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Testimony Before the District of Columbia Council  
Committee on Transportation and the Environment  
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## **Introduction**

Good morning, Councilmember Allen, and members of the Committee. My name is Makenna Osborn. I am a Policy Attorney at Children's Law Center and a resident of the District. Children's Law Center believes every child should grow up with a strong foundation of family, health and education and live in a world free from poverty, trauma, racism and other forms of oppression. Our more than 100 staff – together with DC children and families, community partners and pro bono attorneys – use the law to solve children's urgent problems today and improve the systems that will affect their lives tomorrow. Since our founding in 1996, we have reached more than 50,000 children and families directly and multiplied our impact by advocating for city-wide solutions that benefit hundreds of thousands more.

Thank you for the opportunity to testify regarding the performance of the Department of Energy and Environment (DOEE). Conditions in a child's physical environment, especially their home, can deeply impact their health and well-being.<sup>1</sup> For example, mold contamination and pest infestations can exacerbate a child's asthma<sup>2</sup> and ingestion of lead through lead-based paint or lead-contaminated drinking water can inhibit a child's mental and physical development.<sup>3</sup> Children's Law Center works with hundreds of families each year to seek remediation of poor rental housing conditions that are threatening a child's health.<sup>4</sup> We also advocate for policies that will ensure all DC children can enjoy a safe, healthy, and stable living environment.

As the agency responsible for implementing and enforcing the District's residential lead and mold laws,<sup>5</sup> managing the District's Childhood Lead Poisoning Prevention Program,<sup>6</sup> and connecting low-income residents with energy efficiency and utility affordability resources,<sup>7</sup> DOEE plays a critical role in protecting DC children from environmental hazards and promoting healthy housing throughout the District.

Children's Law Center commends DOEE and its staff for their accessibility and responsiveness over the past year. We have continued to work with DOEE's Lead-Safe and Healthy Housing Division (LSHHD) as part of the DC Healthy Housing Collaborative<sup>8</sup> and the Lead Poisoning Elimination and Healthy Homes Advisory Committee.<sup>9</sup> DOEE's transparent and collaborative participation in these groups creates valuable opportunities for stakeholders to stay updated on DOEE's work and provide feedback to the agency. Additionally, we thank the staff in DOEE's Utility Affordability Administration, Urban Sustainability Administration, and Energy Administration for actively engaging with Children's Law Center and the National Housing Trust as we embark on a new project of whole-building remediation and energy retrofits to preserve healthy, green, and affordable housing for DC families.<sup>10</sup>

My testimony today will discuss how DOEE helps protect the District's children from lead and mold hazards in their homes and identify opportunities for DOEE and the Council to strengthen those protections over the next year. My testimony will also highlight the need for DOEE to be a full partner in the work of District's reconstituted

211 Warmline so that low-income families can more easily access DOEE's utility assistance programs.

### **DOEE and the Council Need to Further Strengthen the District's Protections Against Childhood Lead Exposure**

The science is clear — there is no safe level of lead exposure for children.<sup>11</sup> Until at least six years old a child's body is still developing and growing rapidly and even low amounts of lead in their blood can cause serious and long-lasting harm including damage to the brain and nervous system, delayed growth and development, and hearing and speech problems.<sup>12</sup> These adverse health effects can result in lower cognitive function and decreased ability to pay attention and control impulses, posing lifelong challenges to a child's ability to learn and thrive. A fetus is at risk of the same harms when a pregnant person is exposed to lead because lead in blood can cross the placenta and the transfer can subsequently continue from an infant's ingestion of breast milk.<sup>13</sup> Additionally, when a pregnant person is exposed to lead it also increases the risk of miscarriage, still birth, premature birth and low birth weight.<sup>14</sup>

A proactive and preventive approach to childhood lead poisoning is essential because most children do not have obvious symptoms at the time of initial exposure.<sup>15</sup> DOEE is responsible for the primary prevention strategy of removing lead hazards where District children live, learn, and play by setting and enforcing lead-safe standards for developers and housing providers operating in the District as well as providing financial and technical assistance for lead remediation in low-income homes.<sup>16</sup> DOEE also provides

secondary prevention by implementing a childhood lead testing program and responding to all cases of children under six years old with elevated blood lead levels (EBLL).<sup>17</sup> There is room to strengthen DOEE's work in each of these areas to better prevent childhood lead exposure in the District.

*DOEE Must Continue Leveraging Federal Funding to Remediate Lead-Based Paint Hazards in More District Homes*

The most common source of lead poisoning in children is exposure to lead-based paint, which may be present in any home built before 1978, through the ingestion of contaminated dust, paint chips, or soil.<sup>18</sup> Residential lead-based paint hazard reduction is especially important in DC where 75% of housing was built prior to 1978.<sup>19</sup> However, most low-income residents in the District cannot afford the high costs of proper lead remediation<sup>20</sup> and/or have to rely on their landlord to perform remediation. To help address these barriers, the Lead Hazard Reduction Branch of DOEE's Residential Services Division uses a Lead Hazard Reduction Grant from the federal Department of Housing and Urban Development (HUD) to provide financial and technical assistance for lead remediation in low-income households with children under six years old.<sup>21</sup>

