

United States Senate

WASHINGTON, DC 20510

July 7, 2016

The Honorable Gina McCarthy
Administrator
Environmental Protection Agency
Office of the Administrator, Room 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator McCarthy:

We write regarding the urgent need to update lead hazard standards to prevent childhood lead poisoning. We are concerned that the Environmental Protection Agency's (Agency) current lead hazard standards, such as lead-contaminated dust and lead-contaminated soil, are ineffective and do not reflect the best and most recent scientific evidence available. Without reliable, safe, and protective standards in place, we are incapable of protecting children from lead poisoning and its devastating consequences. We urge the Agency to conduct a thorough review of its current regulations related to lead standards and expedite revisions accordingly.

In the Toxic Substances Control Act and the Residential Lead-Based Paint Hazard Reduction Act, Congress required the Agency to promulgate standards for the identification of lead hazards, including lead-based paint, lead-contaminated dust, and lead-contaminated soil. In 2001, the Agency promulgated lead hazard standards that defined the allowable levels of lead as 40 $\mu\text{g}/\text{ft}^2$ (micrograms per square foot) for floor dust, 250 $\mu\text{g}/\text{ft}^2$ for windowsill dust, and 400 $\mu\text{g}/\text{g}$ (micrograms per gram) for play areas and 1200 $\mu\text{g}/\text{g}$ for foundation perimeters. While these standards purported to define what was "normal" and "safe," they were in direct contravention to the prevailing science at the time they were adopted, and they continue to lag behind prevailing science today. Numerous scientific studies have demonstrated that these standards fail to protect children from lead poisoning and the resulting permanent disabilities. The American Academy of Pediatrics recently evaluated the Agency's longstanding lead standards and determined that they "fail to protect children from lead toxicity" and "provide an illusion of safety."¹

It is widely known and accepted that lead hazards present an urgent health and safety threat to children. Lead poisoning causes significant health, neurological, behavior, intellectual, and academic impairments. Last month, a CBS Evening News segment chronicled the trauma and life-long disabilities endured by a six-year-old boy in Chicago who was exposed to lead hazards in multiple homes, including those that were federally assisted housing. Sadly, he is not alone. Over half a million children under the age of six have blood lead levels exceeding 5 $\mu\text{g}/\text{dL}$ (micrograms per deciliter) and will face similar hardship throughout their lives. Each year in New Jersey alone, more than 3,000 children are poisoned due to lead exposure. There is nothing we can do to reverse the effects of lead poisoning for these children, but we have both an opportunity and an obligation to ensure other children are protected from lead exposure.

¹ American Academy of Pediatrics, *Policy Statement: Prevention of Childhood Lead Toxicity* (July 1, 2016) (available at <http://pediatrics.aappublications.org/content/pediatrics/early/2016/06/16/peds.2016-1493.full.pdf>).

We are concerned that the Agency and the Department of Housing and Urban Development (HUD) justified adoption of the current lead hazard standards because they were feasible to attain and not because they would be the safest or most protective of vulnerable children. Since that time, modern science has proven that lower standards are not only feasible, but also critically necessary. The Agency demonstrated its understanding of this in a 2009 letter in response to a citizens' petition for rulemaking, wherein it pledged to update its lead hazard standards based on current science.² However, the Agency has yet to take necessary actions.

We are encouraged by HUD's recent efforts to better align lead-based paint hazard standards with the most recent prevailing science; however, without a corresponding update to the Agency's dust and soil standards, we are concerned that such efforts will do little to prevent lead poisoning.

We urge the Agency to carefully review its current regulations, procedures, and protocols related to lead hazards and take immediate action to update these outdated and deficient standards in order to ensure children are adequately protected against lead exposure.

Please provide a response no later than July 29, 2016.

Thank you for your prompt attention to this matter.

Sincerely,



Richard J. Durbin
United States Senator



Robert Menendez
United States Senator

² Letter from Stephen A. Owens, Assistant Administrator, Environmental Protection Agency to the National Center for Healthy Housing, the Alliance for Healthy Homes, and Sierra Club (Oct. 22, 2009).