

Lead Safe Illinois

A Newsletter on Childhood Lead Poisoning and Prevention

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IN THE NEWS

Lead-Related Bills Pending in IL General Assembly

Representative Harry Osterman and Senator Don Harmon have introduced bills this legislative session to address lead poisoning. At the time of publication, the bills were pending hearings in Committee. Information on the bills is available at www.lead-safe-illinois.org.

Paint Companies Lose Motion to Dismiss Lead Case

In a major setback for three companies found guilty last year of creating a public nuisance by selling lead paints two and three generations ago, the Rhode Island Superior Court, on February 26th, rejected the companies' motions to have the case retried or thrown out. The jury found the companies responsible for the cleanup of lead paint on

houses throughout Rhode Island. The court announced that it would appoint a special master to implement the cleanup. The state's estimate for the cost of abatement is between \$1.37 billion and \$3.47 billion. The three companies - Sherwin Williams, Millenium Inorganic and NL Industries - are expected to appeal the court's ruling.

Chicago Passes New Lead Ordinance

The city of Chicago has a new ordinance that gives its Department of Public Health additional authority to address lead in consumer products and adds requirements for property owners that reflect the prevention-driven state law requirements passed in Spring 2006.

On December 13th the City Council approved changes to Chicago's Municipal Code. City officials say that the new ordinance is now consistent with state law and will enable them to enforce the requirements under local law without having to file separate cases in both courts.

A copy of the new ordinance can be found at www.lead-safe-illinois.org. For a summary of the provisions of the ordinance, see page 3.

Federal Rules to Focus on Lead in Children's Jewelry

On January 9th, the Consumer Products Safety Commission (CPSC) published a notice of proposed rulemaking in the Federal Register to initiate a rulemaking proceeding to protect children from lead in children's jewelry under the Federal Hazardous Substances Act. The CPSC is soliciting written comments concerning the health hazards associated with children's jewelry containing lead, regulatory options, and other possible ways to address the risks. This proposed rulemaking is in response to the Sierra Club's formal request to begin a process that would declare children's jewelry containing more than 0.06 percent lead by weight to be banned nationwide as a hazardous substance.

The CPSC notice proposes several regulatory options for comment: (1) a mandatory rule declaring children's metal jewelry containing lead to be a banned hazardous substance; (2) a rule requiring specified warnings and instructions for children's metal jewelry containing lead; (3) adoption of an existing standard, either in whole or in part; (4) deferring to a jewelry indus-

try standard in lieu of a mandatory rule if the jewelry industry developed, adopted, and substantially conformed to an adequate voluntary standard; or (5) CPSC taking action on a case-by-case basis under the Federal Hazardous Substances Act.

The CPSC is also considering the scope of the proposed regulations, including a broad definition of children's jewelry that would limit the ban to metal jewelry but would also apply to dolls and stuffed animals containing jewelry items, costume jewelry, and arts-and-crafts kits and supplies. The CPSC is seeking more information to analyze the specific impact of any potential regulation of the lead content in these products, and the impact such a ban would have on the children's jewelry industry, and on improving children's health.

The proposal in the Federal Register can be accessed at: http://www.sierraclub.org/environmentallaw/lawsuits/docs/cpsc_federalregister_notice.pdf. Comments must be received by March 12, 2007.

In June 2006, Illinois enacted its own ban on the sale of items used by children, including jewelry, that contain or are coated with lead that is more than 0.06 percent lead by total weight. (See www.lead-safe-illinois.org for a summary and copy of the Lead Poisoning Prevention Act

of 2006.)

Illinois Receives Over \$10 Million From HUD for Lead Hazards

Five Illinois counties are the recipients of grants announced by the U.S. Department of Housing and Urban Development to assist local efforts to prevent lead poisoning. An award to Winnebago for \$1 million was announced in January 2007. Cook, Peoria and Madison counties learned in the fall that they would each receive \$3 million and St. Clair County will receive over \$2 million. In addition, the University of Illinois at Champaign-Urbana and at Chicago will receive funding to support scientific research into methods to reduce the cost and increase the effectiveness of lead hazard control strategies.

