

**Council For Children**  
Gary F. Redenbacher, Chair  
Gary Richwald, M.D., M.P.H., Vice-Chair  
Bill Bentley  
Denise Moreno Ducheny  
Anne Fragasso  
John M. Goldenring, M.D., M.P.H., J.D.  
Hon. Leon S. Kaplan (Ret.)  
David Meyers  
Thomas A. Papageorge  
Gloria Perez Samson  
Ann Segal  
John Thelan

**Emeritus Members**  
Robert L. Black, M.D.  
Birt Harvey, M.D.  
Louise Horvitz, M.S.W., Psy.D.  
James B. McKenna<sup>†</sup>  
Paul A. Peterson  
Blair L. Sadler  
Alan Shumacher, M.D.  
Owen Smith

**Executive Director**  
**Robert C. Fellmeth** *Price Professor of Public Interest Law, USD School of Law*



## Children's Advocacy Institute



University of San Diego School of Law  
5998 Alcalá Park / San Diego, CA 92110  
(619) 260-4806 / (619) 260-4753 (Fax)

Sacramento, CA / (916) 844-5646

727 15th Street, NW, 12<sup>th</sup> Floor  
Washington, DC 20005 / (917) 371-5191

Reply to:  San Diego  Sacramento  Washington  
[info@caichildlaw.org](mailto:info@caichildlaw.org) / [www.caichildlaw.org](http://www.caichildlaw.org)

July 24, 2020

The Honorable Toni Atkins  
Speaker Pro Tempore  
California State Senate

The Honorable Anthony Rendon  
Speaker  
California State Assembly

The Honorable Ben Allen, Chair  
Senate Committee on  
Environmental Quality

The Honorable Bill Quirk, Chair  
Assembly Committee on  
Environmental Safety & Toxic Materials

RE: Child Lead Poisoning Prevention

Dear Legislative Leaders:

According to the CDC, over 1/2 million U.S. children have elevated blood lead levels. And the impacts disproportionately harm minority and low-income communities. For example, African-American children are almost three times as likely to have an elevated blood lead level than other children. Children with lead poisoning are more likely to reside in rental housing with significant lead hazards and other housing code violations. So this danger is on top of the COVID-19 disproportionality. Even lead levels that are relatively low impair learning and add to child development problems.

Our Children's Advocacy Institute has long sponsored and supported safety legislation, including the swimming pool safety legislation in the 1990s recently cited as the properly attributed cause of child drowning reduction of more than 2/3. In addition, we have sponsored legislation that now adds child protection measures in areas such as playground safety, bike safety, and kids-in-cars dangers (overheating injury and death).

Accordingly, we strongly support existing legislation to improve the state's lead poisoning prevention program, including AB 2277 (Salas), AB 2279 (Garcia), and AB 2276 (Reyes). California must make testing more accessible to children who are at greatest risk.

At the present time, the California Department of Public Health (CDPH) only provides environmental investigations for children with two blood lead level tests (taken 30 days apart) greater than 9.5 µg/dl. Unfortunately, that is twice the Centers for Disease Control and Prevention (CDC) reference value (currently 5 µg/dl). Since 2012, the CDC has recommended environmental investigations to identify possible sources of exposure for children at this lower level. And many states have now enacted legislation requiring investigations for children at or below the CDC "action" level, including Illinois and New York..

Our state fails to investigate lead poisoning cases in excess of the blood lead reference value of 5.0 µg/dl. Thus violating CDC recommendations. Unless a child in California is tested and has two results at TWICE

the CDC's action level for harmful amount of lead in their blood, than parents will not be informed about it and pursue exposure reduction.

The failure to communicate this essential information to parents, and the subsequent lack of environmental investigations for children with elevated blood lead levels, is not a source of pride for you as the people responsible for our laws. Thousands of lead poisoning victims in California, who have already been tested for unsafe levels of lead in their blood, have been subjected to more sustained exposure in contaminated homes over longer periods of time because hazards are not recognized and, hence, not abated.

We respectfully ask the Governor and the California State Legislature to respond to this need -- with particular relevance to low-income and minority communities. Ensure that environmental testing services cover homes where children with blood lead levels in excess of the CDC action level reside. That will allow us to find lead hazards causing harm to children for corrective action. This measure is consistent with our policy to prevent Covid-19 exposure. But that virus is not the only danger, and unlike Covid, it disproportionately **hurts children**.

Sincerely,

A handwritten signature in blue ink that reads "Robert C. Fellmeth". The signature is written in a cursive, slightly slanted style.

ROBERT C. FELLMETH  
Price Professor of Public Interest Law, USD School of Law  
Executive Director, Children's Advocacy Institute

cc: The Honorable Gavin Newsom, Governor  
Jennifer Siebel Newsom, First Partner  
Sonia Angell, Director California Department of Public Health  
Honorable Members of the California State Legislature