Response After Flint:
Convocation for Action

July 14, 2016

This proposal is to bring interested citizens, responsible officials and relevant experts together to produce a full picture of the impact of lead poisoning on our communities, and of the actions that may be taken to eliminate it as a barrier to health and economic well-being. (See attached invitation to Join the Coalition for a Public Conversation on Lead).

That lead poisoning is pernicious and largely preventable is well recognized and addressed by several laws. Yet poisonings in Flint, Michigan still occurred. We know that Flint is not alone and many citizens face substantial risks from lead in water, paint, soil and products. Our methods of protection are not working adequately. Evidence is now undeniable that lead poisoning enormously impacts society as a whole by degrading the capacity of individuals to function intelligently and responsibly, worsening crime and the burden of costly health care. Failure to take appropriate action after the exposure of Flint not only perpetuates this avoidable tragedy but sends a negative message to all citizens that their government is not acting in their best interests. Public-spirited institutions and individuals must now participate in generating an adequate response to this problem. More than just the harm from lead is at stake: Flint has made the problem so visible that turning away is tantamount to repudiation of the long-established purposes of democratic government.

This proposal is for a series of linked conferences to cover the scope of lead poisoning and options for action. The Convocation for Action is designed to engage government, financial institutions, industry, health experts, academia, community-based organizations, interested citizens and professionals. It will draw on expertise to understand the problem and financially sound and implementable actions. It will use consensus-seeking process to produce recommendations on how to eliminate lead exposure risks, and it will produce a report that will generate wider public understanding of what can be done and the value of taking action. The proposal is in two parts: the first is to conduct a set of working conferences in the New England region, demonstrating how this public discussion can be carried out and what it can produce. The second is to apply what has been learned nationally – to conduct similar conferences in each U.S. region.

Despite millions of people having been poisoned in the United States, this nation has yet to develop a comprehensive lead prevention strategy. Stakeholders from all walks of life need to come together and examine the full picture. Lead is still used in many products, and it remains in paint and soils.[1]

Flint is not an anomaly, but an example of how lead poisoning can devastate an entire community. Although great progress has occurred concerning reduction of risks from lead, it persists in our environment and in our bodies. Flint has made clear that significant threats persist concerning lead in water, but according to the Centers for Disease Control (CDC) children are being exposed to significant risks from lead paint in at least 4 million households, and we know that about half a million U.S. children ages 1-5 already have blood lead levels above 5 micrograms per deciliter (µg/dL), the reference level at which CDC recommends public health actions be initiated. The CDC has stated that:

[1] The U.S. limited lead in household paint in 1977 to 0.6% (effective in 1978), but the Centers for Disease Control estimates that 24 million homes have lead-based paint in deteriorated condition and elevated levels of lead-contaminated dust. The Boston Globe reported on February 2, 2016 that 20,000 buildings in the area are served by water lines made of lead.

> "No safe blood lead level in children has been identified. Lead exposure can affect nearly every system in the body. Because lead exposure often occurs with no obvious symptoms, it frequently goes unrecognized."[2] (Emphasis added).

In addition to the well-established and wide range of lead's health impacts and their costs, because lead poisoning reduces intelligence and the ability to control impulses, stay in school, refrain from violence, and exercise good judgment, it has social costs that include a less capable workforce, greater unemployment, greater crime, and widespread reduced quality of life. For those whose compassion is not enlisted by better understanding of the suffering lead poisoning causes, there are considerations of reduced property values, which can extend to entire communities and substantially reduce the quality of investments. The 2008 financial crisis illustrated how powerfully mortgage-backed instruments can influence our entire system. Flint shows us how residential properties can precipitously decline in value because of the unaddressed presence of lead.

Conducting a public discussion on the problem and solution choices will prompt greater public and private cooperation to eliminate exposure to lead. By coming together to form a clearer picture of what to do, barriers to progress can be overcome. In addition to lack of resources, these include social and political attitudes that can be reexamined, constrained perspectives that can be widened, and a lack of awareness of cost-effective options and the value of risk-reducing investments that can be remedied. Government action, personal responsibility, and financial resources, all essential to progress, are more easily mobilized by widely-shared agreement on what needs doing. The Convocation for Action will form that more united perspective by clarifying the situation and the fact that options for moving forward are available and of common value.

We envision a series of lectures followed by workshops, hosted by various institutions. We have a set of key expert advisors and tentative agreement from several hosts. Four "core" events in the Boston Area will have different focuses, but each will also share a comprehensive perspective of the entire series. Three subsequent "satellite" events in other parts of the region will cover what is learned at the first four. At each of the events the attendees will be asked to participate in a process of developing action recommendations, working from provided lists of options, and adding or modifying as they see fit. At each event we will summarize what is presented in each of the four core events, and the results of the workshops. The final event will be a workshop with invited participants reviewing all of the recommendations of the participants. Participants in any of the events may request an invitation to this final workshop. The organizers will issue a report on the series and its products, intended to help citizens and policymakers to understand what may be done to remove lead poisoning as a barrier to community and individual well-being. The report will be distributed to key legislators, agency officials, and relevant actors identified by participants. This is a model that can be replicated in any region.