These grants were part of more than \$118 million awarded to dozens of state and local communities, public health agencies and research institutes to support a wide range of activities aimed at eliminating dangerous lead and other hazards from privately owned low income housing units, stimulating private sector investment in lead hazard control, educating the public about the dangers of lead-based paint, and supporting scientific research into innovative methods to identify and eliminate health hazards in housing.

Amendments to Chicago's Ordinance on Lead Bearing Substances, Chapter 7-4

Passed by Chicago City Council, December 13, 2006

1. Lead in Consumer Products

The ordinance grants Chicago the same ability to prevent lead poisoning caused by consumer products that it currently enjoys when trying to prevent lead poisoning from lead based paint. It achieves this by:

- ◆ Expanding the definition of lead bearing substance to address a wider variety of hazards.
- ◆ Providing manufacturers and retailers an exact and clear standard for lead that their products would be held accountable to, rather than vague guidelines currently used.
- ◆ Delineating a clear process for undertaking enforcement action when dangerous products are discovered in commercial facilities
- ◆ Granting administrative subpoena authority so investigators can quickly track the source and distribution of hazardous items.

2. Lead Based Paint

To address the continuing challenge of lead paint hazards in homes, the revisions to Chapter 7-4 help to move the city from a responsive to a preventative model by:

- ◆ Requiring hardware stores and other retailers of paint removal materials to post information to increase the awareness of customers, mirroring a provision in the recently amended state law
- ◆ Addressing the worst offenders that continually fail to maintain their properties and harm multiple children, by establishing clear criteria for pursuing criminal complaints against repeat offenders.

3. Updates from State Law

To ease enforcement, the following changes were made to mirror state law:

- ◆ Adds requirements that property owners post warning notices in common areas when a lead hazard has been identified
- ◆ Updates definition of lead hazards
- ◆ Requires day care providers to distribute lead poisoning brochures

4. Responding Faster

The City of Chicago currently learns about lead poisoning victims only through data collected by the State of Illinois. The new ordinance grants the City the authority to collect lead data directly, as is the case for every other reportable disease. Since lead poisoning is exclusively diagnosed from a lab test, data can be electronically captured from laboratory computer systems, requiring no involvement from the physician and at an insignificant cost.

Ohio Governor Vetoes Bill to Limit Lead Paint Damages/Lawsuits

The Governor of Ohio vetoed a bill shortly after taking office in January that would have placed limits on the kind of lawsuits that could be brought against paint manufacturers and that would have capped non-economic damages. The legislation would have prevented plaintiffs from using public-nuisance statutes to sue manu-

facturers whose products pose health hazards. Lawsuits based on public nuisance, like the case successfully argued in Rhode Island, do not require proof that the paint that caused the injury can be directly linked to a particular manufacturer.

Lead Found in Capitol Hill Souvenirs

In December, Congressman Henry Waxman of California and Senator Barack Obama of

Illinois initiated an investigation of souvenirs sold in four Capitol Hill gift shops and two Congressional office buildings. The investigation was ordered to underscore the danger and prevalence of lead-based items. Souvenirs that would likely be given to children or that could be handled or chewed by children were singled out. Seven of 13 items tested had high amounts of lead, and five contained enough lead to cause se-

rious injury or death if chewed on or swallowed. Among the items were silver and gold-plated bangles, an eagle pendant, a Capitol charm and a souvenir spoon.

Gift shop proprietors acted quickly to remove the leaded products. A spokesperson for Administration in the House of Representatives said that the vendors in its shops must now certify that products are lead-free.

Efforts Underway to Implement New IL Lead Law

While implementation is slow, state and local public health departments and advocates are working to implement Illinois' new Lead Poisoning Prevention Act. Following are some of the efforts underway as well as information related to program activities.