In previous years, DOEE struggled to administer a large portion of the HUD grant funds in part because it received very few applications from eligible households – those with children under six years old who reside in or regularly visit.<sup>22</sup> During last year's DOEE Performance Oversight hearing, Children's Law Center highlighted this problem to DOEE and the Committee and encouraged the Lead Hazard Reduction Branch to

develop targeted outreach strategies to increase applications from eligible households.<sup>23</sup> The agency's pre-hearing responses suggest that the Lead Hazard Reduction Branch may have made improvement in this area over the past year. For example, in FY23, DOEE received 659 applications to its Energy Efficiency and Remediation Program (EERP), a program that consolidates applications for assistance with emergency mechanical systems replacement, weatherization, and lead hazard reduction.<sup>24</sup> 204 of those EERP applications included a request for lead reduction assistance and 194 were from households where a child under six years old resides or regularly visits.<sup>25</sup> However, based on the aggregate nature of the EERP data that DOEE reported in its pre-hearing responses, it is not possible to tell if the 194 households eligible for lead reduction, actually applied and were approved for lead reduction assistance. Children's Law Center believes it is important to clarify if more households with young children are indeed being connected with lead reduction assistance and if so, what changes the Lead Hazard Reduction Branch made to accomplish this improvement. If not, we once again urge the Committee to ask DOEE what it believes it can do to connect more eligible families with the Lead Reduction Program.

Additionally, according to DOEE's pre-hearing responses, 75% of the funds spent by the Lead Hazard Reduction Branch in FY23 were federal dollars from the American Rescue Plan Act (ARPA) and only 25% were from the HUD lead grant.<sup>26</sup> This is concerning because 1) ARPA funds will no longer be available in FY25<sup>27</sup> and 2) it is

Children’s Law Center understanding that pairing the limited and restricted HUD funding with flexible ARPA funding enabled the Lead Hazard Reduction Branch to both spend more of the HUD lead grant and complete comprehensive lead remediation in more District households. We urge the Committee to work with DOEE to understand how the Lead Hazard Reduction Branch anticipates the end of ARPA funding will impact its work and what resources or support the Branch needs to maintain its lead reduction assistance levels in the rest of FY24 and FY25. Further, nearly halfway through the current fiscal year, it appears that the Lead Hazard Reduction Branch has not spent any of its lead reduction funds in FY24.<sup>28</sup> We hope the Committee will ask DOEE why it reported zero spending for the Lead Reduction Program in FY24 so far and what, if any, barriers the agency is facing to effectively and efficiently utilize the resources designated for protecting the health of vulnerable children in the District.

*DOEE Must Develop and Implement a Plan to Address the Decrease in Childhood Lead Testing Rates*

When a child is exposed to lead, early detection, prompt removal of the source of exposure, and connection with appropriate medical and social services are important to minimize harm. The DC Council passed the Childhood Lead Poisoning Screening and Reporting Act of 2002, requiring all children in the District to be tested for lead twice by the age of two.<sup>29</sup> DOEE partners with the Mayor’s office and the Department of Health Care Finance to implement this legislation and is mandated to publish an annual report analyzing the District’s lead testing rates and results.<sup>30</sup> DOEE’s Lead Safe and Healthy

Housing Division also receives funding from the Centers for Disease Control and Prevention (CDC) to maintain a registry of the results from all blood lead tests conducted in the District and use that register to target population-based interventions and childhood lead poisoning prevention efforts.<sup>31</sup>

In recent months, DOEE staff have alerted members of the Lead Poisoning and Healthy Homes Advisory Committee, including Children's Law Center, to the concerning trend of childhood lead testing decreasing in the District over the past three years. According to DOEE's annual Childhood Lead Screening Reports, approximately 62% of children eligible for testing received at least one blood lead test in FY21 while less than 55% of eligible children were tested in FY22.<sup>32</sup> Data breaking down testing rates by Ward show that between FY21 and FY22, testing rates in every Ward decreased except Ward 8.<sup>33</sup> In January 2024, DOEE reported to the Advisory Committee that testing rates had continued to decline in FY23 and FY24 to date (as of January 25, 2024).<sup>34</sup>

Children's Law Center appreciates DOEE's transparent communication with stakeholders, but we are concerned that DOEE is not taking sufficient action to address this urgent issue. As the agency in charge of the District's childhood lead poisoning prevention program, DOEE should lead a collaborative cross-agency effort to quickly 1) identify why testing rates are decreasing and 2) develop targeted strategies to ensure more eligible children in the District are being tested twice before the age of two. We therefore urge the Committee to ask DOEE what steps it is taking to respond to lower



lead testing rates to ensure DC is detecting and providing support to as many children with EBLs as possible. The Committee should also work with DOEE to understand what support the agency needs from other agencies or the Council to implement those steps.

### **DOEE's Mold Inspectors Do Not Have the Capacity or Authority to Enforce the District's Mold Law to Protect the Health of Low-Income Tenants in the District**

Exposure to mold in homes has been linked to increased incidence and severity of respiratory problems and doctors have identified indoor mold as one of the primary factors contributing to the District's childhood asthma epidemic.<sup>35</sup> To protect DC residents from the harms of residential mold, the Council passed the Air Quality Amendment Act of 2014 (Air Quality Amendment Act) formally recognizing mold as a significant health hazard and implementing protections for tenants with mold in their homes.<sup>36</sup> DOEE was charged with implementing these important requirements and the Lead-Safe and Healthy Housing Division is currently responsible for licensing mold professionals to operate in the District, setting indoor mold remediation standards, and responding to residential mold complaints from District residents.<sup>37</sup>

