for the elimination of
6 paint? As soon as it's done, the tax can
7 go away, but buying paint in order to
8 deal with paint just makes sense to me.

9 I think there are a lot of
10 these sorts of things. I think that part
11 of our next steps does need to be to look
12 at what needs to happen on the state
13 level to reinforce the terrific work
14 that's already been done by this group.

15 My final comment is that I want
16 you to know that for my role at Clean
17 Water Action, our activity is going to go
18 more and more to looking at what we can
19 do from an environmental justice
20 perspective to look at these issues from
21 the perspective of health. It is why I
22 am here today. It also means you're
23 going to see me less sitting in front of
24 you talking about what you need to do,
25 because I firmly believe that there is a

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2 civic engagement element here of us
3 understanding what the problems are who
4 are affected and what things we need to
5 do to keep ourselves safe from these
6 poisons, of which there are many, and
7 there are many, many things that we can
8 do if we are aware that there is a
9 problem to keep ourselves safe, and then
10 looking at strategies for us as
11 residents, as homeowners to make our
12 homes lead-free and to take that
13 responsibility to help make that happen.

14 So I want to thank you for the
15 opportunity to speak. I don't often get
16 to close the house, but we did it today.
17 Thank you very much.

18 COUNCILWOMAN BASS: Well, thank
19 you very much for your testimony and
20 always very insightful.

21 And also to Mr. Zaslow, thank
22 you so much for attending, and I can
23 certainly assure you that the intent is
24 not to attack one particular industry but
25 really just to fix a problem. I'm glad

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2 to see that you're here and that you're
3 interested in working with us to help fix
4 that problem. And we all know that what
5 we need here are resources to be able to
6 get this situation addressed.

7 So I thank both of you for
8 being here and for the information
9 provided.

10 And seeing that there is no one
11 else here to testify on these bills, that
12 concludes our public hearing on Bills No.
13 160 -- I'm sorry. Councilwoman Brown.

14 COUNCILWOMAN BROWN: Yes. I do
15 want to underscore your remarks on why
16 partnerships matter, and I do want to go
17 on the record to acknowledge again that
18 in 2010, HAPCO and I, we were
19 diametrically 360 degrees at different
20 places, but with subtle diplomacy, quiet
21 diplomacy, and just authentic will, we
22 really ended up in a good place, and this
23 hearing reflects that we still have work
24 to do so then the next installment, to
25 know that you're willing and prepared to

1 11/16/16 - PUBLIC HEALTH - BILL 160609, ETC.

2 hold our hands or to be partners as we go
3 down this road, it does matter. Thank
4 you very much.

5 MR. ZASLOW: Thank you,
6 Councilwoman.

7 COUNCILWOMAN BASS: Thank you,
8 Councilwoman.

9 And also I do want to
10 acknowledge the presence of Councilman Al
11 Taubenberger and Councilman David Oh has
12 joined us as well.

13 And so since there's no one
14 else here to testify, this concludes the
15 public hearing on Bills No. 160811,
16 160609, 160618, and 160687. We will now
17 go into a public hearing to consider the
18 action to be taken on these bills.

19 And before we take action on
20 Resolution No. 160052, I want to
21 recognize Councilman David Oh for some
22 brief remarks.

23 COUNCILMAN OH: Thank you very
24 much, Madam Chairwoman and all the
25 members of the Committee. Briefly, I'd

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2 just like to say that all of us did a lot
3 of work on the terrible issue of heroin
4 and opioid addiction, a new challenge for
5 our nation and a new challenge for our
6 City.

7 In that, there were seven
8 public community meetings and meetings
9 with the Pennsylvania Secretary of Drug
10 and Alcohol and then hearings right here
11 in City Council. This Committee did the
12 hearings. A report has been offered to
13 the Committee to be recommended to
14 Council as a whole to be adopted as the
15 report and recommendations for City
16 Council as a guideline in addressing the
17 opioid and heroin crisis, and I would
18 certainly ask everyone to vote favorably
19 for that.

