



# Lead Safe Illinois

A Newsletter on Childhood Lead Poisoning and Prevention

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A quarterly publication of the Illinois Lead Safe Housing Task Force and Loyola University ChildLaw Center

## Table of Contents

### *In the News*

Illinois Officials Urge EPA to Issue Lead Safe Renovation Regulations.....	1
Illinois' U.S. Senators Seek Increased HUD Appropriation.....	2
Maine Law Assesses Fee on Paint Manufacturers.....	2
HUD Inspector General Finds Fault with FY '04 Grants Process.....	3
HUD, EPA, DOS Settle with Minnesota Landlords.....	3

### *Legislative Update*

Proposed Federal Legislation Bans Lead from Candy Wrappers.....	4
Federal Legislation Proposes Property Tax Credit.....	4

### *Litigation Digest*

Rhode Island Lawsuit Postponed.....	5
New York Appellate Court Denies Appeal.....	5

### *New Resources Available*

CDC Issues Guidelines for Using GIS Mapping Technology.....	5
CDC Posts Statewide Strategic Plans.....	6

### *Research Updates*

Research Shows Link Between Low Blood Lead Levels and IQ Loss.....	6
Lead-Safe Work Practices Training Proven Effective.....	6

### *FYI*

Illinois Lead Advisory Council Convenes.....	6
Lead Safe Chicago Reaches Out to Hardware Stores.....	7
High Levels of Lead Found in Disney Jewelry.....	7
High Lead Levels Found in Garden Hoses.....	7
Urban Soil Increase Risk of Childhood Lead Poisoning.....	7
New Jersey Partners with RX Solutions.....	7
Alliance Director Steps Down.....	8

### *Funding and Training Opportunities*

Cook County Grant Proposals Due July 1.....	8
CEHRC Broadens Access to Training.....	8
Lead Safe Training Offered August 11.....	8

## *In the News*

### **Illinois Attorney General Lisa Madigan Senator Barack Obama Oppose EPA's Reversal of Lead Safe Renovation Regulations**

Illinois Attorney General Lisa Madigan and U.S. Senator Barack Obama publicly objected to the decision of the U.S. Environmental Protection Agency's Administrator, Stephen Johnson, to abandon proposed regulations governing renovation and remodeling activities which were aimed at protecting urban children and residential construction workers from the hazards of lead based paint. Senator Obama, a member of the Senate Environment and Public Works Committee, joined Senate colleagues in an April letter to the EPA Administrator. Attorney General Madigan authored a letter with New York Attorney General Eliot Spitzer.

Renovations and repairs of older buildings create significant amounts of lead dust that permeate carpets and soil creating the principle source of lead dust exposure in children. The proposed regulations require renovators and contractors to be certified in lead-safe practices, which teach them how to minimize and clean up the lead dust created by renovation.

Under the "Toxic Substances Control Act", the deadline for the EPA to adopt regulations governing renovation and remodeling activities

was October 28, 1996. Although behind schedule, the EPA continued to develop regulations until 2003, but in 2004 Johnson dropped the plans; advocates learned the regulations were being abandoned this spring.

In May, following the public response, EPA noted that they have not formally stated they do not intend to issue a regulation. In the meantime, however, Public Employees for Public Responsibility, the Alliance for Healthy Homes and other organizations are preparing to give EPA a "Notice of Intent to Sue" regarding the agency's failure to issue the required regulations for lead safe remodeling. The Notice, which is required to be given at least 60 days before an actual lawsuit is filed, urges EPA to avoid being sued by working with the organizations submitting the Notice to resolve the issue.

### **Illinois Senators Join Colleagues Seeking Increased HUD Funding**

Illinois' U.S. Senators Richard Durbin and Barack Obama sent a letter, with 37 of their colleagues, to the Chair and Ranking Member of the Senate Appropriations Subcommittee on Transportation, Treasury, the Judiciary, and HUD urging a \$21 million funding increase for HUD's Office of Healthy Homes and Lead Hazard Control over fiscal year 2005 levels. The Senators urged the Subcommittee to appropriate \$185 million for lead hazard control and healthy homes in fiscal year 2006. As of publication date for this newsletter, the Appropriations Committee had not voted.

For up-to-date information on the federal healthy homes and environmental health appropriations developments, see <http://www.aecclp.org> (see notice on FY 2006 Appropriations Process and click for update). The Congressional website also provides updates on all Appropriations

Committee decisions at <http://thomas.loc.gov/home/approp/app06.html>.

