
Lead paint

Investigative Reporters and Editors, Inc. The IRE Journal, May/June 2002 by Jim Haner

Vastness of the problem leads to stories on every beat

The first time we saw "Fat Daddy," he was sick as a dog. Runny nose, 102-degree fever, sneezing and coughing. The infection made his asthma worse, but it still couldn't slow him down.

Chattering and fussing, the 2-year-old was literally bouncing off the plaster walls of his grandmother's rat-infested Tow house on Patterson Park Avenue in the slums of East Baltimore.

His real name was Tarik. But everybody in the family called him "Fat Daddy," as much for his rowdy nature as his round belly. The little boy could run all day long on two hours sleep, hurtling through the halls in the middle of the night until he woke the entire household.

Photographer Kim Hairston and I met a lot of kids like Tarik last year while documenting the scourge of lead paint poisoning in this city of 650,000 people. We met them in hospital wards and neighborhood schools and prison visitation rooms and, of course, in the city's slumping rental housing districts.

By the time our occasional series on the braindamaging effects of lead paint ran its course in *The Sun*, Maryland Gov. Parris N. Glendening had authorized a \$50 million emergency aid package for the city; Mayor Martin O'Malley had ordered an unprecedented enforcement drive against scofflaw landlords; and the state legislature had passed a raft of laws requiring, among other things, mandatory blood tests for every toddler in the state.

For those of us who worked on the series, the fact that it so shocked the conscience of officialdom was itself the most surprising aspect of the enterprise.

In a city that had been producing more than 1,200 poisoned kids a year for decades, the ravages of lead paint should not have come as "news" to anyone.

But as is so often the case in government affairs, bureaucracies that may be efficient at collecting data and generating statistical reports often neglect to analyze their own information. And numbers seldom move policymakers to fix a problem until faces and names are attached.

That's where the press comes in.

Crumbling paint

Lead was prized by paint manufacturers until the late 1950s as a cheap additive that made their products far more durable. But by 1978, when it was banned by Congress, research had established that it was also a powerful neurotoxin.

By then, millions of gallons of the stuff had been spread on walls nationwide. It is virtually everywhere - in homes, schools, hospitals, libraries. Any building constructed before 1958 is likely to contain some of it, and the flakes and dust are dangerous to children.

In large enough doses, lead can kill. But even minuscule amounts of the candy-sweet mineral can cause permanent damage to the developing brains of toddlers - and secondary symptoms ranging from hyperactivity and profound learning disorders to aggressive outbursts and uncontrollable rages in later life.

How much of this was known by paint companies is now the subject of a class-action suit seeking to recover hundreds of millions of dollars in cleanup, special education and public health expenses.

So far, the state of Rhode Island, and the cities of San Francisco, Oakland, St. Louis, and Milwaukee have signed on as plaintiffs or sued on their own. Also

included: six counties in California and Texas, three school districts in Texas and Mississippi, and the New York City Housing Authority.

The roster of defendants includes some of the most trusted names in household paint - companies currently or formerly controlled by some of the wealthiest and most politically powerful families in the nation.

We came to the story almost by accident while working on a different project about drug dealers buying up blocks of slum rental housing. Among the litany of woes recited by their tenants - rent-day beatings, utility cut-offs, dope dealing in the halls - many complained that crumbling paint had poisoned their children.

Parents told of harrowing hospital stays, visits from city Health Department inspectors, forced evictions and persistent behavioral problems with their kids that had made their already difficult lives all but unbearable.

After wrapping up loose ends on the "slumlord-druglord" series, I approached the chief inspector for the Health Department to find out if the city collected any data on these kids.

He confirmed that, yes, his office issued a repair citation to landlords every time a child was poisoned, and that every incident was logged into a database.

He went on to describe how the reporting and enforcement apparatus worked - who received copies, which state agencies collected related information, who was responsible for follow-up and prosecution of scofflaw landlords when they failed to fix crumbling paint.

This would prove invaluable in the weeks and months to come, underscoring once again the journalistic maxim that you can't begin to investigate failures in a system or bureaucracy until you understand how it is supposed to work.

In this instance, four different city and state agencies held concurrent enforcement jurisdiction - and their lack of coordination had led to the gradual collapse of the state's lead poisoning prevention program.

Ironically, the inspector intimated, Maryland's system was once hailed as a national model. But funding cuts, lobbying by landlords and a crushing backlog of pending housing prosecutions had ground the program to a halt.

Nonetheless, he explained, city health inspectors continued to issue citations because the federal government funded that part of the program.

Poisoning hotspots

To qualify for an annual grant from the U.S. Centers For Disease Control and Prevention, Maryland and more than 30 other states have passed laws requiring pediatricians to report the names of any children found to have significant levels of lead in their bloodstream.

Doctors typically accomplish this by calling a designated city, county or state agency, which then forwards the information to the CDC for inclusion in a larger epidemiological database.

Known as the "National Lead Registry," the system is used by the federal disease prevention agency to track poisoning hotspots and generate an annual "prevalency" report to local health officials. This report is also incorporated into the CDC's annual National Health and Nutrition Examination Survey.

In Baltimore and many other jurisdictions, the raw lead poisoning data also is used by local agencies to target negligent landlords for prosecution - at least in theory.

