



501 3<sup>rd</sup> Street, NW - 8<sup>th</sup> Floor  
Washington, DC 20001  
T 202.467.4900 · F 202.467.4949  
[www.childrenslawcenter.org](http://www.childrenslawcenter.org)

Testimony Before the District of Columbia Council  
Committee on Transportation and the Environment  
Tuesday, September 27, 2022

Public Roundtable:

*The Report of the Lead Service Line Planning Task Force on Achieving Full Lead Water Service  
Line Replacements in the District by 2030, and the Council Contractor's Assessment of DC  
Water's Lead Service Line Replacement Plan*

Christina M. Simpson  
Policy Attorney  
Children's Law Center

## **Introduction**

Good afternoon, Councilmember Cheh, and members of the Committee. My name is Christina Simpson. I am a Policy Attorney at Children’s Law Center.<sup>1</sup> I am testifying today on behalf of Children’s Law Center, which fights so every DC child can grow up with a stable 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.

Thank you for the opportunity to testify today regarding the report of the Lead Service Line Planning Task Force on achieving full lead water service line replacements in the District by 2030, and the Council contractor’s assessment of DC Water’s lead service line replacement plan (hereinafter “the Contractor’s Report”). Children’s Law Center has first-hand experience with residential healthy housing issues through its Healthy Together program, a medical-legal partnership that allows a child’s pediatrician to refer families to us for legal representation to secure healthy, code-compliant rental housing.<sup>2</sup> Through this program, Children's Law Center works with hundreds of families every year to get landlords to repair housing code violations, including lead-based hazards, that threaten the health of the children living in the home.

Given that there is no known safe amount of lead for children,<sup>3</sup> we strongly support eradicating lead hazards from DC homes as soon as possible. We support many

of the recommendations in the Contractor's Report.<sup>4</sup> We join with some of our colleagues today in offering some of our recommendations regarding DC's plan to achieve full lead water service line replacement by 2030.

### **The Human Cost of Lead Service Line Pipes is Too High for DC's Children**

Exposure to lead can cause serious health risks for all members of a home.<sup>5</sup> Children, however, are especially vulnerable because, before age 6, their brains and nervous systems are still forming and susceptible to damage. Pregnant women are also at particular risk because the lead they absorb crosses the placenta and enters the fetus, increasing the risk of miscarriage or harm to their babies.<sup>6</sup>

No amount of lead is safe for a child.<sup>7</sup> Even low doses can cause serious harm.<sup>8</sup>

The common health effects of lead exposure on children include:

- Brain damage resulting in IQ loss, learning disabilities, hyperactivity, inability to concentrate, and/or behavior problems;
- Stunted growth; and
- Hearing problems.<sup>9</sup>

People of color are disproportionately exposed to lead hazards. A national survey found that the average blood lead levels of African-American children were well above those of non-Hispanic white and Mexican-American children.<sup>10</sup> Other studies have shown that race and ethnicity are associated with elevated blood lead levels in children regardless of family income.<sup>11</sup>

The serious dangers of lead hazards, and their disproportionate impact on people of color, require an aggressive public health response. As recommended by the Centers for Disease Control Advisory Committee on Childhood Lead Poisoning Prevention, our goal should be “zero tolerance for lead hazards.”<sup>12</sup>

Potential additional costs associated with any of our recommendations below pale in comparison to the alarming costs that children, families, and society suffer when a child is harmed by lead poisoning. One study estimates that the lifetime economic burden of childhood lead exposure in DC could be as high as \$402 million – and that’s just for the 2019 birth cohort of children.<sup>13</sup> These costs include reduced lifetime productivity and increased spending on health care, special education, and social assistance.

As the Council observed in 2008, “The social and monetary benefits of aggressive, primary preventative measures speak for themselves when compared to treating children who have been exposed to lead and the subsequent social, behavioral and educational problems they face.”<sup>14</sup>

### **DC Should Not Wait Until 2030 to Eradicate Lead Service Lines Fully**

We do not believe that DC can wait until 2030 to replace our lead service lines, and we think that DC can remove these lines much earlier by exploring different techniques for doing so. The longer we wait, the more children are needlessly exposed to lead at home. According to the Contractor’s Report, other cities have successfully

found ways to speed up their lead service line replacement plans. For example, Newark, New Jersey's program initially contracted to replace 1,000 lead service lines to take nine months, only to find out that it could be done in 180 days using a block-by-block approach.<sup>15</sup> At the peak of its replacement program, Newark was replacing 120 lines per day across the city.<sup>16</sup> DC Water should learn from other cities' tried-and-tested methods and shorten its own timeline for replacing lead service lines accordingly.