Under the Air Quality Amendment Act, residential property owners must inspect tenant mold complaints within seven days and appropriately remediate any indoor mold within 30 days.<sup>38</sup> When there is less than 10 square feet of mold, the property owner must "clean and remove the indoor mold from the contaminated surface in accordance with [DOEE] guidelines."<sup>39</sup> When there is more than 10 square feet of mold, the property owner must ensure it is remediated by a DOEE-licensed "indoor mold remediation

professional.”<sup>40</sup> However, DOEE has never had enough qualified mold inspectors nor the enforcement infrastructure required to ensure the law effectively protects low-income tenants in practice. As a result, mold continues to be one of the most common health-harming conditions in our clients’ homes and we regularly work with tenants whose landlord has flouted District law by failing to respond to tenant complaints in a timely manner, disregarding DOEE guidance for how to clean and remove less than 10 square feet of mold, or using general contractors instead of licensed specialists to remediate mold contamination over 10 square feet. Because DOEE does not have the staffing capacity or enforcement authority to effectively implement the District’s residential mold law, the Council must finally fund the Residential Housing Environmental Safety Amendment Act of 2020 in the FY25 budget to expand responsibility for mold inspections and enforcement to the Department of Buildings.

*DOEE Cannot Meet the Level of Need for Free Mold Inspections in the District*

DOEE has 5 full-time mold inspectors.<sup>41</sup> They are currently the only enforcement resource for tenants living with unaddressed residential mold who cannot afford a costly private mold assessor<sup>42</sup> or litigation against their landlord. While Children’s Law Center appreciates the hard work that we have observed from DOEE’s inspectors, they simply cannot keep up with the high demand for their services. In DOEE’s pre-hearing responses, the agency indicated that it received 456 mold complaints in FY23 and conducted 173 inspections based on those complaints.<sup>43</sup> Thanks to the increase in capacity

from 2 mold inspectors at the start of FY23 to 5 mold inspectors at the start of FY24, the agency is on pace to complete around 360 mold inspections in FY24.<sup>44</sup> However, Children’s Law Center believes the number of complaints received by DOEE only reflects a small portion of the true need for public<sup>45</sup> mold inspections in the District.

At Children’s Law Center, over half of the families we assisted with housing conditions matters in 2023 – 216 out of 406 families – reported having mold in their home.<sup>46</sup> We ask all the families we work with if they have reported their housing concerns to any District agencies and most of these 216 did not file a mold complaint with DOEE. Mold is also one of the most common housing problems reported to other legal service organizations in the District.<sup>47</sup> Therefore, based on our experience working with low-income tenants, Children’s Law Center believes the Chief Financial Officer’s recent estimate that the District should have the capacity to respond to 3,000 mold complaints per year – included in the Fiscal Impact Statement prepared for the Residential Housing Environmental Safety Amendment Act of 2020 – is a much more accurate reflection of the actual need than the number of mold complaints DOEE currently receives.<sup>48</sup> DOEE would need far more mold inspectors, plus additional supervisors and administrative support positions, to respond to this level of mold complaints.

*DOEE Does Not Formally Enforce the Mold Law Against Negligent Landlords*

Once a mold inspection is completed, DOEE also lacks the authority to penalize landlords who do not comply with the District’s mold law. DOEE takes essentially no

enforcement action when property owners fail to clean and remove less than 10 square feet of mold within 30 days; inspectors merely provide the tenant and property owner with written guidance on how to safely address the mold.<sup>49</sup> If a property owner fails to hire a licensed mold professional to abate 10 or more square feet of indoor mold within 30 days, DOEE's mold inspectors can issue a Notice of Violation (NOV) to property owners but those NOVs are only a "warning."<sup>50</sup> According to the agency's pre-hearing responses, "[DOEE's] mold program cannot issue Notices of Infraction (NOI) until regulations establishing the fine amounts are in place."<sup>51</sup> The regulations DOEE requires to issue NOIs were proposed in August of 2022 and reportedly scheduled for adoption by the Director of DOEE but subsequently stalled with the Mayor's office.<sup>52</sup> In DOEE's pre-hearing responses, they reported that an updated version of the regulations are again "under review by the Office of the Mayor."<sup>53</sup>

In Children's Law Center's experience representing tenants with poor housing conditions, we have observed that the worst landlords are motivated by profit margins above all else, including tenant well-being and compliance with District laws. They will not invest in costly mold assessment and remediation unless they face a meaningful financial penalty for inaction. For this reason, we ask this Committee to ask for a detailed update on the status of DOEE's updated mold fine regulations and the agency's projected timeline for their finalization. DOEE should prioritize the expeditious publication of these regulations so their mold inspectors can begin holding landlords accountable for

their failure to remediate harmful residential mold. Additionally, we hope the Committee will work with DOEE to identify other tools or enforcement mechanisms the agency's mold inspectors could use to incentivize greater landlord compliance with the residential mold law.

*DOEE Should Not be the Only Agency Responsible for Enforcing Mold Standards in Rental Housing*

Recognizing the significant gaps left by DOEE's capacity and enforcement limitations, the Council already determined that it is not in the best interest of District tenants for DOEE to have sole responsibility for enforcing the District's residential mold law. In 2020, the Council unanimously passed the Residential Housing Environmental Safety Amendment Act, to require DOB inspectors to become licensed mold assessors who enforce the District's mold laws against landlords who do not voluntarily comply.<sup>54</sup> Children's Law Center supported this law because we believe it is more efficient for tenants and District resources for residential mold to be addressed through DOB's housing code inspection process rather than being siloed in a separate agency and process.<sup>55</sup>