### **Maine Enacts Bill Assessing Fees on Paint to Support Prevention Efforts**

On June 17, Maine's Governor John Baldacci signed into law An Act to Prevent Lead Poisoning of Children and Adults. The Act creates a new Lead Poisoning Prevention Fund, supported through fees assessed on manufacturers or wholesalers of paint sold in the State. The fee is 25 cents per gallon of paint estimated to have been sold in the State during the prior year, as determined by rules to be promulgated.

The Fund will be used for education and outreach efforts, including a major media campaign, targeted educational mailings to families with children who occupy buildings built prior to 1978, and educational programs and information for owners of rental properties used for residential purposes.

Maine's law is modeled after a 1991 law in California which assesses fees on manufacturers of oil and paint companies, and other industries that emit lead, to support its lead poisoning education efforts. Eighty-five percent of the total fees assessed in California are from oil companies because 85% of the lead that California's children are environmentally exposed to is from leaded gasoline. California's fee is 10 cents per gallon of paint or gasoline.

New Jersey is the one other state that imposes a tax or fee on paint to raise dollars to support lead poisoning prevention. New Jersey has had a law since 2004 that requires a share of the State tax imposed on every retail sale of a gallon container of paint to be placed in a Lead Hazard Control Assistance Fund for purposes of funding loans and grants to support lead abatement work.

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## **HUD Inspector General Finds Serious Flaws in Lead Safety and Healthy Homes Grants Process**

The Office of Inspector General for the U.S. Department of Housing and Urban Development (OIG/HUD) issued an interim audit report on May 16 detailing serious failures by HUD's Office of Healthy Homes and Lead Hazard Control (OHHLHC) in the administration of its fiscal year 2004 grant making process. The grants were announced in fall 2004. According to the OIG, the interim report was issued before the full audit was completed because the OIG found significant conditions that warranted immediate management attention.

The audit was undertaken in response to Congressional inquiries and complaints received by HUD following its announcement of the grant awards. (See the Fall 2004 issue of Safe Home Illinois "HUD's Lead Hazard Control Grants Announcement Raises Concern"). The Illinois Lead Safe Housing Task Force signed on to a letter sent to HUD by the Alliance for Healthy Homes.

The Inspector General reviewed seven of the grant applications that received funding, including six that were named in complaints. The OIG concluded the complaints had merit and that OHHLHC inappropriately awarded its fiscal year 2004 grants, including two ineligible applicants who received grant awards totaling \$5,000,000; one applicant who was awarded \$957,900 for a grant that was not properly supported; and one applicant who was denied a grant of \$365,736 it was eligible to receive. Based on this initial review, the OIG questioned whether the remaining grants were properly awarded only to eligible applicants. It also directed the Department to take immediate action to ensure the fiscal year 2005 grant award process is appropriately completed.

The full text of the OIG interim report can be found at [www.hud.gov/oig/ig530002.pdf](http://www.hud.gov/oig/ig530002.pdf).

## **HUD, EPA, DOJ Settle Lead Disclosure Suits with Wisconsin and Minnesota Landlords**

The U.S. Department of Housing and Urban Development (HUD), the U.S. Environmental Protection Agency (EPA), and the U.S. Department of Justice (DOJ) recently settled lawsuits against landlords and property management groups in Milwaukee and Minneapolis for failing to warn their tenants that their homes may have lead hazards. The defendants were charged with violating the Residential Lead-Based Paint Hazard Reduction Act of 1992 which requires sellers, and landlords of housing constructed prior to 1978 (the year that lead was banned from residential paint) to warn prospective buyers and tenants about the likely, or known, presence of lead-based paint. It also requires landlords to give tenants a pamphlet by EPA about how to minimize the dangers of lead to children, and directs them to document their compliance with the law by keeping tenants' signatures on file, using a standard disclosure form.

In May, the Departments announced a settlement against a Milwaukee landlord whose properties are known to have poisoned 12 children. The property owner and his property management company currently own and operate 65 rental property units in Milwaukee. The City of Milwaukee had issued several lead hazard cleanup orders, all of which were ignored.

As a result of the settlement, the property owner and his management company are required to test for lead-based paint hazards and replace the windows in all his properties within two years, beginning with those units where young children live. In addition, the property owner must completely eliminate all lead-based paint hazards in the units, common areas, and exteriors of all his properties within four years, completing those units with young children first, and pay a \$15,000 penalty.

In March, the Departments announced settlements against a Minneapolis landlord and three property management companies for failing to warn their tenants that their homes may contain potentially dangerous lead.

As a result of the settlement in Minneapolis, the three property management companies have agreed to undertake a five-year program to eliminate lead-based paint hazards in 208 units at an estimated \$500,000. Units where young children reside will be abated first. They also will pay \$7,500 to the U.S. Treasury and \$50,000 to the Sustainable Resources Center to fund a children's health project that will purchase a mobile blood testing van to test children throughout Minnesota for lead poisoning.