20 Thank you very much.

21 COUNCILWOMAN BASS: And thank
22 you, Councilman.

23 I now want to recognize
24 Councilmember Maria Quinones-Sanchez for
25 a motion on Resolution No. 160052.

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2 COUNCILWOMAN SANCHEZ: Thank
3 you, Madam Chair. I just want to really
4 thank my colleague Councilman Oh. It was
5 a lot of work, and I know we heard
6 testimony from many, many, many folks,
7 and the document is a good framework to
8 capture what is going on and some
9 potential short-term resolutions as we
10 work on this long-term problem. As I'm
11 sure everyone is aware if they read the
12 Sunday Inquirer, the front page article,
13 which really highlighted some of the
14 challenges that districts like mine face
15 as they try to combat all the heroin
16 addiction that exists and where it
17 manifests itself on a daily basis, and
18 I'll be glad to share with the entire
19 Council some additional information as we
20 work with the Administration on dealing
21 with this problem on the ground every
22 single day. But I want to personally
23 thank him for his work on this framework.

24 And with that, I ask that the
25 Committee accept this document, review

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2 it, and share it with the Council as a
3 whole and that we look at what action
4 steps we can take and potentially impact
5 our next budget discussion.

6 So I move for the acceptance of
7 the report.

8 (Duly seconded.)

9 COUNCILWOMAN BASS: Thank you.
10 It has been moved and seconded that the
11 draft report on Resolution No. 160052 be
12 adopted with a favorable recommendation
13 and be reported to the full Council for
14 adoption.

15 All of those in favor say aye.

16 (Aye.)

17 COUNCILWOMAN BASS: Any
18 opposed?

19 (No response.)

20 COUNCILWOMAN BASS: Okay. The
21 ayes have it, and Resolution No. 160052
22 is adopted with a favorable
23 recommendation and will be reported to
24 the full Council for adoption.

25 The Chair now recognizes

1 11/16/16 - PUBLIC HEALTH - BILL 160609, ETC.

2 Councilmember Maria Quinones-Sanchez for
3 a motion on Bill No. 160811.

4 COUNCILWOMAN SANCHEZ: Thank
5 you, Madam Chair. I move that Bill
6 160811 be moved out of this Committee
7 with a favorable recommendation and
8 further move that the rules of Council be
9 suspended to allow first reading at our
10 next public session.

11 (Duly seconded.)

12 COUNCILWOMAN BASS: It's been
13 moved and seconded.

14 All of those in favor say aye.

15 (Aye.)

16 COUNCILWOMAN BASS: Any opposed
17 say nay.

18 (No response.)

19 COUNCILWOMAN BASS: The ayes
20 have it, and Bill 160811 is adopted with
21 a favorable recommendation and will be
22 reported to the full Council for adoption
23 with a suspension of the rules.

24 And I now want to recognize
25 Councilmember Maria Quinones-Sanchez for

1 11/16/16 - PUBLIC HEALTH - BILL 160609, ETC.

2 a motion on Bill No. 160618.

3 COUNCILWOMAN SANCHEZ: Thank
4 you, Madam Chair. I move for the
5 amendment to Bill No. 160618 be adopted.

6 (Duly seconded.)

7 COUNCILWOMAN BASS: It has been
8 moved and properly seconded that the
9 amendment just circulated be adopted.

10 All of those in favor of the
11 amendment signify by saying aye.

12 (Aye.)

13 COUNCILWOMAN BASS: Any
14 opposed?

15 (No response.)

16 COUNCILWOMAN BASS: Okay. And
17 I now want to recognize Councilmember
18 Maria Quinones-Sanchez for a motion on
19 Bill No. 160618, as amended.

20 COUNCILWOMAN SANCHEZ: Thank
21 you, Madam Chair. I move that Bill No.
22 160618, as amended, be moved out of this
23 Committee with a favorable recommendation
24 and further move for the rules of Council
25 to be suspended to allow first reading at

1 11/16/16 - PUBLIC HEALTH - BILL 160609, ETC.

2 our next public session.

3 (Duly seconded.)