However, the relevant provisions were passed subject to appropriation and remain unfunded, so they have not taken effect.<sup>56</sup> When DOB's rental housing inspection team observes mold or receives a tenant complaint about mold, they still only refer it to DOEE.<sup>57</sup> As a result, a family may have two inspection and enforcement processes going on at once with two separate agencies and sets of staff. This is unnecessarily duplicative

and confusing for tenants. Additionally, DOB already has a built-in infrastructure for enforcement against landlords. It will be a better use of District resources for DOB to incorporate enforcement for violations of the District's mold laws into its existing processes for issuing Notices of Infraction, offering opportunities for alternative resolution, and pursuing fines through the Office of Administrative Hearings<sup>58</sup> instead of DOEE separately implementing the same mechanisms – which the agency has struggled to do for over a decade now.<sup>59</sup> To fulfill the Council's intention of protecting tenants from exposure to health-harming mold and make improvements in the prevalence and severity of childhood asthma in the District, the Committee must make funding the remaining provisions of the Residential Housing Environmental Safety Amendment Act a priority in the upcoming budget season.

**DOEE Should Partner with the Child and Family Services Agency (CFSA) to Efficiently Connect Low-Income Families with Much-Needed Utility Assistance**

DOEE's Utility Affordability Administration helps low-income residents maintain essential utilities by 1) reducing their utility costs through energy efficiency measures and 2) providing direct subsidies and discounts for utility bills.<sup>60</sup> These are crucial resources for protecting the health and stability of DC children and families. When low-income households are faced with high utility bills or threatened with utility shut offs for nonpayment, they may sacrifice paying for other essentials like rent, food, and medical care, in order to keep their lights and water on.<sup>61</sup> If families do experience utility shutoffs, they end up in unsanitary and unsafe conditions that put their health at risk.<sup>62</sup> Lack of

running water, refrigeration, and heat and air conditioning are especially dangerous for vulnerable populations like pregnant and post-partum people and young children.<sup>63</sup>

Children’s Law Center’s regularly works with families who report being behind on one or more utility services. The deep level of need for utility assistance among District families has been confirmed by initial data from the recently repurposed 211 Warmline (Warmline). In October 2023, the Child and Family Services Agency (CFSA) “soft launched” the Warmline as a unified social service resource and referral line for low-income District residents.<sup>64</sup> The goal is for residents to be able to call the Warmline to seek help with social needs – such as food, housing, medical benefits, etc., – and either be provided with the detailed information and guidance they need to resolve the problem (e.g. contact information for shelter intake, or date/time/location information for grocery distributions), or connected with a trained Community Responder who can provide more in-depth case management support and assist with navigating the relevant services.<sup>65</sup>

During the first 60 days of the Warmline’s soft launch period, the primary reason for nearly 20% of all calls received was utility assistance.<sup>66</sup> CFSA has drafted an MOU to partner with DOEE to “gain access to their utility application servicer [to] better serve families who call [the Warmline] about utility/water help.”<sup>67</sup> We strongly encourage DOEE to complete the MOU with CFSA and begin partnering with them on the Warmline as soon as possible. CFSA is taking the lead in building an integrated human services system that provides a “continuum of primary prevention services” accessible to all

District families – but they cannot do it without the collaboration of other government agencies.<sup>68</sup>

Additionally, while the Warmline is a means of increasing access to vital government and community-based resources, services, and programming, increased access alone is insufficient to meet needs. As the Warmline operators and Community Responders work to identify families in need and match them with resources, government programs – like DOEE’s utility assistance programs – must have sufficient capacity, and – most importantly – be effective at meeting families’ needs. Both the Executive and the Council must buy into this vision and support this shift towards coordination and integration for it to take hold and make a difference in how DC families in need experience their government and community. We urge this Committee to collaborate with CFSA, DOEE, and the Committee on Facilities and Family Services to make this vision a reality.

## **Conclusion**

Children’s Law Center commends DOEE and its staff for their dedication to promoting healthy housing for all DC residents. We hope our suggestions today will further these efforts. Thank you again for the opportunity to testify. I am happy to answer any questions you may have.

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<sup>1</sup> Center on the Developing Child, Harvard University, *Place Matters: The Environment We Create Shapes the Foundations of Healthy Development*, (2023), *available at*:



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<https://developingchild.harvard.edu/place-matters-the-environment-we-create-shapes-the-foundations-of-healthy-development/>; Schmeer KK, Yoon AJ. Home sweet home? Home physical environment and inflammation in children. *Soc Sci Res.* 2016 Nov; 60:236-248. doi: 10.1016/j.ssresearch.2016.04.001. Epub 2016 Apr 6. PMID: 27712682; PMCID: PMC5116303.

<sup>2</sup> National Institute of Health, Household Molds Linked to Childhood Asthma, (August 20, 2012), available at: <https://www.nih.gov/news-events/nih-research-matters/household-molds-linked-childhood-asthma#:~:text=For%20a%2010%2Dpoint%20increase,Aspergillus%20unguis%20and%20Penicillium%20v%20ariabile>; Berkley Public Health, New research shows link between childhood exposure to mold and asthma, (April 7, 2021), available at: <https://publichealth.berkeley.edu/news-media/research-highlights/new-research-shows-link-between-childhood-exposure-to-mold-and-asthma>; Maria Godoy, *When landlords won't fix asthma triggers like mold, doctors call in the lawyers*, NPR, November 20, 2023, available at: <https://www.npr.org/sections/health-shots/2023/11/20/1213555737/asthma-mold-housing-medical-legal-partnership>.