The Minneapolis landlord, in whose buildings several children who were lead poisoned lived, agreed to perform risk assessments and replace all windows in his properties within one year and to completely remove all lead-based paint hazards in his properties within four-and-a-half years at an approximate cost of \$240,000. He also was assessed a \$5,000 penalty. Altogether, the March settlements will result in elimination of lead-based paint hazards in 250 apartments throughout Minneapolis, Wisconsin, and Indianapolis.

These settlements represent a larger, joint effort by HUD, EPA, and DOJ to take action against landlords who fail to disclose lead paint hazards. Similar suits also have been settled against Chicago property management companies. According to HUD, to date the three departments have enforced actions affecting over 177,000 apartments across the country resulting in \$488,750 paid directly to community based health projects to reduce lead poisoning; commitments of over \$24 million to test and abate lead-based paint and lead-based paint hazards, and over \$745,000 in civil penalties.

## *Legislative Update*

### **Proposed Federal Legislation Bans Lead from Candy Wrappers**

This winter California Congressman Henry Waxman introduced a bill that would require the Consumer Product Safety Commission to act on warnings it issued last July to the manufacturers and importers of Mexican candies. The warnings demanded that all imports be halted until companies guarantee that candy wrappers are lead free. The bill, H.R. 668, bans lead in any consumer product marketed for use by children under age six years, or whose substantial use by children under age six years is foreseeable. This includes candy, toys, jewelry, and electronic devices. The bill is in the House Committee on Energy and Commerce's Subcommittee on Commerce, Trade, and Consumer Protection. Representative Bobby Rush from Illinois signed on as a cosponsor of the bill. For the complete text of the bill and its status see: <http://thomas.loc.gov>, type in H.R. 668 and click, and then scroll down to the bill number.

### **Federal Legislation Proposes Property Tax Credit for Removing Lead Hazards**

A federal bill proposing a tax credit for property owners who remove lead based paint hazards was introduced in February by Representatives William Lacy Clay (MO) and Louise Slaughter (NY). The purpose of H.R. 453, the Home Lead Safety Tax Credit Act of 2005, as stated in the legislation, is to encourage the safe removal of hazards from homes and thereby decrease the number of children who suffer reduced intelligence, learning difficulties, behavioral problems, and other health consequences due to poisoning. If passed, the bill, HB 453, will allow property owners to receive a credit of up to 50% of abatement costs paid in one year, not to exceed \$1500 per dwelling unit.

The bill is in the House Committee on Ways and Means. For the complete text of the bill and its status see: <http://thomas.loc.gov>, type in H.R. 453 and click, and then scroll down to the bill number.

## *Litigation Digest*

### **Rhode Island Lawsuit Postponed**

Rhode Island Attorney General's lawsuit against companies that have manufactured and sold lead-based paints was postponed from April 4<sup>th</sup> to September 7, 2005. This lawsuit, considered a model for other states around the country, is a retrial of Rhode Island's original public-nuisance lawsuit against paint companies. The original suit was filed in 1999 by the previous Attorney General. The complaint held the companies liable for creating a public nuisance when they made and marketed lead-based paints for several decades up until the early 1970s. When the suit was first filed, 14 percent of Rhode Island's children were lead poisoned. The rate dropped to 3.7 percent by 2004. In the interim, the state executed an extensive public-awareness campaign and distributed millions of dollars in federal aid to help repair housing that posed a risk of lead poisoning.

### **New York Appellate Court Denies Appeal to New York City's Lead Law**

In February, a five-judge panel of New York State's Appellate Division rejected challenges from landlords and landlord associations seeking to overturn New York City's recently enacted childhood lead poisoning law, Local Law 1 (2004).

The State Appellate Court, the highest court in New York, affirmed the State Supreme Court's dismissal of the original suit holding that the ordinance does not violate Due Process rights. The Court noted that the ordinance's rebuttable

presumption that all buildings constructed before 1960 contain some lead-based paint is rational. Further, it emphasized that the landlords' claims that the ordinance would decrease affordable housing and increase childhood lead poisoning were entirely speculative.

