

## Albany faces lead paint fears, lawsuits

Number of children testing positive for poisoning is disproportionately high

**BY MELISSA GRACE**

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ALBANY -- Sierra-Dawn LaFountaine is an 8-year-old with severe brain damage.

She wasn't born that way. Like thousands of children in New York state, the damage came from eating highly toxic, but sweet, lead-based paint chips. She found them on the walls and windows of the Willow Street apartment her family rented in Cohoes when she was an infant.

When tested in June 1992, Sierra's blood showed elevated levels of lead. The poisoning has left the second-grader with severe learning disorders and hyperactivity.

Tracey Currie LaFountaine has filed a \$3 million lawsuit over her daughter's lead poisoning - one of at least 25 such lawsuits pending in Albany County and several others in the region. The lawsuits hold landlords accountable for the conditions in the homes they rent, but in many cases the county also is blamed for lax enforcement of state laws requiring remediation.

Insufficient effort, the lawsuits claim, is causing their children to encounter a poison that health officials call "totally preventable."

It has been 21 years since the use of lead paint was banned nationwide, and though the state mandates screening for children ages 1 and 2, state health officials say that just 70 percent of children are tested statewide each year.

Other observers believe the number is much lower, probably closer to 50 percent.

Meanwhile, of those children tested, the number of children found to be poisoned locally is disproportionately high: Albany and Schenectady counties, with large inventories of old, unrenovated homes, rank among the New York counties with the highest percentage of children testing positive for lead.

Of those children screened in Albany and Schenectady in 1997, more than 5 percent were reported to have elevated blood lead levels. In New York City, where the problem is assumed to be worse -- and where the issue has drawn major attention for many years -- the percentage of children testing positive for lead was less than 2 percent in 1997.

In Albany, "There are more children in older housing, that is what the numbers say and they consistently say that," said Dr. George D. DiFerdinando, director of the

Division of Family and Local Health in state Department of Health.

In New York City, greater publicity leads to increased testing and more reliable statistics. Here, the numbers can be misleading, health officials say, because it's unclear how many children have been tested for lead poisoning.

Even though the law requires screening, which is performed by private doctors, the law only requires positive cases to be reported -- so there is no reliable way of knowing how many children have been tested for lead poisoning. And the number of children known to have been tested has fallen sharply.

The Capital District Regional Planning Commission estimates there are approximately 161,000 children in the Capital District. Of them, fewer than 11,000 were known to be tested for lead poisoning in 1997, according to health reports.

In 1995, 5,836 children in Albany were reported screened for lead poisoning and 663 showed elevated levels. In 1997, 4,315 were known to be screened and 337 were positive.

In 1997, Rensselaer County reported 122 new cases, Saratoga County, reported 68, Schenectady and County reported 162. In every case, the number of known tested cases fell markedly, and the diagnosed cases fell too.

State law triggers a multitiered response depending on the severity of each case. A child is considered to be poisoned when their blood lead level hits 10. A child may be hospitalized -- with seizures and kidney damage -- if that level rises into the 40s. At a lead level of 20, the county is mandated to send an environmental inspector to the home, who must then order abatement by the landlord and follow up to ensure that hazards have been removed.

Attorney Peter Danziger, who is handling the LaFountaines' lawsuit, has filed 25 such lawsuits in the past few years holding landlords responsible for the poisoning of 34 children. Fifteen of those civil actions name Albany County as a defendant.

The LaFontaine case is the first scheduled to go to trial.

"The county has been negligent" in monitoring the cleanups, Danziger said.

"I have a number of cases which involve the same apartment buildings where children were poisoned. The county inspected and found hazards. It certified the clean up as safe and in later years other children were poisoned at these same apartments," he said.

He accuses county inspectors of failing to make "full and complete" inspections of the LaFontaine family's \$425-a-month apartment -- "They didn't inspect the back porch because it was winter," he said.

But some who perform the work say that even remediated problems, properly inspected, can return.

"The only true way to eliminate lead poisoning is to remove all lead from the environment. And that is a multibillion-dollar project for Albany alone," said Dr. David Clark, chairman and director of pediatrics for the Children's Hospital at Albany Medical Center Hospital.

The office of the Albany County executive, which oversees the county Health Department, denied responsibility in any of the cases but declined to comment further, citing the pending litigation.

County officials refused to discuss public health policy regarding lead poisoning, including any efforts to get kids tested. The landlords named as defendants in the LaFontaine case, Nicholas and Eileen Franzese, could not be reached for comment.

Dr. John Rosen, of the Montefiore Medical Center in the Bronx, the country's largest lead poisoning clinic, said if the poisoning isn't caught early the effects include extreme loss of intelligence and problems with language development and abstract thinking.

"For children the ultimate (diagnosis) is to be learning disabled," Rosen said in a

telephone interview. “It doesn’t actually kill children, it only kills their brains. For me that is the equivalent of death.”

Some of the more typical diagnoses are Attention Deficit Hyperactivity Disorder and Oppositional Defiant Disorder, both of which Sierra suffers from.

Another of Danziger’s cases is being brought by the mother of a now-12-year-old boy, Reece Cooper, who lives in Grafton, against Rensselaer County.

His mother, Audrey Cooper, said her two older children are straight A students but that Reece -- who travels more than an hour to the special education program at Parsons Children’s Center in Albany each day and demands one—on—one attention there -- “is just barely able to squeak by. He has a reading and math disorder -- he has a hard time with all of it.”

The most vulnerable age for poisoning is between 1 and 3, when children start crawling and when their brains are growing, Clark, of Albany Medical Center, said. Fetuses also are extremely vulnerable to lead their mothers may ingest during pregnancy.

About 95 percent of Albany’s housing stock, or 25,000 dwellings, were built before 1978, the year lead paint was banned, and is assumed to be a risk to children, said Joe Montana, the program director for the city’s Department of Housing and Community Development. Montana’s department administers the city’s Lead Paint Abatement Program, a \$4.8 million federal grant it won to renovate apartments in Albany.

In 18 months, 326 units have been stripped of lead dangers, which Montana labeled “a small drop in the bucket for who is at risk.”

Montana said that in three of the program’s target areas, Arbor Hill, West Hill and the South End, there are 6,600 children under the age of 6 and 95 percent of them are at risk of lead poisoning.

As for the LaFountaines, the risk became reality: When a second child tested came back with elevated blood lead levels, the family, reluctant to move earlier for fear of finding themselves in another lead trap, decided to move in with relatives. The LaFontaine family now lives in Washington County.