Identification of Medicaid-eligible Children

- IDPH has initiated a new system that identifies Medicaid eligible children statewide who have not been tested for lead and shares that information with medical providers. Local public health departments that have not received this information should contact Sam Churchill, IDPH Lead Program Manager, at sam.churchill@illinois.gov.

State Contracts to Delegate Agencies

- State contracts completed after the Law passed provide additional funds to 14 delegate agencies in order to help support the additional environmental investigations required under the Act for children under three years with a blood lead level 10µg/dL. The Department intends to monitor developments at the local level to insure compliance with the mandated inspections.

Independent of the law's mandates, IDPH merged its divisions of Childhood Lead Poisoning Prevention and Environmental Health to better coordinate prevention efforts. This should assist in implementation efforts.

Realtor Education

Information on the new lead poisoning prevention law is reaching realtors through the efforts of Lead Safe Illinois in partnership with the Illinois Association of REALTORS® (IAR). The law is now on the IAR website and is featured in an article in the January issue of *Illinois Realtor* and in an issue of the weekly newsletter. Efforts also are underway to develop a curriculum for a lead education course for REALTORS. The course will be offered on a voluntary basis as part of the profession's continu-

ing education requirement. A committee is considering a curriculum focused on understanding the environmental requirements of a healthy home, with lead hazard prevention a major component. Because REALTORS are a primary source of information for prospective buyers, they can provide valuable information to buyers about the dangers of lead in the home.

Other states offer such courses on lead, either as a mandatory component of realtors' licensing requirements, in Rhode Island, or in Vermont and Oregon as an elective to fulfill continuing education credits. Several other states offer courses that cover a variety of health hazards in housing, including lead.

The recently revised real estate contract in Illinois now places information about lead prominently in the document and makes clear that the buyer has received the lead disclosure report, if applicable, and the pamphlet, "Protect Your Family From Lead In The Home." If this section of the contract, which was not in previous versions, is not completed or is not factual, the contract can be void.

Hardware Store Education

The 2006 Lead Poisoning Prevention Act requires owners of stores selling paint supplies to display posters or distribute bro-

chures that contain information on working safely with lead paint.

Lead Safe Illinois, through its partnership with the University of Illinois Chicago's School of Public Health and the Chicago Department of Public Health, has developed posters and brochures in English and Spanish to help stores comply with the new requirement. UIC Public Health students and other members of Lead Safe Illinois are currently visiting every hardware and paint store in Chicago to distribute the posters and brochures. They also will offer in-store trainings for hardware store employees on lead safe work practices and conduct surveys of customers to learn whether the poster campaign has increased customer awareness.

The University of Illinois Chicago and Lead Safe Illinois also are completing a tool kit to share with public health departments across the state to assist them in outreach to hardware and paint stores in publicizing the law's requirements.

Posters for the Chicago area may be obtained by contacting Kirsten Almberg at the University of Illinois Chicago's School of Public Health: almbergk@uic.edu.

Posters are also available on the Illinois Department of Public Health website at:

www.idph.state.il.us/envhealth/pdf/

[HardwareStore Lead Poster2.pdf](#).

RESEARCH UPDATES

Replacing Windows Linked to Reducing Lead Paint Hazards

Based on recent findings, researchers Rick Nevin and David Jacobs of the National Center for Healthy Housing conclude that a coordinated effort to promote lead-safe window replacement could result in reaching the national goal of eliminating lead poisoning by 2010.

A 2006 study appearing in *Housing Policy Debate*, (Volume 17, No. 1), found that window replacement was a significant cause of the substantial reduction in lead poisoning that occurred among children under six years of age in the United States from 1990 to 2000.

In addition, energy efficient windows can also increase home energy efficiency and reduce fuel bills.

Although the number of children in the United States with elevated blood lead levels under six years of age has steadily declined, according to the report over 400,000 children remain lead poisoned, many of them in low income households that

cannot afford to replace windows. The authors conclude that market forces alone are unlikely to achieve the national goal of eliminating lead poisoning by 2010. Public-private partnerships are needed to provide financial assistance to eliminate lead paint hazards in low income housing and to provide additional incentives for middle and upper-income households to eliminate lead paint hazards in their homes.