### **Free Filters and Filter Maintenance Should be Provided to Affected Households**

As District residents wait for lead service line replacements, irreparable harm continues to be inflicted on children in homes affected by lead. To mitigate further ongoing damage to children, we support additional funds being used to provide free filters and filter maintenance to affected households.<sup>17</sup>

We strongly agree with the Contractor's Report's recommendation to provide certified lead reducing filters to all residents with potential lead service lines to provide an immediate source of safe drinking water until lead service lines are removed.<sup>18</sup> The Contractor's Report states that "Providing filters in advance of [lead service line replacement] ensures all residents have an immediate source of reliable very low lead water in every home with a potential [lead service line]. DC Water outreach materials and research conducted by DC Water have identified the importance of using filters up to six months post [lead service line replacement] due to the risk of a temporary lead increase following the [lead service line replacement]."<sup>19</sup>

## **Improved Outreach and Communication to Affected Households is Needed**

Improved outreach to families with lead service lines and potential lead service lines is needed. We support the Contractor Report's recommendation to clarify public information about service line identification.<sup>20</sup> The Contractor's Report explains that "[l]ack of clear communication can result in residents consuming water with elevated risk of lead for years until their service line can be verified." We agree that "[c]lear customer outreach and education is essential for building trust and support for the overall plan."<sup>21</sup>

We support the Contractor's Report's eight specific goal recommendations to improve communication and eliminate barriers to participation, which include:

1. More transparency about the Lead Free DC Lead Service Line Replacement Plan, including costs, schedules, and maps;
2. Simplifying all paperwork for residents, such as providing online and paper forms, cutting down complex legal jargon, and more diagrams;
3. Updating all outreach materials to be easily understandable and consistent;
4. Conducting outreach through multiple media formats, repeatedly, widely and until the last lead service line is replaced;
5. More opportunities for residents have their questions answered, including frequent community meetings;
6. Expanded neighborhood level outreach, including neighborhood liaisons from each impacted neighborhood;
7. Providing written documentation to the resident and owner of every property with a replaced or confirmed non-lead service line; and

8. Revisiting the Refusal List to identify when ownership changes at a property on the Refusal List and contact the new owner for replacement.<sup>22</sup>

The Contractor's Report also details how the cities of Newark and Cincinnati implemented community outreach and education to help build public trust and understanding of its lead service line replacement programs.<sup>23</sup> From those cities' examples, we can take the Contractor's Report recommendations of creating a community ambassador program, implementing a grassroots plan, and developing online tools to keep residents informed before, during, and after the lead service line replacement program.<sup>24</sup>

### **Task Force Should Include Agencies that are Necessary to Engage in Long-Term Surveillance**

Between 2001 and 2004, DC Water had alarmingly high levels of lead,<sup>25</sup> yet there has been a lack of sufficient longitudinal research on the effects this lead water spike had on children in that time period and the impact on outcomes in their adulthood. We believe that the Lead Service Line Planning Task Force (Task Force) should engage in long-term surveillance of children in DC to measure the lasting effects that the District's lead services lines are inflicting on the health and communities of these children long-term.

The establishment of the Task Force was a critical step toward a cohesive plan for reducing DC residents' lead exposure.<sup>26</sup> In addition to the Task Force's current members, we urge the Council to add two more relevant agencies with knowledge of

children's issues to the Task Force, the DC Department of Health and the Office of the State Superintendent of Education. We urge the Task Force to also examine potential legislative mechanisms to address lead service lines and their impact on DC residents. To better understand the effects of lead service lines on children, we recommend the Task Force ensure there is long-term research on children with elevated blood lead levels. With this information, DC will be able to make better data-driven decisions in the future regarding those affected by the lead service lines.

### **Additional Financial Assistance Should be Provided for Citizens to Replace Lead Pipes on the Private Side**

The current financial assistance program for private citizens to replace lead pipes is inadequate.<sup>27</sup> Private citizens who choose to move forward with replacing lead pipes on the private side where the public side has already been replaced may be eligible for assistance, either the full funding of the replacement if they are below a certain income level or \$2,500 if they are above it.<sup>28</sup> However, the full cost of the replacement can be \$10,000 or more, and that does not include the additional work that must be done by a different contractor needed to repair any damage done to the home in order to access the lead pipes. This additional work must be paid for by the homeowner regardless of income level and there is no financial assistance available. These costs are too high for many DC homeowners and financial assistance programs must be available to make this work a reality for them.