<sup>3</sup> Centers for Disease Control and Prevention, National Center for Environmental Health, *Preventing Lead Exposure in Children*, available at: <https://www.cdc.gov/nceh/features/leadpoisoning/index.html#:~:text=windowsills%2C%20and%20wells,-,Exposure%20to%20lead%20can%20seriously%20harm%20a%20child's%20health%2C%20including,and%20hearing%20and%20speech%20problems>; Harvard T.H. Chan School of Public Health, *Study finds link between childhood lead exposure and mental illness*, (2019), available at: <https://www.hsph.harvard.edu/news/hsph-in-the-news/childhood-lead-exposure-mental-illness/>; Centers for Disease Control and Prevention, Childhood Lead Poisoning Prevention, *Health Effects of Lead Exposure*, available at: <https://www.cdc.gov/nceh/lead/prevention/health-effects.htm>.

<sup>4</sup> Children's Law Center's innovative medical legal partnership, Healthy Together, places attorneys at primary care pediatric clinics throughout the city with Children's National, Unity Health Care, and Mary's Center to receive referrals from pediatric providers for assistance with non-medical barriers to a child's health and well-being. See Children's Law Center, available at: <https://childrenslawcenter.org/ourimpact/health/>.

<sup>5</sup> D.C. Law 20-135. Air Quality Amendment Act of 2013. See also FY2022 DOEE Performance Oversight Responses, response to Q53, available at: <https://lims.dccouncil.gov/Hearings/hearings/299>.

<sup>6</sup> Department of Energy & Environment, Childhood Lead Poisoning Prevention – Identifying and Managing Lead Exposures, available at: <https://doee.dc.gov/service/childhood-lead-poisoning-prevention-identifying-managing-lead-exposures>.

<sup>7</sup> Department of Energy & Environment, Utility Affordability Administration, available at: <https://doee.dc.gov/service/utility-affordability-administration>. (“The Utility Affordability Administration (UAA) is a resource for energy efficiency, utility affordability, and residential services for District residents. The UAA provides direct financial assistance and discounts to low-income residents to help off-set their utility bills. The UAA also administers residential programs to improve the overall comfort, energy efficiency, and safety of single and multifamily dwellings throughout the District.”).

<sup>8</sup> DC Health Housing Collaborative, available at: <https://www.dchealthyhousingcollaborative.org/>.

<sup>9</sup> DOEE Lead Poisoning Elimination and Healthy Homes Advisory Committee, notes on file with Children's Law Center.

<sup>10</sup> National Housing Trust, Ensuring Healthy, Green and Affordable Housing in D.C., available at: <https://nationalhousingtrust.org/sites/default/files/documents/nht-d.c.-hga-housing-project.pdf>.

<sup>11</sup> World Health Organization, Lead Poisoning, (August 11, 2023), available at: <https://www.who.int/news-room/fact-sheets/detail/lead-poisoning-and-health>.

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<sup>12</sup> Centers for Disease Control and Prevention, Childhood Lead Poisoning Prevention, *Health Effects of Lead Exposure*, available at: <https://www.cdc.gov/nceh/lead/prevention/health-effects.htm>.

<sup>13</sup> United States Department of Health and Human Services, Agency for Toxic Substances and Disease Registry, Toxicological Profile for Lead, p. 4, (August 2020), available at: <https://www.atsdr.cdc.gov/toxprofiles/tp13.pdf>.

<sup>14</sup> See Department of Energy & Environment (DOEE), Lead and Your Health, available at: <https://doee.dc.gov/node/9032>; World Health Organization, Lead Poisoning, (August 11, 2023), available at: <https://www.who.int/news-room/fact-sheets/detail/lead-poisoning-and-health>.

<sup>15</sup> Centers for Disease Control and Prevention, Childhood Lead Poisoning Prevention, *Health Effects of Lead Exposure*, available at: <https://www.cdc.gov/nceh/lead/prevention/health-effects.htm>.

<sup>16</sup> FY2022 DOEE Performance Oversight Responses, response to Q53, available at: <https://lims.dccouncil.gov/Hearings/hearings/299>; DOEE Lead Related Regulatory and Legislative Affairs, available at: <https://doee.dc.gov/service/lead-related-regulatory-and-legislative-affairs>. DOEE is also responsible for there is lead-safe drinking water in child-occupied facilities and partnering with DC Water to replace lead service lines in the District. See DOEE, Lead Pipe Replacement and Safer Drinking Water, available at: <https://doee.dc.gov/service/lead-pipe-replacement-and-safer-drinking-water>; DOEE Lead in the District – Children & Families, available at: <https://doee.dc.gov/service/lead-pipe-replacement-and-safer-drinking-water>. Children’s Law Center is proud to partner with the experts and organizations in Lead Emergency Action for the District (L.E.A.D.) who are spearheading efforts to remove lead from DC’s drinking water and we support their calls for DOEE to play an active role in a Filter First approach in DC.

<sup>17</sup> Elevated BLL is defined as greater than 5 micrograms per deciliter (µg/dL), according to the Centers for Disease Control and Prevention (CDC). Although no safe level of lead exposure exists, this is the level at which further clinical monitoring or treatment is recommended for children. See Centers for Disease Control and Prevention, Childhood Lead Poisoning Prevention, *Standard Surveillance Definitions and Classifications*, available at: [https://www.cdc.gov/nceh/lead/data/case-definitions-classifications.htm?CDC\\_AA\\_refVal=https%3A%2F%2Fwww.cdc.gov%2Fnceh%2Flead%2Fdata%2Fdefinitions.htm](https://www.cdc.gov/nceh/lead/data/case-definitions-classifications.htm?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fnceh%2Flead%2Fdata%2Fdefinitions.htm).