The full study is available at: http://www.fanniemaefoundation.org/programs/hpd/pdf/hpd_1701_nevin.pdf

Lead Continues to Be Linked With Delinquency

The continuation of a longitudinal study first published in *Neurotoxicology and Teratology* in 2001 further confirms that children with higher lead levels are more likely to engage in delinquent behavior. Kim Dietrich, a professor of environmental science at the University of Cincinnati who performed the research, recruited 195 inner-city adolescents with lead in their blood and studied them over 22 years.

Dietrich originally found that children with higher lead levels were more likely to engage in criminal activity including assault, property crimes, and drug use. Those children claimed to

have committed five more criminal acts a year than those with lower levels. The original study was published when the subjects were between 16 and 17 years of age. A follow up study of the subjects found that the trend continued as the once lead poisoned children reached their mid-twenties.

Critics note that the inner-city participants in the study were already more likely to commit crimes. Dietrich, however, says that the study took into account social class, drug use of the children's mothers, and the care and nurturing the children received.

Dietrick's original study is available in *Neurotoxicology and Teratology*, Vol. 23, No.6, Nov.-Dec. 2001.

The article can be found at http://www.precaution.org/lib/06/prn_lead_and_delinquency.060625.htm

Lead and Smoking Linked to ADHD

In a study published in the September Issue of *Environmental Health Perspectives*, researchers suggest that up to one-third of all cases of Attention Deficit Hyperactivity Disorder (ADHD) cases may be caused by maternal smoking during birth or lead exposure after birth. An author of the paper says the findings "underscore the profound behavioral-health impact of these prevalent expo-

sure, and highlight the need to strengthen public-health efforts to reduce prenatal tobacco-smoke exposure and childhood lead exposure."

Researchers used government child-health data to identify 135 children with ADHD and performed follow up research through parent interviews and blood tests for lead exposure. Children with more than 2 micrograms of lead per deciliter of blood were four times more likely to have ADHD than children with .08 micrograms or less per deciliter blood.

Dr. Helen Binns of Children's Memorial Hospital in Chicago, an expert in childhood lead poisoning, says that this is another study that again demonstrates that lead impacts child behavior. While the study is a thoughtful analysis of the data, Binns cautions that causation cannot be proven given the study design. Further investigations, which include methods to ensure the accuracy of ADHD diagnoses, are needed to determine the extent to which lead contributes to ADHD.

The full study is available at: <http://www.ehponline.org/members/2006/9478/9478.pdf>

Study Finds Alternatives to Lead Safer and Less Expensive

A study funded by the Massachusetts legislature, which is considering a ban on the use of

toxic chemicals including lead in consumer products, identified safer and less expensive chemical alternatives to using lead in four common products: ammunition for shooting ranges, the second highest use of lead in the United States behind lead acid batteries; wheel weights; heat stabilizers in wire and cable coatings; and lead fishing sinkers, which poison waterfowl and pose health problems for anglers. The study concluded that most alternatives are competitive in price to the equivalent lead product or that operational costs can be reduced through the use of the lead-free alternative.

The full study is available at: <http://tinyurl.com/rawuq>.

Lead Exposure at Workplace Linked to Brain Damage

A study published in the May 23, 2006 issue of the journal *Neurology* found that cumulative exposure to lead at the work place can result in a progressive decline in brain function. The greater the worker's exposure to lead on the job, as measured by the metal found in the bone, the worse the brain damage was many years later. "It's one of the first studies that shows that an exposure in the distant past can affect the brain and cause what we call progressive changes," Dr. Walter Stewart, the lead scientist in the study, is quoted as stating.