## *New Resources Available*

### **CDC Issues Guidelines for Using GIS Mapping Technology to Target Lead Poisoning Preventive Interventions**

The Center for Disease Control (CDC) issued guidelines to help lead epidemiologists learn how to use geographic information systems (GIS) mapping technology to effectively target lead poisoning intervention programs. GIS, a computer assisted system which allows the user to create maps that display spatially related or geographically based data, can be used to identify where high-risk children live, obtain a better understanding of changes in high-risk neighborhoods over time, and identify those housing units responsible for multiple cases of childhood lead poisoning. The guidelines include potential uses of data, instructions on how to obtain data, and cases studies in which GIS has been used. These guidelines can be accessed from the CDC's website: [www.cdc.gov/lead](http://www.cdc.gov/lead) (Click on NCEH Childhood Lead Poisoning Prevention Programs, and then on "Using GIS to Assess and Direct Childhood Lead Poisoning Prevention: Guidance for State and Local Childhood Lead Poisoning Prevention Programs.") It can also be accessed directly at: <http://www.cdc.gov/nceh/lead/lead.htm>



## **CDC Posts Statewide Strategic Plans to Eliminate Childhood Lead Poisoning**

The Center for Disease Control recently posted State Childhood Lead Poisoning Prevention Program Strategic Elimination Plans for 32 states and the District of Columbia: Alabama, Arizona, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, Maine, Maryland, Michigan, Minnesota, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, West Virginia and Wisconsin. The plans can be found on the CDC's website and accessed directly at: <http://www.cdc.gov/nceh/lead/Strategic%20Elim%20Plans/strategicplans.htm>

## *Research Updates*

### **Research Shows Link Between Low Blood Lead Levels and IQ Loss**

A recent study published in the March 2005 issue of *Environmental Health Perspectives* found that blood lead levels under 10 ug/dL caused decreases in IQ. The study found an inverse relationship between blood lead concentration and IQ score. A 3.9 IQ point reduction was associated with an increase in blood level from 2.4 ug/dL to 10ug/dL, with lower incremental IQ point losses occurring when blood lead levels reached over 10ug/dL. The study concluded that the environmental lead exposure in children who have blood lead levels of less than 7.5 ug/dL is associated with intellectual deficits. For a copy of the study, see <http://ehp.niehs.nih.gov/docs/2005/7688/abstract.html>

## **Lead-Safe Work Practices Trainings Proven Effective**

A study published in the February 2005 issue of *Public Health Reports* concludes that eight-hour lead-safe work practices training courses for home improvement contractors can create lasting changes in lead-safe knowledge, attitudes, and behaviors. A total of approximately 150 participants were trained over a six month period. Properly designed and marketed lead-safe training programs, the study reported, can have a positive impact on knowledge levels, attitudes, and behavioral intention of those who will disturb lead-based paint during renovation, painting, or maintenance. Workers were motivated to protect children's health once they understood methods that could be used to do so, especially when they developed an understanding of the cost benefit of such methods. The study, "Impact of a Lead-Safe Training Program on Workers Conducting Renovation, Painting, and Maintenance Activities." For a copy, see: <http://www.publichealthreports.org/issuecontents.cfm?Volume=120&Issue=1>

## *FYI*

### **Illinois Lead Advisory Council Convenes**

The Illinois Lead Safe Housing Advisory Council, which began meeting in December 2004, anticipates issuing its first report to the Governor and General Assembly by the end of the year. The Advisory Council, established through legislation originally sponsored by State Representative Harry Osterman and State Senator Carol Ronen, is charged with developing and making recommendations to the Governor and legislature regarding steps to eliminate childhood lead poisoning in Illinois. Advisory Council meetings are open to the public; notice of meeting dates are posted at <http://www.idph.state.il.us>.

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## **Lead Safe Chicago Initiates Outreach To Hardware Stores**

Efforts are underway to contact the 200 hardware stores operating in the Chicago area with the goal of developing a partnership with lead poisoning prevention advocates to educate the public about the risks of lead hazards when doing painting, remodeling and renovation work in one's home and the importance of lead safe work practices. The initiative is part of Lead Safe Chicago's campaign to eliminate childhood lead poisoning by the year 2010. Leslie Nickels, with Great Lakes Environmental Centers at the University of Illinois Chicago and Anne Evens with the Chicago Department of Public Health are overseeing this effort. Advocates will meet with hardware store managers and owners throughout the summer.

## **High Levels of Lead Found in Disney Jewelry**

The Center for Environmental Health (CEH) filed a legal notice against Disney under California's Proposition 65, the Safe Drinking Water and Toxic Enforcement Act of 1986, for selling jewelry with high levels of lead. The CEH demanded that Disney issue an immediate recall of the jewelry. The legal limit for lead in paint is 0.06 percent, but CEH's tests found that a recently purchased Disney bracelet contained nearly 17 percent lead and a necklace two percent lead, which greatly exceed safe levels. CEH notes that the lead in jewelry provides the same risk to children as lead in paint: it can easily peel off and be ingested. For images of jewelry with lead see CEH's website at <http://cehca.org/leadpics/index.html>. For a report on recalls of products with lead, see *Playing with Poison* (August 2004) at the Kids in Danger website, <http://www.kidsindanger.org> (Click on publications, then research reports, then *Playing with Poison*).