<sup>18</sup> Mayo Clinic, Lead poisoning, available at: <https://www.mayoclinic.org/diseases-conditions/lead-poisoning/symptoms-causes/syc-20354717>.

<sup>19</sup> District of Columbia, 2022 Healthy Housing Fact Sheet, available at: [https://nchh.org/resource-library/fact-sheet\\_state-healthy-housing\\_dc.pdf](https://nchh.org/resource-library/fact-sheet_state-healthy-housing_dc.pdf).

<sup>20</sup> Center for American Program, *Get the Lead Out* (Jan 17, 2019), available at: <https://www.americanprogress.org/article/get-the-lead-out/>. Utilities One, Research on the cost of lead paint and asbestos remediation (July 18, 2023), available at: <https://utilitiesone.com/research-on-the-cost-of-lead-paint-and-asbestos-remediation>. (“Lead paint remediation can cost between \$8 and \$15 per square foot, including inspection, removal, replacement, cleanup, and clearance testing.”)

<sup>21</sup> Department of Energy & Environment Lead Reduction Program, available at: <https://doee.dc.gov/service/lrp>; FY2022 DOEE Performance Oversight Responses, response to Q55(d), available at: <https://lims.dccouncil.gov/Hearings/hearings/299>.

<sup>22</sup> See Makenna Osborn, Children’s Law Center, Testimony before the District of Columbia Council Committee on Transportation and the Environment, (February 16, 2023), at p. 8, available at: <https://childrenslawcenter.org/wp-content/uploads/2023/02/MakennaOsborn-DOEEPerformanceOversight.pdf>.

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<sup>23</sup> Makenna Osborn, Testimony before the District of Columbia Council Committee on Transportation and the Environment, (February 16, 2023), *available at*: <https://childrenslawcenter.org/wp-content/uploads/2023/02/MakennaOsborn-DOEEPerformanceOversight.pdf>.

<sup>24</sup> FY2023 DOEE Performance Oversight Responses, response to Q87, *available at*: <https://lims.dccouncil.gov/Hearings/hearings/299>; *See also* DOEE, *EMS-LRP-WAP Application*, [https://doee.dc.gov/sites/default/files/dc/sites/doee/service\\_content/attachments/DOEE%20EMS-LRP-WAP%20Application%20FY24%202023.09.29\\_fillable\\_0.pdf](https://doee.dc.gov/sites/default/files/dc/sites/doee/service_content/attachments/DOEE%20EMS-LRP-WAP%20Application%20FY24%202023.09.29_fillable_0.pdf).

<sup>25</sup> FY2023 DOEE Performance Oversight Responses, response to Q87, *available at*: <https://lims.dccouncil.gov/Hearings/hearings/299>.

<sup>26</sup> FY2023 DOEE Performance Oversight Responses, response to Q56(d), *available at*: <https://lims.dccouncil.gov/Hearings/hearings/299> (DOEE reported using \$3,667,284 from ARPA funding in the Lead Reduction Program in FY23 and \$1,206,985 from the HUD lead grant).

<sup>27</sup> Dave Kemper, *State and Local Governments Have Only Spent About Half of American Rescue Plan Funds as Critical Deadline Nears*, Economic Policy Institute (January 9, 2024), <https://www.epi.org/blog/state-and-local-governments-have-only-spent-about-half-of-american-rescue-plan-funds-as-critical-deadline-nears/>.

<sup>28</sup> FY2023 DOEE Performance Oversight Responses, response to Q56(d), *available at*: <https://lims.dccouncil.gov/Hearings/hearings/299>.

<sup>29</sup> D.C. Law 14-190. Childhood Lead Poisoning Screening and Reporting Act of 2002.

<sup>30</sup> D.C. Code § 7-871.03. Childhood lead screening and reporting requirements.

<sup>31</sup> Centers for Disease Control and Prevention, Childhood Lead Poisoning Prevention, *Program Information – DC*, *available at*: <https://www.cdc.gov/nceh/lead/programs/dc.htm>. (The District of Columbia received \$300,000 through cooperative agreement from the CDC in FY 2022. The funds address childhood lead poisoning prevention and surveillance programmatic activities being conducted from September 30, 2022 to September 29, 2023); *See also* Centers for Disease Control and Prevention, Childhood Lead Poisoning Prevention, CDC-RFA-EH21-2102, *available at*: <https://www.cdc.gov/nceh/lead/programs/2021-funded-recipients.html>. (DOEE received the most recent round of funding through September 29, 2026).

<sup>32</sup> Department of Energy and Environment, Childhood Lead Screening Report District of Columbia Fiscal Year 2022, (January 4, 2024), p. 15, *available at*:

[https://doee.dc.gov/sites/default/files/dc/sites/doee/service\\_content/attachments/FY%202022%20Childhood%20Lead%20Screening%20Report.pdf](https://doee.dc.gov/sites/default/files/dc/sites/doee/service_content/attachments/FY%202022%20Childhood%20Lead%20Screening%20Report.pdf). (Out of the 12,984 children identified as eligible for testing by DCVRD, 7,211 (55.5%) were tested by healthcare providers and documented by DOEE.). Department of Energy and Environment, Childhood Lead Screening Report District of Columbia Fiscal Year 2021, (August 15, 2023), p. 15, *available at*:

<https://lims.dccouncil.gov/downloads/LIMS/53622/Introduction/RC25-0074-Introduction.pdf?Id=168698>.