Proposed Sessions

Exposure and Health Impacts
Childhood Lead Poisoning
Lead Poisoning in Adults
Sources and Uses: Mining, Products, Recycling
Where Lead Is Found: Persistence, Dispersion, Ubiquity

[2] http://www.cdc.gov/nceh/lead/ http://ehp.niehs.nih.gov/122-a96/

The History of Knowledge of Lead's Impacts
The Science of Action Levels
Evidence: Epidemiological, Biophysical
Treatment Options
Prevention Options
Summary of Financial Aspects
Summary of Relevant Law
Summary of Remedial Technologies and Programs
Participatory Workshop on Needed Action

Financial Aspects
Summary of Exposure and Health Impacts
The Cost of Lead Injury to the Individual and Family
The Cost of Lead Injury to Society
The Price and Value of Prevention
Risks to Investors
Underwriting Standards for Banks and Secondary Markets
Criteria for Evaluating the Quality of Residential Mortgage-Backed Securities
Community Reinvestment Act Fulfillment and Community Development
Summary of Relevant Law
Summary of Remedial Technologies and Programs
Participatory Workshop on Needed Action

Relevant Law
Summary of Exposure and Health Impacts
Summary of Financial Aspects
Summary of Remedial Technologies and Programs
Lead Paint (1018, 406, 404, RRP)
Lead in Soil and Lead Products (CERCLA, RCRA and TSCA)
Lead in Drinking Water
OSHA
Lead in Air
Lead in Products
Common Law (Nuisance, Implied Warranties, Product Liability)
Participatory Workshop on Needed Action

Remedial Technologies and Programs
Summary of Exposure and Health Impacts
Feasible Alternatives to lead in products
Cost-effective Paint Removal, Encapsulation, Enclosure, or Stabilization
Chelation
Removing Lead Water Service Lines
Tracking EBL trends and hotspots
Strategic Assistance for the Disadvantaged
Early Interventions, School and Corrections

Integration of Health, Mental Health, and Legal Assistance Services
Coordinating Community Efforts
Summary of Relevant Law
Summary of Financial Aspects
Participatory Workshop on Needed Action

Satellite Events (three locations)
Overview of the Information from Core Events
Conditions and Opportunities in the Specific Area Where Event Is Conducted
Report on Recommendations from Core Events
Participatory Workshop on Needed Action

Concluding Event
Review of the Recommendations from Each Conference
Development of Recommendations for Smart Investment to Implement Available, Feasible Options to Eliminate Lead Poisoning as a Barrier to Community Well-Being

Deliverables by the Organizers

1. Schedule events with hosts
2. Work with hosts to identify speakers and organize presentations
3. Work with hosts to produce conference materials for attendees
4. Help facilitate sessions
5. Provide summaries and overviews at each conference
6. Organize and facilitate final Workshop that produces consensus recommendations
7. Produce Final Report: Recommendations for the Implementation of Available, Feasible Options to Eliminate Lead Poisoning as a Barrier to Community Well-Being
8. Draft and distribute Final Report and post information on web
9. Replicate in other regions

Principal Organizer

Rick Reibstein is a former Assistant Director of the Massachusetts Office of Technical Assistance, which has helped nearly 2,000 facilities to reduce the use of toxics. He spent 27 years helping to run that program, visiting industrial facilities, schools, agencies, hospitals and advising individuals on how to reduce their environmental, health and safety risks, using cost-saving techniques. From 2000 - 2003 he worked at the U.S. Environmental Protection Agency, mostly enforcing the lead disclosure rule. From 2004 to the present he has trained more than 3,000 real estate professionals on lead laws. He founded the Regulated Community Compliance Project at Boston University to promote better understanding of the value of preventing lead poisoning. He teaches environmental law and policy at BU and at the Harvard Extension and Summer Schools. See more about his work on lead at www.bu.edu/rccp.

Reibstein has shared this proposal with the following advisors who have consented to the use of their names in support:

Deborah Brown, special assistant to EPA New England's director of Civil Rights and Urban Affairs.
The Massachusetts Attorney General's Office
Laura Maslow-Armand, Lawyer's Committee on Civil Rights
Dr. Sean Palfrey, Clinical Professor of Pediatrics and Public Health, Boston University School of Medicine
Zygmunt Plater, Professor of Environmental Law, Boston College
John Spengler, Harvard T.H. Chan School of Public Health
Sharon E. Lewis, Connecticut Coalition for Environmental Justice
David Bellinger, Children's Hospital
Philip Brown and Dan Faber, Northeastern University
Cornelius Hurley and William Kring III, Center for Finance, Law and Policy, Boston University
Cutler Cleveland, Earth and Environment, Boston University
Veronica Eady, Conservation Law Foundation

While specifying that it is not endorsing any specific policy response, the Federal Reserve Bank of Boston has agreed to host the first meeting of this public conversation on options for an effective response to the issue of lead poisoning in our communities.

The nonprofit organization Public Conversations (http://www.publicconversations.org/) has agreed to partner with this effort to help design and facilitate the initiative. The purpose of this group, founded in 1989, is to foster constructive conversation. They work locally, nationally, and globally to provide dialogue facilitation, training, consultation, and coaching, helping to reduce stereotyping and polarization while deepening trust and collaboration and strengthening communities. Their website states: "At the core of many of today's most complex social problems is a breakdown in relationships that leads to mistrust, gridlock, and fractured communities. Public Conversations' method addresses the heart of this breakdown: we work to shift relationships, building the communication skills and trust needed to make action possible and collaboration sustainable."

For every increase of 10 micrograms per deciliter in their blood, children lose approximately 4 IQ points (statistical average) – from a presentation by Dr. Sean Palfrey
https://www.cityofboston.gov/images_documents/Dr.%20Sean%20Palfrey%2C%20Preventing%20Lead%20Poisoning%20in%20Children_tcm3-48539.pdf

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