### **Other Household Lead Hazards Should Also be Remediated**



Unfortunately, lead service lines are not the only source of lead harming children in homes across the District. Even as all the lead service lines are being replaced, there are still lead fixtures, such as faucets and showerheads, in homes that can expose children to lead.<sup>29</sup> Lead can enter drinking water when plumbing materials such as chrome-plated brass faucets and plumbing with lead corrode.<sup>30</sup> We propose that the Council or the Task Force develop and execute a plan for community outreach regarding the importance of the remediation of lead fixtures. This is an important factor in the ongoing city-wide lead remediation plan.

Additionally, lead paint remains one of the main sources of lead exposure for children in the home.<sup>31</sup> While the Council is taking steps to eradicate the harms of lead through achieving full lead water service line replacements in the District by 2030, we ask for attention to the ongoing issue of lead paint. We strongly urge the Council to strengthen DC's lead paint protections by requiring all residential landlords to test for lead paint when they renew their business licenses, to remediate lead paint if found, and to provide notice to all tenants about the status of lead paint in the unit.<sup>32</sup>

## **Conclusion**

We thank you for holding today's roundtable and the support for achieving full lead water service line replacements in the District. We appreciate the opportunity to testify today. I welcome any questions the Committee may have.

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<sup>1</sup> Children’s Law Center fights so every child in DC can grow up with a stable family, good health, and a quality education. Judges, pediatricians, and families turn to us to advocate 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 more than 100 staff and hundreds of pro bono lawyers, we reach 1 out of every 9 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.

<sup>2</sup> Pediatricians, nurses and social workers from Children’s National Health System, Mary’s Center and Unity Health Care refer families to Children’s Law Center for help with cases involving housing conditions, special education, and access to health care.

<sup>3</sup> World Health Organization, *Lead poisoning*, (August 31, 2022), available at: <https://www.who.int/news-room/fact-sheets/detail/lead-poisoning-and-health>.

<sup>4</sup> *Independent Verification and Validation of DC Water’s Lead Free DC Lead Service Line Removal Plan: FINAL REPORT*, Safe Water Engineering, LLC, (September 22, 2022), available at: <https://lims.dccouncil.gov/Legislation/RC24-0221>.

<sup>5</sup> Lead can cause adults to suffer hypertension, anemia, and a reduced sperm count. See Department of Energy & Environment (DOEE), *Lead and Your Health*, available at: <https://doee.dc.gov/node/9032>.

<sup>6</sup> Department of Energy & Environment (DOEE), *Lead and Your Health*, available at: <https://doee.dc.gov/node/9032>.

<sup>7</sup> “It is important to remember there is no known safe level of lead in a human body.” See Department of Energy & Environment (DOEE), *Lead and Your Health*, available at: <https://doee.dc.gov/node/9032>. Additionally, “no blood lead threshold for adverse health effects has been identified in children, and no BLL above zero is free of all risk.” See Agency for Toxic Substance & Disease Registry, Lead Toxicity, *What Are U.S. Standards for Lead Levels*, (June 12, 2017), available at: [https://www.atsdr.cdc.gov/csem/leadtoxicity/safety\\_standards.html](https://www.atsdr.cdc.gov/csem/leadtoxicity/safety_standards.html).

<sup>8</sup> Even low doses of lead (between 3 and 5 µg/dL) “can lead to neurologic damage, including impaired memory and executive function, which is the ability to plan, remember instructions, and juggle multiple tasks. Such levels can lead to decreased IQ and academic performance and can also cause behavioral problems, such as impulsivity, hyperactivity, and attention disorders. Some studies suggest that lead exposure may also cause conduct disorders, depression, anxiety, and withdrawn behavior. . .” Health Impact Project, *10 Policies to Prevent and Respond to Childhood Lead Exposure: An Assessment of the Risks Communities Face and Key Federal, State, and Local Solutions*, p. 8, (August 2017), available at: [https://altarum.org/sites/default/files/uploaded-publication-files/HIP\\_Childhood\\_Lead\\_Poisoning\\_report.pdf](https://altarum.org/sites/default/files/uploaded-publication-files/HIP_Childhood_Lead_Poisoning_report.pdf).

<sup>9</sup> Department of Energy & Environment (DOEE), *Lead and Your Health*, available at: <https://doee.dc.gov/node/9032>.

<sup>10</sup> Health Impact Project, *10 Policies to Prevent and Respond to Childhood Lead Exposure: An Assessment of the Risks Communities Face and Key Federal, State, and Local Solutions*, p. 9, (August 2017), available at: [https://altarum.org/sites/default/files/uploaded-publication-files/HIP\\_Childhood\\_Lead\\_Poisoning\\_report.pdf](https://altarum.org/sites/default/files/uploaded-publication-files/HIP_Childhood_Lead_Poisoning_report.pdf).

