

National Report Gives Massachusetts an F for Lead Disclosure Policies

New report grades every state on disclosure of lead pipes in homes; Massachusetts 1 of 12 Fs

(Washington DC) A new report released by Environmental Defense Fund grades all 50 US states and the District of Columbia on their lead pipe disclosure policies, giving Massachusetts a failing grade. The report analyzes the disclosure policies based on their ability to help homebuyers make informed decisions about lead service lines (LSLs) before they sign a sales contract. LSLs - the lead pipes connecting water mains under the street to homes and other buildings - are the largest source of lead in drinking water. Disclosure policies vary considerably from state to state. Only 3 states received A- grades, while 12 received failing grades, and 35 states and the District of Columbia fell somewhere in between.

"Parents go to great lengths when buying a home to ensure that their kids are in the best schools, in a safe neighborhood, and safe from traffic," said Tom Neltner, EDF Health's Chemicals Policy Director. "Yet, many have no idea that the home's drinking water could put their child at risk. Buyers deserve to know if their home has lead service lines before they sign on the dotted line. I hope our report today inspires states that fall short to improve their policies and ensure parents get the information they need."

An estimated 6 to 10 million homes across the country still get their water from these lead pipes buried in our yards, which can have serious health impacts for children in the home. When done properly, removing the full LSL significantly reduces the risk of exposure.

For this report, EDF analyzed and graded the housing disclosure policies of each state. Connecticut, Delaware and New York scored an A-. Twenty states scored a D or F. The remaining 27 states and the District of Columbia scored a B or C because they help buyers but are silent or ambiguous on lead pipes, or the disclosure of lead pipes is voluntary. Of the states that failed, several enforce "buyer beware" clauses, meaning the responsibility is on the buyer to investigate potential defects on the property.

Massachusetts got a failing grade because the state has a limited disclosure policy that does not require the seller to disclose knowledge of defects on the property or environmental hazards generally to potential buyers. While the Massachusetts Association of Realtors has developed a voluntary disclosure

form for use in real estate transactions, the Association has not made the form publicly available.

Disclosure protects buyers from purchasing a home without being aware of the property's likely defects or hazards. An informed buyer can value the home and decide how to finance replacement if there is an LSL. The alternative situation is not as desirable; homeowners sometimes first learn their home has an LSL from their utility with their first water bill, long after the sales contract and mortgage are finalized.

"Just last week, I replaced the lead service line at my home," said Sarah Vogel, Vice President of EDF's Health Program. "The process was very easy, but would have been made much easier had I known about the lead service line before I moved into the home years ago and started a family."

The dangers of lead exposure, especially to children, have been well established. Even at low levels, lead can harm brain development in children resulting in learning and behavioral problems and reduced IQ for the rest of their lives.

Many utilities address the problem of LSLs by treating the water to build a protective coating on the inside of the pipe to prevent the leaching of lead, a process known as corrosion control. However, as the Flint water crisis illustrated, corrosion control can fail-either systematically, as in Flint, or when an individual line is disturbed, resulting in the release of unpredictable levels of lead into drinking water. The most effective way to deal with LSLs in the long-term is to locate and fully replace them using methods shown to protect residents. Housing disclosure policies can help create market incentives for removal.

Massachusetts has shown strong leadership in efforts to inventory and replace LSLs. In 2016, the Massachusetts Water Resources Authority announced a \$100 million initiative offering loans to communities to replace LSLs. Additionally, the Boston Water and Sewer Commission has increased transparency around LSLs by posting an interactive map on its website highlighting properties in yellow that have LSLs. Requiring disclosure of lead pipes for sellers is a critical step for communities in the state to build inventories and initiate programs for full LSL replacement. EDF is part of the Lead Service Line Replacement Collaborative - a diverse group of organizations that aims to accelerate full LSL replacement. The Collaborative identified expanding disclosure policies to include LSLs as an opportunity to help consumers make informed decisions. The report can be found at

www.edf.org/state-lead-pipe-report, and additional information on lead in drinking water is available at www.edf.org/leadpipes.

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