(“DC Vital Records Department identified a total number of eligible children that could tested was 21,674; the total number of patients tested by DOEE was 13,477.”).

<sup>33</sup> Department of Energy and Environment, Childhood Lead Screening Report District of Columbia Fiscal Year 2022, (January 4, 2024), p. 15, *available at*:

[https://doee.dc.gov/sites/default/files/dc/sites/doee/service\\_content/attachments/FY%202022%20Childhood%20Lead%20Screening%20Report.pdf](https://doee.dc.gov/sites/default/files/dc/sites/doee/service_content/attachments/FY%202022%20Childhood%20Lead%20Screening%20Report.pdf). Department of Energy and Environment, Childhood Lead Screening Report District of Columbia Fiscal Year 2021, (August 15, 2023), p. 15, *available at*:

<https://lims.dccouncil.gov/downloads/LIMS/53622/Introduction/RC25-0074-Introduction.pdf?Id=168698>.

<sup>34</sup> DOEE Lead Poisoning Elimination and Healthy Homes Advisory Committee, January 25, 2024, on file with Children’s Law Center and DOEE.

<sup>35</sup> Morgan Baskin, *Doctors Blame D.C.’s High Asthma Rates in Part on Poor Housing Conditions*, Washington City Paper (May 22, 2019), *available at*: <https://washingtontcitypaper.com/article/180182/doctors-blame-dcs->

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[high-asthma-rates-in-part-on-poor-housing/](#). See also Kayla Benjamin, *The Air Inside the House: The Connection Between Our Homes and Asthma*, *The Washington Informer* (December 12, 2022), available at: <https://www.washingtoninformer.com/the-air-inside-the-house-the-connection-between-our-homes-and-asthma/>; Maria Godoy, *When landlords won't fix asthma triggers like mold, doctors call in the lawyers*, NPR (November 20, 2023), available at: <https://www.wunc.org/2023-11-20/when-landlords-wont-fix-asthma-triggers-like-mold-doctors-call-in-the-lawyers>.

<sup>36</sup> D.C. Law 20-135. Air Quality Amendment Act of 2013.

<sup>37</sup> D.C. Law 20-135. Air Quality Amendment Act of 2013. Sec. 304(a)-(d). Certification of mold assessment and remediation professionals

<sup>38</sup> D.C. Law 20-135. Air Quality Amendment Act of 2013. Sec. 305(a). Indoor mold remediation obligations at residential properties.

<sup>39</sup> Department of Energy & Environment, *Mold Information for Tenants*, available at: <https://doee.dc.gov/service/mold-information-tenants>.

<sup>40</sup> *Id.*

<sup>41</sup> FY2022 DOEE Performance Oversight Responses, response to Q54(b), available at: <https://doee.dc.gov/service/mold-information-tenants>.

<sup>42</sup> Average mold inspection cost \$650. *Mold Inspection Costs in Washington DC*, Restoration, (February 23, 2023), available at: <https://restoration1.com/washington-dc/blog/mold-inspection-costs-in-washington-dc-2/#:~:text=Forbes%20estimates%20the%20average%20mold,demolitions%20and%20construction%20debris%20removal>.

<sup>43</sup> FY2023 DOEE Performance Oversight Responses, responses to Q53 and Q54(d), available at: <https://lims.dccouncil.gov/Hearings/hearings/299> (456 mold complaints are 30% of the 1,528 complaints received across all categories reported in Table 1. In addition to the 152 in-person mold inspections reported in Table 2, DOEE indicated that there were 21 virtual mold inspections conducted in FY23).

<sup>44</sup> FY2023 DOEE Performance Oversight Responses, responses to Q53 and Q54(d), available at: <https://lims.dccouncil.gov/Hearings/hearings/299> (DOEE reported completing 90 residential mold inspections in FY24 as of February 5, 2024. If the agency completes a similar amount of mold inspections per month for the rest of FY24, they should complete around 360 inspections in FY24).

<sup>45</sup> Public meaning the public service provided by the District compared to private mold inspectors that a tenant would have to hire and pay.

<sup>46</sup> Data compiled internally by Children's Law Center using reporting from our case management software. An explanation of how we tracked and collected this information is available upon request.

<sup>47</sup> Beth Mellen, Legal Aid Society of the District of Columbia, Testimony before the District of Columbia Council Committee of the Whole, (March 24, 2022), available at: <https://www.legalaiddc.org/media/273/download>; Eleni P. Christidis, Legal Aid Society of the District of Columbia, Testimony before the District of Columbia Council Committee of the Whole, (January 18, 2024), available at: <https://www.legalaiddc.org/media/3833/download?inline>.

<sup>48</sup> Office of the Chief Financial Officer, Bill 23-132, Committee Print provided to the Office of Revenue Analysis on November 23, 2020, (December 1, 2020), available at: [http://app.cfo.dc.gov/services/fiscal\\_impact/pdf/spring09/FIS%20Residential%20Housing%20Environmental.pdf](http://app.cfo.dc.gov/services/fiscal_impact/pdf/spring09/FIS%20Residential%20Housing%20Environmental.pdf).

<sup>49</sup> FY2023 DOEE Performance Oversight Responses, response to Q54(a)(i) and (ii), available at: <https://lims.dccouncil.gov/Hearings/hearings/299>.

