

April 28, 2023
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LD 1481

Greetings Senators,

Thank you for your time and attention. Throughout this past year, my second year of motherhood, my family has been under state-mandated lead abatement order. I will try to encapsulate this very complicated situation into three minutes.

I drove here today from Portland to advocate for emergency passage of this bill (LD 1481) because the laws as they currently stand created what I now refer to as a “mandated lead abatement crisis” for my family. I support this bill because, while established to protect young children in Maine, existing lead laws have cut our family off from income we depend on to pay our mortgage, throwing us into financial crisis and overwhelming us with chronic stress. This all compounds the fear, anxiety, and confusion of being told our baby is being “lead poisoned” in the midst of the pandemic.

As first-time homeowners, we felt fortunate to buy our 2-Unit house in Portland and move in 2018, but our mortgage loan is based on monthly rental income from our second unit. Suddenly being ordered to abate our property was daunting enough, estimated to cost upwards of \$50,000. Then to be told that we cannot rent out our empty unit downstairs until the entire property (including the basement, and 6-8 inches of soil surrounding the house) is completely abated – it is hard to believe and harder to accept. We thought: there must be room for some emergency exemption, why would the State of Maine, in the name of helping a child, put a family at risk of losing their home? In attempting to solve one problem, State law as it is currently written, creates others.

We are small-scale landlords of a livable rental unit that has been sitting empty on the Peninsula for almost a year during a massive housing crisis in Portland. Moreover, the interior of the rental apartment has been fully abated since January 2023 because we slowly paid for the work, burning through savings and a loan. This highlights another dimension of the urgent need to pass LD 1481. Current laws need adjusting because they haven’t supported swift progress on our abatement. If property owners cannot rent out an abated unit immediately, there is limited incentive for multi-unit owners to pay for what work they can, as quickly as they can. Facing an uncertain amount of time without rental income, one is not inclined to invest savings in anything extra. Moreover, the cost of lost rental income and of an abatement project makes it hard to provide “affordable” long-term rental units. For the first time we’ve considered starting an AirBnB to recoup our financial losses more quickly. Allowing people in our situation to get housing units back on the market, benefits everyone.

There is undisputed medical evidence that postpartum mental health and a new mother’s stress hormones have a tremendous impact on the well-being of her baby. The State of Maine (CDC/DHHS) needs to consider this medical data in their approach to both lead poisoning AND

abatement orders being mandated to families. Our daughter was born in the thick of the pandemic, and because of this we were anxious about our baby's health and safety from early in my pregnancy. And then to learn that our baby was being exposed to toxic lead in the environment... This all was a recipe for the postpartum anxiety, depression, and insomnia I've struggled with. While we were initially glad to have our home inspected by DEP, wanting to trace the lead dust to its source, when the official abatement order arrived in the mail, it came across as punitive, threatening hefty fines if the abatement of our entire property wasn't completed in 30 days. Cutting off rental income exacerbates chronic stress for families already struggling through the chaos and economic consequences of the pandemic. The state of Maine needs to move beyond single-tack medical testing to consider the holistic well-being of a family, particularly a postpartum mother and her baby.

There is a lack of consistent enforcement of federal lead-safe construction practices. Many contractors are not being monitored, cited, or fined for spreading lead in the environment while homeowners with young children are being scrutinized. This is discriminatory enforcement of federal lead-safety standards. Contaminated soil and sloppy construction practices pollute our streets and sidewalks and re-contaminate our property on windy days. Lead particles are tracked in on our shoes from the street and sidewalk. Singling out young families- discriminatory.

Believe me, I am completely in favor of cleaning up lead pollution in our communities, but that cannot happen if only homes where babies and tots reside are being regulated. Everyone, including city management, responsible for the streets and sidewalks we walk on every day, needs to be held equally accountable for lead contamination.

The toxicity of the soil on almost all of the properties on the peninsula is shocking, and yet most homeowners are too afraid of consequences to get their soil tested.

The Governor has declared interest in attracting a qualified workforce of young professionals to the state. Prior to being laid off during the pandemic, I had a career as a Kindergarten teacher. My husband Atiim Boykin was also laid off during the pandemic, and has since been hired by the State of Maine. He is now, ironically, working with DHHS as an intensive case manager, spending every day supporting Maine people in crisis. Many young professionals are, like us, first-time homebuyers, planning to start families in Maine. The lead contamination of Portland, and other Maine cities, most impacts the same families Maine is trying to attract. Lead abatement orders are then compounding the burden on many of these families.

Today I have only a few minutes of your time, and we have been struggling to stay afloat through this situation after almost a full year now. Maine state lead laws need to be carefully reviewed, particularly in light of the post-pandemic reality.

Thank you for your attention and consideration.

Additional Notes:

1. Discourages landlords from renting to families with young children - they are afraid of being cited for lead contamination in their rental units. These fears also discourage many homeowners from having their soil tested for lead. Most of the soil on the Portland Peninsula is lead-toxic
2. Legislative change needs to happen in disclosures at time of house sale - train realtors - demand transparency at time of house sale
3. DEP certified Lead Abatement Contractor list (distributed/mandated by state) – is problematic in many ways, no consequences enforced by DEP for contractor incompetency or trying to price gouge – please contact me for further explanation of this.
4. Confusion about grant money availability has held us up
5. Portland Preservation Compliance Coordinator now delays us.
6. Lack of holistic understanding of laws and interdepartmental need for think-tank – bring in input from families actually wading through an abatement order.
7. Blood-lead level tests subject to inaccuracy - With persistent inquiry I came to know that the blood-tests Pediatricians are administering to assess lead-levels are not 100% accurate, and test results indisputably vary seasonally, as well as in the course of a day. This is according our pediatrician at InterMed, as well as a Doctor who is a Maine State consultant on lead-poisoning.
8. Recent changes to definition of “Childhood Lead Poisoning” set new limits to acceptable blood-lead levels – this increased number of children defined as “lead poisoned”
9. Pandemic related supply chain issues and labor shortages (for example, it takes at least 6 weeks for the new windows we’ve ordered to come in) continue to hinder swift abatement.