The researchers offer three possible explanations for their findings. First, lead exposure might accelerate the normal aging-related changes to the brain's structures and functioning abilities. Lead exposure has also been found to cause high blood pressure, which, in turn, is linked with deterioration of white brain matter. Lastly, lead might have a direct damaging effect on the structures of the brain. Further research is needed to find a clear explanation for the relationship between lead exposure and brain structures.

For the full article, see *Journal of Neurology*, 66, No.10 (May 23, 2006)

COMMUNITY INITIATIVES

Communities Focus on Contractor Education

In an effort to help reduce lead risks during remodeling, window replacement, and/or tuck pointing, some local health departments are focusing on contractor education. Cook County's Department of Public Health, in cooperation with housing programs throughout the county, now attaches a lead-safe work practices flier to every building permit issued to contractors, starting with the six

highest risk communities. It also has begun to provide lead safe work practices training for contractors throughout the county and hopes to reach all 125 municipalities in 2007.

Evanston

In Evanston, permits are required to install windows or to tuck point a painted masonry building. For the past year and a half the City has required building owners to submit an affidavit before being issued a permit. In the affidavit they must confirm that they have given tenants a copy of the Protect Your Family From Lead In Your Home pamphlet. If, in the affidavit, the owner claims that no lead exists in a building built during or before 1978, the owner is required to state in writing why he or she knows this to be true. If lead is known to be present, the owner must list the licensed lead contractor's name and license number who will undertake the work. If the owner chooses not to have the unit tested, lead safe methods must be used when remodeling.

Peoria

The County of Peoria Planning and Zoning Department provides information on lead safe work practices to persons applying for a building permit to renovate pre-1978 residential structures.

FYI

Advisory Council Report to Be Issued

The Illinois Lead Safe Housing Advisory Council's report to the Governor and General Assembly on recommendations to prevent childhood lead poisoning is expected to be published this Spring. As soon as it is available, information will be found on www.leadSAFEillinois.org.

Lead Pollution High on List of World's Worst Spots

A team of international environment and health experts, including researchers from Johns Hopkins University, Mt. Sinai Medical Center and City University of New York, compiled a list of the world's 10 most polluted places in a report released by the Blacksmith Institute, a United States environmental action group. The most polluted sites, found in eight countries, primarily endanger communities deep in poverty. Three sites are in Russia, and the rest are located in China, the Dominican Republic, India, Kyrgyzstan, Peru, Ukraine and Zambia. Lead poisoning from metal smelters accounts for the pollution identified in four of the eight sites found in the Dominican Republic, Russia and in Zambia.

The report warns that there are some polluted towns where life expectancy “approaches medieval rates, and where birth defects are the norm, not the exception.” The goal of the report is to draw the attention of the international community to these priority sites and to instill a sense of urgency about the need to educate the populations living there and to raise the funds to eliminate the sources of the pollution.

For more on this report, visit:
<http://news.bbc.co.uk/2/hi/science/nature/6063344.stm>

Upcoming Conferences

The national conference that combines the Indoor Environmental Health & Technologies Conference and the Lead & Healthy Homes Grantees Conference will be held on April 24-27, 2007 in Orlando, Florida. For more information, please visit www.leadmoldconferences.com or email weilem2@comcast.net. You may also call the conference hotline at 1-800-590-6522.



Senator Carol Ronen and Representative Harry Osterman celebrating the passage of the Lead Poisoning Prevention Act of 2006 with Illinois Lead Safe Housing Advisory Council Co-Chairs Anita Weinberg (left) and Gary Flentge (right).

Task Force Honors State Legislators

State Representative Harry Osterman and State Senator Carol Ronen were recognized at a luncheon this fall convened by the Illinois Lead Safe Housing Task Force for their leadership in sponsoring and supporting the Lead Poisoning Prevention Act of 2006. Child, health and housing advocates, parents, realtors and property owners,

representatives from the insurance industry, and officials from state and local public health and housing departments came out to honor the legislators. For more information on the law, visit www.leadSAFEillinois.org.

For more information or referrals on lead poisoning prevention efforts:

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