<sup>50</sup> *Id.*

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- <sup>51</sup> FY2023 DOEE Performance Oversight Responses, responses to Q53 and Q54(d), *available at*: <https://lims.dccouncil.gov/Hearings/hearings/299>. (The mold program cannot issue Notices of Infraction until regulations establishing the fine amounts are in place according to Table 2, FN 29.).
- <sup>52</sup> District of Columbia Register, Vol. 69 – No. 32, D.C. Reg. 010407 (August 12, 2022).
- <sup>53</sup> FY2023 DOEE Performance Oversight Responses, response to Q54(g), *available at*: <https://lims.dccouncil.gov/Hearings/hearings/299>.
- <sup>54</sup> D.C. Law L23-0188. Residential Housing Environmental Safety Amendment Act of 2020. Voting record available at B23-0132 - Indoor Mold Remediation Enforcement Amendment Act of 2019 (now known as "Residential Housing Environmental Safety Amendment Act of 2020"), <https://lims.dccouncil.gov/Legislation/B23-0132>.
- <sup>55</sup> Evan Cass, Children’s Law Center, Testimony before the District of Columbia Council Committee of the Whole and Committee on Transportation and the Environment, (December 9, 2019), *available at*: <https://childrenslawcenter.org/wp-content/uploads/2021/07/CLC-Testimony-for-Dec.-9-Hearing-on-Indoor-Mold-Bill-B23-132.pdf>.
- <sup>56</sup> D.C. Law L23-0188. Residential Housing Environmental Safety Amendment Act of 2020; DC Council Budget Office, Legislation Passed Subject to Appropriation – 2024 Quarterly Reports, (January 2024), *available at*: <https://dccouncil.gov/wp-content/uploads/2024/01/2024-01-18-Subject-to-Funding-Legislation-quarterly-report.pdf>.
- <sup>57</sup> See Department of Buildings, *Office of Strategic Code Enforcement: Fiscal Year 2023 Annual Report* (submitted to the Council of the District of Columbia on February 22, 2024), *available at*: <https://lims.dccouncil.gov/downloads/LIMS/54819/Introduction/RC25-0157-Introduction.pdf?Id=185273>; Council of the District of Columbia, Public Oversight Hearing “The District’s Rental Housing Code Inspection Process: Broken and In Need of Repair” (January 18, 2024) at 3:39:00, *available at*: [https://dc.granicus.com/MediaPlayer.php?view\\_id=4&clip\\_id=8618](https://dc.granicus.com/MediaPlayer.php?view_id=4&clip_id=8618).
- <sup>58</sup> For a description of DOB’s existing procedures and infrastructure for enforcement, see Department of Buildings, *Office of Strategic Code Enforcement: Fiscal Year 2023 Annual Report* (submitted to the Council of the District of Columbia on February 22, 2024), *available at*: <https://lims.dccouncil.gov/downloads/LIMS/54819/Introduction/RC25-0157-Introduction.pdf?Id=185273>.
- <sup>59</sup> The Air Quality Amendment Act establishing requirements for property owners to remediate indoor mold and authorizing DOEE to create and enforce standards for indoor mold abatement was passed and became effective in 2014. B20-0368, Air Quality Amendment Act of 2013, <https://lims.dccouncil.gov/Legislation/B20-0368>.
- <sup>60</sup> Department of Energy & Environment, Utility Affordability Administration, *available at*: <https://doee.dc.gov/service/utility-affordability-administration>.
- <sup>61</sup> Kenneth W. Costello, *Making Utility Assistance to Low-Income Households More Effective*, Kleinman Center for Energy Policy, (November 23, 2021), *available at*: <https://kleinmanenergy.upenn.edu/news-insights/making-utility-assistance-to-low-income-households-more-effective/>.
- <sup>62</sup> Maria Castillo and Caitlin Odom, *What Do We Know About Utility Shutoffs of Vulnerable Families during COVID-19?*, RMI, (March 16, 2022), *available at*: <https://rmi.org/what-do-we-know-about-utility-shutoffs-of-vulnerable-families-during-covid-19/#:~:text=Prior%20studies%20have%20suggested%20that%20utility%20shutoffs%20can,the%20finances%2C%20health%2C%20and%20safety%20of%20vulnerable%20families>; Diana Hernández and Jennifer Laird, *Surviving a Shut-Off: U.S. Households at Greatest Risk of Utility Disconnections and How They Cope*, American Behavioral Scientist (2021), *available at*: <https://housingmatters.urban.org/research-summary/which-americans-face-greatest-risk-utility-shut-offs-and-how-do-they->

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[cope#:~:text=The%20health%20and%20financial%20consequences,at%20times%20with%20fatal%20consequences.](#)

<sup>63</sup> *Id.* See also Low Income Housing Energy Assistance Program, Disconnect Policies, *available at*: <https://liheapch.acf.hhs.gov/Disconnect/disconnect.htm>.

<sup>64</sup> FY2023 Child and Family Services Agency Performance Oversight Responses, response to Q113(c), *available at*: <https://lims.dccouncil.gov/Hearings/hearings/253>.

<sup>65</sup> FY2023 Child and Family Services Agency Performance Oversight Responses, response to Q113, *available at*: <https://lims.dccouncil.gov/Hearings/hearings/253>

<sup>66</sup> FY2023 Child and Family Services Agency Performance Oversight Responses, response to Q115(a), *available at*: <https://lims.dccouncil.gov/Hearings/hearings/253>.

<sup>67</sup> FY2023 Child and Family Services Agency Performance Oversight Responses, response to Q115(d), *available at*: <https://lims.dccouncil.gov/Hearings/hearings/253>.

<sup>68</sup> FY2023 Child and Family Services Agency Performance Oversight Responses, response to Q116, *available at*: <https://lims.dccouncil.gov/Hearings/hearings/253>.