<sup>11</sup> *Id.*

<sup>12</sup> Advisory Committee on Childhood Lead Poisoning Prevention of the Centers for Disease Control and Prevention, *Low Level Lead Exposure Harms Children: A Renewed Call for Primary Prevention*, p. 34, (January 4, 2012), available at: [https://www.cdc.gov/nceh/lead/ACCLPP/Final\\_Document\\_030712.pdf](https://www.cdc.gov/nceh/lead/ACCLPP/Final_Document_030712.pdf).

<sup>13</sup> Altarum, a nonprofit research and consulting organization, calculated the exposure burden for DC based on a cohort of 1577 children born in 2019 having an elevated blood lead level of 2 µg/dL or greater. See Altarum, *VALUE of Lead Prevention, District of Columbia*, (2019), available at: <http://valueofleadprevention.org/calculations.php?state=District%20Of%20Columbia>.

<sup>14</sup> Council of the District of Columbia, *Committee on Public Works and the Environment, Committee Report on B17-0936, the Lead Hazard Prevention and Elimination Act of 2008*, p. 2-3, (November 21, 2008), available at: <http://lims.dccouncil.us/Download/19361/B17-0936-CommitteeReport1.pdf>.

<sup>15</sup> *Independent Verification and Validation of DC Water’s Lead Free DC Lead Service Line Removal Plan: FINAL REPORT*, Safe Water Engineering, LLC, p. 68, (September 22, 2022), available at: <https://lims.dccouncil.gov/Legislation/RC24-0221>.

<sup>16</sup> *Id.*

<sup>17</sup> It is our understanding that some lead service line affected families on DC Water’s Water Service Information Map (the map is available at <https://geo.dcwater.com/Lead/>) have received water filters, but after reaching out to DC Water, CLC was told that DC Water generally does not provide filters to residents.

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<sup>18</sup> *Independent Verification and Validation of DC Water’s Lead Free DC Lead Service Line Removal Plan: FINAL REPORT*, Safe Water Engineering, LLC, p. 8, (September 22, 2022), available at: <https://lims.dccouncil.gov/Legislation/RC24-0221>.

<sup>19</sup> *Id* at 57.

<sup>20</sup> *Id* at 15.

<sup>21</sup> *Id*.

<sup>22</sup> *Id* at 67.

<sup>23</sup> *Id* at 69.

<sup>24</sup> *Id* at 70.

<sup>25</sup> Katherine Shaver and Dana Hedgpeth, *D.C.’s decade-old problem of lead in water gets new attention during Flint crisis*, Washington Post, (March 17, 2016), available at: [https://www.washingtonpost.com/local/dcs-decade-old-problem-of-lead-in-water-gets-new-attention-during-flint-crisis/2016/03/17/79f8d476-ec64-11e5-b0fd-073d5930a7b7\\_story.html](https://www.washingtonpost.com/local/dcs-decade-old-problem-of-lead-in-water-gets-new-attention-during-flint-crisis/2016/03/17/79f8d476-ec64-11e5-b0fd-073d5930a7b7_story.html).

<sup>26</sup> D.C. Code § 34–2162, *Lead Service Line Planning Task Force Establishment*.

<sup>27</sup> Under the current plan, if the city is replacing the public side and replacing the private side pipes, there will be no cost to the homeowner for the pipe replacement (other than the repairs to their home, which may be a substantial cost for some homeowners). However, for homeowners who need to replace only the private side pipes, the financial cliff remains a concern.

<sup>28</sup> Department of Energy and Environment (DOEE), *Lead Pipe Replacement*, available at:

<https://doee.dc.gov/service/leadlinereplacement>.

<sup>29</sup> United States Environment Protection Agency (EPA), *Basic Information about Lead in Drinking Water*, available at:

<https://www.epa.gov/ground-water-and-drinking-water/basic-information-about-lead-drinking-water>.

<sup>30</sup> *Id*.

<sup>31</sup> “The most common source of lead exposure for children, however, actually comes from lead paint hazards in homes and buildings (including schools) built before 1978—the year the government restricted lead-based paint sales.” See U.S. Government Accountability office (GAO), *The Risk of Lead Paint and How Lead is Detected in Blood*, (October 29, 2020), available at: <https://www.gao.gov/blog/risks-lead-paint-and-how-lead-detected-blood>.

<sup>32</sup> B23-0407, *Lead Hazard Prevention and Elimination Amendment Act of 2019*, contained these provisions but never made it into law.