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**Testimony before the District of Columbia Council
Committee on Transportation and the Environment**

February 18, 2015

**Public Hearing:
Oversight Hearing for the DC Department of the Environment**

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Good morning Chairwoman Cheh and members of the committee. My name is Lauren Onkeles-Klein. I am a Senior Supervising Attorney at Children's Law Center (CLC)¹ and a resident of the District of Columbia. I am testifying today on behalf of Children's Law Center, which fights so every DC child can grow up with a loving family, good health and a quality education. With 100 staff and hundreds of pro bono lawyers, Children's Law Center reaches 1 out of every 8 children in DC's poorest neighborhoods – more than 5,000 children and families each year.

All of the parents we work with want their children to be healthy. Sometimes, poor health can't be solved by medicine alone but requires legal advocacy to fix unsafe housing or secure the appropriate care a child needs. Children's Law Center partners with Children's National, Mary's Center and Unity Health Care to put our lawyers side-by-side with pediatricians in health clinics across the District – where we find and fix the root causes of children's poor health.

One of the ways that Children's Law Center helps these families is by addressing housing code violations to ensure that children's health problems are

¹ Children's Law Center fights so every child in DC can grow up with a loving family, good health and a quality education. Judges, pediatricians and families turn to us to be the voice for children who are abused or neglected, who aren't learning in school, or who have health problems that can't be solved by medicine alone. With 100 staff and hundreds of pro bono lawyers, we reach 1 out of every 8 children in DC's poorest neighborhoods – more than 5,000 children and families each year. And, we multiply this impact by advocating for city-wide solutions that benefit all children.

not exacerbated by their own homes. We frequently see that when the housing conditions are bad, especially when there is mold or an infestation, the children we work with end up in the emergency room for uncontrolled asthma. The health issues cause them to miss school and their parents to miss work. The costs, both in terms of health and finances, are enormous.² It is through our work trying to get these housing conditions fixed where we have intersected with the District Department of the Environment (DDOE).

On a very positive note, we work closely with DDOE's Healthy Homes program, which works to ensure that vulnerable DC residents do not live in unhealthy homes. The Healthy Homes team does outstanding work to ensure that landlords and tenants know what the issues are and how to fix them.

In the past year, we also supported the Air Quality Amendment Act of 2014, which created disclosure, inspection and remediation requirements regarding mold in residential rental properties. This bill was a critical measure

² Nationally, 9% of children have asthma. In DC, that number soars to 16% of our children who are diagnosed with asthma. Annie E. Casey Foundation, National Kids Count Report, 2011-12, at: <http://datacenter.kidscount.org/data/tables/30-percent-of-children-with-asthma-problems?loc=1&loct=2#ranking/3/any/true/1021/any/300>. The data available also clearly demonstrate asthma's enormous economic cost due to frequent emergency room visits and hospitalizations. From 2002 to 2007, the annual economic cost of asthma was \$56.0 billion in the U.S.; this includes direct health care costs of \$50.1 billion and indirect costs (lost productivity) contributing an additional \$5.9 billion. American Lung Association. Trends in Asthma Morbidity and Mortality. September, 2012, citing Barnett SB, Nurmagambetov TA. Costs of Asthma in the United States: 2002-2007. Journal of Allergy and Clinical Immunology, 2011; 127(1):145-52. However, this does not account for the thousands of hours of lost instructional time for children who are too sick to go to school, nor the work hours their parents have missed due to taking their asthmatic children to the hospital or caring for them at home.

in helping to close the loophole that allowed landlords to simply paint over mold or to repair it in an unsafe way.

The Act requires DDOE to create regulations in several areas, including to license mold inspectors and remediators and to establish the threshold for the substantial presence of mold, a key term in the law that triggers additional legal protections for tenants. The Act contemplates private enforcement of its provisions, but that enforcement is dependent on DDOE regulations. While the Act went into effect in September of 2014, DDOE has not issued any regulations nor have they provided us any with any information regarding the regulations.

The Act states that only licensed mold inspectors and remediators can work in the District, a provision that went into effect with the law. Regulations creating licensing requirements would be relatively straightforward to promulgate as the District could utilize regulations of other states or could recognize the certification of national bodies such as the American Council for Accredited Certification (ACAC) or Institute of Inspection, cleaning and Restoration (IICRC), which already provide certification and quality monitoring of inspectors and remediators.³ Without these regulations, tenants encounter

³ There are two main recognized national/international bodies that provide extensive training, certification and oversight for mold remediators and inspectors. The American Council for Accredited Certification (ACAC) is already involved in state licensing or the regulatory process in Arkansas, Florida, Kentucky, Louisiana, Maine, Maryland, New Hampshire, New York, Oklahoma, Texas and Virginia. See <http://www.acac.org/certify/licensing.aspx>. The Institute of Inspection Cleaning and Restoration Certification (IICRC) is an internationally recognized body that created the basic industry standards for

difficulties in the DC Superior Court Housing Conditions Calendar when we have mold cases and want to ensure that the remediation is done safely. For example, in a recent case with serious mold issues throughout the unit related to flooding, the Judge acknowledged the report from the mold inspector we hired, but indicated she could not require the landlord to hire anyone licensed since DC does not yet license people. In these cases, we must then argue the types of qualifications someone should have to do the remediation. However, as we have seen in many cases, in the absence of regulations, landlords may just send in their maintenance person who has no training to safely remediate mold. This can lead to danger for the tenant, as the mold spores are spread throughout the unit and into the HVAC system for the entire building, and for the maintenance person who, without utilizing proper remediation practices, is exposed to the mold for an extended period of time. CLC is strongly advocating that licensing regulations be promulgated quickly.

mold inspection and remediation and which offers licensing and training courses. See <http://www.iicrc.org/education-certification/>.

Regulations could include language such as that recommended by ACAC:

1) Mold and microbial investigation, assessment, remediation, abatement and consulting services shall be performed by individuals who are certified by the American Council for Accredited Certification (ACAC) or another national, non-profit certifying body which:

- a) is accredited by the Council of Engineering and Scientific Specialty Boards (CESB) and/or the American National Standards Institute under ANSI/ISO/IEC 17024, and
- b) is wholly independent from training organizations, membership organizations and industry trade associations.

See <http://www.acac.org/certify/licensing.aspx>

As to the rest of the regulations, we recognize that as a leader in this area, the District must consider the content of the regulations carefully. It is our hope that DDOE will embrace being the national leader in this area and will help to ensure that our most at risk families do not have to live in housing where there is mold impacting their health.

Children's Law Center, along with the other groups who advocate for the passage of the Act, look forward to working with DDOE to ensure that the Act can be fully implemented and will continue to work with Healthy Homes to ensure that all families have access to safe and healthy homes.

Thank you again for the opportunity to testify and I welcome any questions.