In February, because of concern with these types of risks, the U.S. Consumer Products Safety Commission issued a new policy which prohibits manufacturers from using lead in children's

jewelry. Visit <http://www.cpsc.gov/CPSCPUB/PREREL/prhtml05/05097.html>

## **High Levels Found in Garden Hoses**

Consumer Reports recently found that there can be dangerously high levels of lead in water that sits in a hose for an extended period of time. Hoses are made of polyvinyl chloride, which uses lead as a stabilizer. Lead can leach into the sitting water, increasing the amount of lead by 10 to 100 times what the government considers safe coming from a faucet. Consumer Reports recommends letting the water run from the hose for a few minutes before drinking, which will flush out any water that might be contaminated with lead. It also found that hoses labeled "Safe for Drinking" leached only miniscule amounts of lead.

## **Urban Soil Increases Risk of Childhood Lead Poisoning during Summer Months**

A recent study found that the blood-lead levels in children in Indianapolis, New Orleans, and Syracuse, NY were highest during the summer. Scientists believe this is a result of summer winds picking up the lead dust in the top inches of urban soil and subsequently distributing it in homes and playgrounds. This study adds to the potential lead sources public health officials need to consider and can help them to take adequate precautions to reduce children's exposure to windblown lead during their most active months of outdoor play.

## **New Jersey Partners with RX Solutions to Distribute Free Lead Test Kits**

In March 2005, New Jersey kicked off a new campaign called *Wipe out Lead New Jersey* to distribute free lead-dust test kits to low-and moderate-income pregnant women. New Jersey Perinatal Cooperative selected Rx International and its affiliate BTS Laboratories to offer the kits and provide the necessary lab component. Over 100 prenatal clinics, OB/GYN physician offices, hospitals, and community health centers in 18

cities with high childhood lead poisoning levels are making 30,000 free kits available.

The test kit contains a pre-addressed envelope to mail the test samples to a certified lab for analysis. Where elevated lead paint dust levels are identified, families are provided information and assistance in accessing resources to reduce lead hazards. Parents also are instructed to bring all children living in the home to a primary care physician to screen their blood lead levels.

### **Alliance Director Steps Down**

Don Ryan, founder, and Executive Director of the Alliance for Healthy Homes stepped down from his position on May 31, 2005. Don has been a tireless and effective leader on behalf of children at risk of being lead poisoned for the last 15 years, and helped develop a number of initiatives on the state and federal levels including Lead-Safe Work Practices, the Lead Sampling Technician discipline, the HUD Healthy Homes grants program, and “results-oriented enforcement” of the federal lead disclosure law. Eileen Quinn, formerly the Alliance’s Deputy Director, is serving as Interim Director while the Alliance seeks a new director.

## ***Grant/Training Opportunities***

### **Cook County Torrens Grants Available**

Proposals for Lead-Based Paint Hazard Control Grants (often referred to as Torrens Grants) from the Cook County Department of Public Health are due July 1. The County has allocated \$6.5 million to provide financial assistance for the cost associated with lead abatement and/or mitigation activities for fiscal years 2005 through 2007 for qualified applications. Grants are available to

governmental entities and not-for-profit organizations in Cook County. Monies must be used to target lead hazard control efforts at residential dwellings in which children are at greatest risk of lead poisoning. The Department’s Program Guidelines are available at <http://www.cookcountypublichealth.org/programs/family/lead/index.shtml> (click on Grant Prog.).

### **CEHRC Broadens Access to its Training**

According to the Alliance for Healthy Homes, its Community Environmental Health Resource Center (CEHRC) is making available access to its training for organizations and agencies that want to carry out low-cost home hazard assessments. CEHRC can provide the training at cost to entities seeking to train groups of 10 to 25 hazard investigators. For details about the training options, the costs to provide the training, and how to schedule training sessions, see [www.cephrc.org/tools/training/index.cfm](http://www.cephrc.org/tools/training/index.cfm).

### **Lead Safe Training Offered August 11**

A one day Lead-Based Paint Training Program for renovators and remodelers will be offered August 11 in Chicago. The no-cost program, which meets the HUD-EPA curriculum, is directed towards people working in community and social service organizations, home inspection companies, government, and contractors. This session is being added because two programs in July already are filled. For more information see <http://www.lead safetraining.org>.

*For more information or referrals on lead poisoning prevention efforts:*

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