4 COUNCILWOMAN BASS: It's been
5 moved and properly seconded that Bill No.
6 160618, as amended, be reported from this
7 Committee with a favorable recommendation
8 and further moved that the rules of
9 Council be suspended to permit first
10 reading of this bill at the next session
11 of Council.

12 All of those in favor will
13 signify by saying aye.

14 (Aye.)

15 COUNCILWOMAN BASS: Any
16 opposed?

17 (No response.)

18 COUNCILWOMAN BASS: The ayes
19 have it and the motion carries. Bill No.
20 160618, as amended, will be reported from
21 this Committee with a favorable
22 recommendation with a request that the
23 rules of Council be suspended to permit
24 first reading at the next session of
25 Council.

1 11/16/16 - PUBLIC HEALTH - BILL 160609, ETC.

2 And I want to recognize
3 Councilmember Maria Quinones-Sanchez for
4 a motion to adopt the amendment to Bill
5 No. 160687.

6 COUNCILWOMAN SANCHEZ: Thank
7 you, Madam Chair. I move that Bill
8 160687, the amendment that's been
9 circulated be adopted.

10 (Duly seconded.)

11 COUNCILWOMAN BASS: It's been
12 moved and properly seconded that the
13 amendment just circulated be adopted.

14 All of those in favor of the
15 amendment signify by saying aye.

16 (Aye.)

17 COUNCILWOMAN BASS: Any
18 opposed?

19 (No response.)

20 COUNCILWOMAN BASS: Okay. And
21 the Chair recognizes Councilmember Maria
22 Quinones-Sanchez for a motion on Bill No.
23 160687, as amended.

24 COUNCILWOMAN SANCHEZ: Thank
25 you, Madam Chair. I move that Bill

1 11/16/16 - PUBLIC HEALTH - BILL 160609, ETC.

2 160687, as amended, be moved out of this
3 Committee with a favorable recommendation
4 and further move that the rules of
5 Council be suspended to allow first
6 reading at our next public session.

7 (Duly seconded.)

8 COUNCILWOMAN BASS: It's been
9 moved and properly seconded that Bill No.
10 160687, as amended, be reported from this
11 Committee with a favorable recommendation
12 and further moved that the rules of
13 Council be suspended to permit first
14 reading of this bill at the next session
15 of Council.

16 All of those in favor will
17 signify by saying aye.

18 (Aye.)

19 COUNCILWOMAN BASS: Any
20 opposed?

21 (No response.)

22 COUNCILWOMAN BASS: Okay. The
23 ayes have it and the motion carries.
24 Bill No. 160687, as amended, will be
25 reported from this Committee with a

1 11/16/16 - PUBLIC HEALTH - BILL 160609, ETC.
2 favorable recommendation with a request
3 that the rules of Council be suspended to
4 permit first reading at the next session
5 of Council.

6 And that concludes -- wait. It
7 does not conclude. The Chair recognizes
8 Councilmember Maria Quinones-Sanchez for
9 a motion to adopt Bill No. 160609.

10 COUNCILWOMAN SANCHEZ: Thank
11 you, Madam Chair. I move that Bill
12 160609 be moved out of this Committee
13 with a favorable recommendation and
14 further move that the rules of Council be
15 suspended to permit first reading at our
16 next public session.

17 (Duly seconded.)

18 COUNCILWOMAN BASS: It has been
19 moved and properly seconded that Bill No.
20 160609 be reported from this Committee
21 with a favorable recommendation and
22 further moved that the rules of Council
23 be suspended to permit first reading of
24 this bill at the next session of Council.

25 All of those in favor will

1 11/16/16 - PUBLIC HEALTH - BILL 160609, ETC.

2 signify by saying aye.

3 (Aye.)

4 COUNCILWOMAN BASS: Anyone

5 opposed?

6 (No response.)

7 COUNCILWOMAN BASS: All right.

8 The ayes have it and the motion carries.

9 This bill will be reported from this

10 Committee with a favorable recommendation

11 with a request that the rules of Council

12 be suspended to permit first reading at

13 the next session of Council.

14 And that concludes our public
15 meeting. Thank you.

16 (Committee on Public Health and
17 Human Services concluded at 1:00 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter, and that this is a true and
correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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