



Testimony Before the District of Columbia Council
Committee on Transportation & the Environment
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Performance Oversight Hearing:
Department of Energy and Environment

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Good afternoon Chairperson Cheh and members of the Committee on Transportation and the Environment for the opportunity to testify regarding the Department of Energy and Environment (DOEE). My name is Kathy Zeisel and I am DC resident and a Senior Supervising Attorney at Children's Law Center, which fights so every DC child can grow up with a loving family, good health and a quality education. With almost 100 staff and hundreds of pro bono lawyers, Children's Law Center reaches 1 out of every 9 children in DC's poorest neighborhoods – more than 5,000 children and families each year.

I am an attorney in our medical legal partnership, which places attorneys at pediatric primary care health centers in collaboration with Children's National, Unity Health Center, and Mary's Center. We receive referrals from medical staff where we can help address a non-medical barrier to a child's health, and too often that is a housing conditions case involving environmental issues impacting the child's medical condition.

DC's Department of Energy and Environment has long embraced healthy housing as part of its mission. In recent years, that focus has amplified with DOEE increasing its role in ensuring that DC's most vulnerable residents have healthy housing. We applaud these efforts.

Thanks to this Committee, DC has one of the most innovative mold laws in the country. DOEE is leading the way in DC in mold inspection and enforcement. DOEE has an inspector who is actually conducting mold inspections, and is currently the only

agency in DC to do so. DOEE is slated to hire an additional inspector, and we hope that they will do so as soon as possible to expand the capacity of this program.ⁱ This is important because many residents cannot afford the costs of a private inspection or to litigate to force their landlord to conduct one. We support both increasing the ability of this program to do more inspections, and also increasing enforcement of these inspections to ensure that the problems are fixed.

DOEE also released updated regulations to the Air Quality Amendment Act of 2014 related to mold. These regulations closed loopholes which allowed landlords to skirt the intent of the law and to simply paint over the mold, and we thank DOEE for updating the regulations. We are aware that DOEE is continuing to work on further amendments that would allow it to do enforcement itself. We support DOEE doing enforcement in this area, but we want the new Department of Buildings to also be responsible for ensuring that mold is enforced as a housing code violation.

In the past year, DOEE took responsibility for the lead remediation program in DC. DC lost the federal lead remediation funds, but was able to regain them with DOEE taking the reins. We anticipate that by pairing the lead inspection program and the remediation funds, DC will be more successful in utilizing the funding. DOEE has also been innovative in utilizing its federal funds to help leverage funding to do more extensive healthy housing work for properties with lead hazards and other healthy housing hazards. It is our understanding that recently five multifamily properties

signed on to work with a DOEE subcontractor to utilize this opportunity. We are hopeful that this money will be properly deployed to buildings where it can make a meaningful difference for low income residents.

In the Oversight Responses provided to this Committee, DOEE provided some concerning answers regarding their federal grants. The answers seem to indicate that many of their grants are in an at-risk/loss of funding status, including the recent lead remediation award from HUD.ⁱⁱ Furthermore, DC has to spend down almost \$2 million more in federal dollars this year than last year from those HUD funds. We ask this Committee to provide oversight to ensure that DOEE has a detailed and comprehensive plan to make sure that money goes to the DC residents most at risk of lead poisoning.ⁱⁱⁱ

Spending the money for remediation is only part of the solution. As you know, in December of 2020, the Council passed the *Residential Housing Environmental Safety Amendment Act of 2020* (L23-0188), which included important changes to DC's lead laws by aligning threshold levels of what constitutes lead-based paint, lead-contaminated dust, and elevated blood levels with standards used by the CDC. The bill also modified the type of relocation expenses that tenants are entitled to receive when lead abatement work is conducted in their apartments and added per diem food and travel expenses in certain circumstances. We applaud the work of this Committee in getting these key provisions passed, but more work is needed to strengthen DC's lead laws.

As the Committee conducts its oversight of DOEE's performance, we also urge it to move forward with legislation that would provide DOEE and DC families with stronger tools to prevent lead-based paint hazards. In 2019, the Committee considered a bill – the *Lead Hazard Prevention and Elimination Amendment Act of 2019* (B23-407) - that would provide those tools. The proposed legislation required more frequent and more effective housing inspections and more robust enforcement mechanisms to promote landlord compliance with DC lead laws.

Reintroducing and passing this legislation would allow for new, proactive processes to certify properties as lead-free. It would ensure that properties are tested for lead before a child is already exposed and has irreversible damage to their brain. We cannot have children be the “canary in the coal mine” for lead, as the current lead laws allow for. We ask that the Committee take up the remaining aspects of the bill again, and we look forward to working with you on the legislation.

Thank you for the opportunity to testify today, and I look forward to answering any questions you may have.

ⁱ DOEE 2022 Oversight Answers, p21-22.

ⁱⁱ DOEE 2022 Oversight Answers, Attachments p202. Additionally, the CDC Grant for Title: Childhood Lead Poisoning Prevention Projects, State and Local Childhood Lead Poisoning Prevention and Surveillance of Blood Lead Levels in Children ended in FY20 and DOEE is currently in a status of no funding for 5 years. *Id.* at 205.

ⁱⁱⁱ In FY21, DC spent approximately \$41,000 of HUD money on lead remediation. DOEE 2022 Oversight Answers, Attachments p.146. In FY22, DOEE must spend over \$2.2 million on lead remediation from HUD funds, plus it has significant local dollars to spend. *Id.* at p148.