Upon receiving notification that a child has been poisoned, inspectors go to the family's current address, conduct tests with an X-ray gun and issue a citation

ordering the landlord to repair any degraded paint. For those who fail to comply, prosecutions and stiff fines are supposed to follow.

In short, the CDC grant program has created a snowball effect in data collection - so reporters seeking information about lead paint poisonings in their city, county or state usually have multiple agencies they can tap into.

In Baltimore, the city's chief inspector balked at turning over a copy of the Health Department's citation database, citing the privacy rights of the poisoned children named in it.

Anticipating a full-bore FOI fight, I called his boss and explained that The Sun was willing to agree to the redaction of that field if the Health Department would turn over the rest of the data. Much to our surprise, the agency agreed.

It is interesting to note here that this spirit of cooperation - so uncharacteristic of most government bureaucracies - pervades public health agencies. At various points, hospital officials, doctors and government research scientists eagerly pitched in with advice, guidance and family contacts.

Likewise, plaintiffs' attorneys and advocacy groups often are willing to share their proprietary client databases, within certain negotiated guidelines.

For his part, the city's health commissioner was always candid and available, even when the revelations in our series were personally or professionally painful.

Once we secured the city's database- 8,800 individual lead paint citations, some of them dating back 20 years or more - we quickly geo- plotted the tainted addresses to produce a stunning map of the city's "hot zones." Our in-house database manager, Bobby Schrott, then supplemented this with information from various proprietary and online databases.

Property tax records, for example, were instrumental in discerning which landlords and management companies owned the most toxic houses. And corporate charters, filed online with the Maryland Department of Assessments and Taxation, helped unveil a variety of shell ownership schemes.

Not surprisingly, the map precisely matched the most rundown rental wards in the city, Baltimore's notorious Civil War era slums. They rank among the worst neighborhoods in the nation for syphilis, drug overdoses, gunrelated spinal cord injuries, teen pregnancy, illiteracy, abandoned housing and murder.

Focusing the effort

As our investigation progressed, we would learn that lead paint is potentially a contributing factor in all of these pathologies.

It was here that our canvassing began in earnest, block-by-block, house-by-house, one family at a time. In less than two weeks, we had amassed dozens of stories about poisoned kids who went on to develop disciplinary problems and learning disorders that led them to drop out of school and drift into trouble with the law.

We quickly realized, however, that the story was overwhelming us. We had too much anecdotal information, the stories were too similar and the lead paint hot zones sprawled all over the city. We needed to focus our effort somehow.

We also found that many afflicted families had credibility problems. Some parents were strung out on drugs or alcohol, many had criminal records. And in a city where fully half the population lives in transient rental housing, families commonly lost medical records in the course of their nomadic drifting - so there was no way to immediately verify their claims.

Then, there were the kids themselves. Most often, they were unable to concentrate long enough to give a coherent account of their own experience. Many were

paranoid, edgy and prone to flashes of anger. Almost all had records of violent crime by the time they were teens. And several had exhibited suicidal tendencies.

Clearly, we needed "hard" documentation or we ran the risk of producing a series that would not compel official action.

While brainstorming with projects editor Jim Asher, we hit on three important ideas:

- * The first was to focus our efforts on one neighborhood, the hardest hit in the city.

- * The second was to hire our own lead paint inspectors to test the houses we visited and verify that they were, in fact, contaminated. Then-Managing Editor Bill Marimow went one step further, suggesting that we also pay the inspectors to generate a formal, detailed and bonded report on every house for inclusion in our stories.

Finally, and most importantly, we would ask each and every family we interviewed to sign a formal privacy release granting us the right to collect their children's records from hospitals, schools and juvenile courts on their behalf.

Fox Butterfield of The New York Times used the same method in producing his landmark 1996 book "All God's Children" to reconstruct the life of a notorious juvenile killer - and it worked similar wonders for us.

In all, we wrote some 25 stories, charting the misery, lost potential and wasted lives of poisoned children, teens and adults.

We detailed how landlords had exploited the city and state's Swiss cheese enforcement system by using shell corporations to mask their ownership of properties where dozens of kids had been poisoned.

And, quite by surprise, we found ourselves in the enviable position of being sought after by doctors, attorneys, researchers, advocacy groups and whistleblowers nationwide. They told almost mirror-image horror stories from such cities as Providence, Chicago, Newark, Philadelphia, Washington, D.C., and New Orleans.

As with asbestos, tobacco and guns before it, lead paint promises to be one of the major stories of the coming decade, with tendrils in virtually every beat.

The stakes for kids like Tarik are undeniable, but thousands of middle-class youngsters are poisoned every year, too, by improper home renovations and do-it-yourself painting projects that release lead dust into the air.

If the response from readers is any indication, we would do much to advance the public interest by giving this plague wider coverage.

Jim Haner is a staff writer for The (Baltimore) Sun, specializing in urban affairs and investigative reporting. In 2000, he won the Freedom Forum Urban Journalist of the Year Award for reporting on children brain damaged by lead paint. In 1998, he won IRE's Tom Renner Award as co-author of a series on how organized crime syndicates exploited New Jersey's lax money laundering laws. He has twice been a finalist for the Pulitzer Prize.

Copyright Investigative Reporters & Editors May/June 2002