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STUDENTS ASSUME LEGISLATOR-ROLE TO TACKLE LEAD PAINT POISONING PROBLEM

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The ChildLaw Legislation Seminar at Loyola University Chicago School of Law was an exceptional opportunity to learn about the process of legislation-drafting and implementation. Each group was assigned to write a statute or amendment over the course of the semester to address an issue specific to child law. Each group then presented the draft bill to the class, simulating a coalition meeting, legislative committee hearing, or a legislative floor debate. Most students worked with legislators and advocates to examine their issues. Members of the class drafted legislation regarding foster care, gun safety, child support, and child health.

Our group worked with the Illinois Lead Safe Housing Standards Task Force (“Task Force”) to amend the Lead Poisoning Prevention Act. Our assignment was to explore potential funding resources that would assist property owners in lead abatement efforts. Each member of our group researched different funding programs that have been effective in other states or for other projects.

Working closely with the Task Force gave us the opportunity to fully understand the problem of lead poisoning in Illinois. The members of our group presented their research on possible funding sources to the Task Force and to State Representative Julie Hamos, who continue to consider the feasibility of each resource.

One member of our group researched the Illinois Drycleaner Environmental Response Trust Fund Act. This Act is modeled on the idea of using state funds to ease the cost of cleanup for contaminated drycleaning properties, all in an environmentally responsible way. The Trust Fund is supported through the payment of license fees by all owners of drycleaning facilities and a tax on the sale of drycleaning solvent. We debated whether or not this type of a program could be established for funding lead abatement work.

Our group also had a series of discussions regarding whether we should pay for abating lead paint by levying a tax or fee on the sale or manufacture of paint.

We began by studying a California law that assesses a fee on paint and gasoline manufacturers, two industries that historically contributed to environmental lead hazards. These discussions started with the difference between a tax and a fee and which would be more preferable and practical. The discussions became more complicated when determining who would be taxed (i.e. which paint manufacturers) and for how long they should be taxed. Concerns were raised regarding the appropriateness of taxing manufacturers who had not been in business when paint was made with lead. There was also concern that the cost of the fee or tax would ultimately be passed on to consumers, who bear no responsibility for the lead paint poisoning problem. It was also very difficult to determine the amount of the fee or tax.

Another member of our group interviewed the director of the New Jersey Citizen Action Committee, which has been successful in establishing a grants- and-loans program to abate lead. We used that information to help determine how to allocate any funds generated by our proposed program. We examined the advantages and drawbacks of loan programs and grant programs. Loans are favorable because they allow the fund to be self-sustaining. However, requiring property owners to pay back the money places the burden of abating lead on those who were not at fault for the existence of lead paint in buildings. In addition, some low-income property owners cannot afford loans. Grants would be advantageous to those property owners who would not be able to afford loan payments, but they are more costly and require a constant influx of money.

This project helped to provide a working knowledge of the difficulty in not only drafting legislation but also in building coalitions and working with other groups who sometimes have competing interests. The project also illustrated that the legislative process is lengthy, but rewarding. The Task Force continues to explore the issues we researched and may well incorporate our recommendations into its final proposal.