

Lead Safe Illinois

A Newsletter on Childhood Lead Poisoning and Prevention

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INSIDE THIS ISSUE

IN THE NEWS

Prevention-Driven Lead Poisoning Bill Signed 1

CA Settlements May Protect Children Nationwide 1

Lead Poisoning Prompts Children's Jewelry Recall 2

IL Attorney General Urges FDA to Do More 3

LITIGATION DIGEST

Lawsuit by Chicago Families of Children Exposed to Lead Reinstated 4

RI Jury Finds Former Lead Paint Manufacturers Created Public Nuisance 4

RI Supreme Court Rules Lead-Hazard Law Unconstitutional 5

RESEARCH UPDATES

HUD Risk Assessment Study Issued 5

Children in North America Remain at Risk for Lead Poisoning 6

Research Finds Stress Enhances Problems of Lead Poisoning 6

COMMUNITY INITIATIVES

Community Training on Tenants Rights and Lead 7

Cook County Public Health Initiatives 7

FYI

Lead Advisory Council Report Upcoming 7

Children at Risk from Salvaged Building Components 7

Toy Recall Info 8

Building Blocks Available On-line 8

Upcoming Conferences 8

IN THE NEWS

Prevention-Driven Lead Poisoning Bill Signed by Governor

On June 20th Governor Rod Blagojevich signed into law Illinois' first prevention driven legislation to address childhood lead poisoning. According to Anita Weinberg, chair of the Lead Safe Illinois campaign, and Director of Loyola University's Child-Law Policy Institute, Illinois law now sets out measures that will help prevent children from becoming poisoned and establishes more accountability for property owners with histories of lead hazards in their buildings. Weinberg said passage of the bill was the result of the commitment and perseverance of State Representative Harry Osterman and State Senator Carol Ronen, and due to the willingness of advocates, public health and housing officials, and representatives of the realtor and property owner industry to work together and draft a bill that focused on prevention. The bill is the

first of several legislative steps to address the problem in Illinois. Future efforts will include seeking to develop loans and grants to assist property owners to make housing lead safe.

For a summary of the Lead Poisoning Prevention Act of 2006, Public Act 94-0879, see the box on page 3 of this newsletter. A copy of the law can be found at www.leadSAFEillinois.org.

CA Settlements Have Potential to Protect Children Nationwide

Two settlements growing out of lawsuits brought in California have the potential to protect children nationwide.

In June, major candy makers, including subsidiaries of Mars and Hersheys, agreed to lower the amount of lead in their products to less than 100 parts per billion and to test the products imported from Mexico to insure that candy does not pose a health risk to children. Government officials and health advocates have long known of the lead poisoning risks to children from some imported candies. The settlement also provides

funds to assist smaller Mexican candy companies to come into compliance in order to prevent children from consuming contaminated candies anywhere in the U.S. or Mexico.

The settlement is the result of lawsuits brought in 2004 against over 30 candy makers under California's Proposition 65 law, which requires warnings on products that can expose the public to cancer-causing substances or reproductive toxins. The lawsuits were filed by the Environmental Health Coalition (EHC), the Center for Environmental Health (CEH), the California Attorney General, the Los Angeles City Attorney and the Alameda County District Attorney.

Earlier in the year, as a result of children suffering serious lead poisoning due to exposure to lead in jewelry, seventy one retail companies of children's jewelry signed a legally binding agreement to eliminate lead exposure risks from jewelry marketed to children and adults in California.

CEH and the California Attorney General brought suit against the retail companies in June 2004. The companies named in the suit that signed the agreement include Target, Kmart, Macy's, Nordstroms, Claires, Mervyns, Sears, Toys R US, and Disney. Wal-Mart, the nation's largest retailer, Jordache, Cornerstone Apparel, the Ger-

son Company, and Royal Items did not join the settlement.

Under the settlement terms, metal components in, and coatings on, children's jewelry must contain less than 600 parts per million (ppm) or .06% lead and plastic components no more than 200 ppm. In tests conducted by the U.S. Consumer Product Safety Commission, metal components in jewelry often tested at over 50% lead and as high as 95% lead. The parties to the settlement agreed to pay a total of 1.875 million dollars which will be used to establish a fund for testing jewelry for compliance and educating the public about exposures to toxic metals.

While both these settlements are only binding in California, CEH expects them to potentially protect children nationwide, given the cost to companies of creating separate lines of products only for California.

A list of companies committed to implementing lead reduction standards nationwide is posted on the CEH website at

www.cehca.org.

Illinois' new law, summarized on page three, establishes a similar limit on lead weight as well as other items intended for use by children.

For more information on recalled products containing lead, see article below, "*Lead Poisoning Prompts Urgent Recalls of Children's Jewelry*."

Lead Poisoning Prompts Urgent Recalls of Children's Jewelry

In March 2006, the *Morbidity and Mortality Weekly Report* issued a dispatch concerning the death of a 4-year-old child in Minnesota from acute lead poisoning. The child died after ingesting a heart-shaped metallic charm containing lead. The charms had been attached to a metal bracelet provided as a free gift with the purchase of shoes manufactured by Reebok International. Tests of the charm determined that it contained 99.1% lead.

As a result, the Consumer Product Safety Commission (CPSC) and Reebok International announced a recall of 300,000 promotional heart-shaped charm bracelets. In addition to this recall of the Reebok charm bracelets, the CPSC recalled 180,000 pieces of jewelry sold at American Girl stores and over a half-million necklace and ring sets imported by Dollar Tree Distribution.

The American Girl jewelry recalled by CPSC includes necklaces, bracelets, earrings, and hair accessories for girls. It does not include jewelry made for the American Girl dolls. The jewelry was sold only at American Girl Place in Chicago and New York and the American Girl Outlet in Oshkosh,

Keeping Kids Lead-Safe - The Lead Poisoning Prevention Act of 2006 Public Act 94-0879

While potentially devastating, lead poisoning is also entirely preventable. Public Act 94-0879 begins to shift Illinois law and policy from only responding *after* a child has been poisoned, and sets out measures that will *prevent* children from becoming poisoned.

What does Public Act 94-0879 do?

- Protects children most at risk for being harmed by lead by:
 - ✓ requiring lead inspections in units and common areas of buildings when a child under three years of age has a lead level lower than the level that currently triggers an inspection, and
 - ✓ requiring products children use, eat, or wear to be lead safe.
- Targets properties and property owners most likely to have lead hazards by:
 - ✓ prohibiting residential property owners who have willfully and knowingly failed to comply with a mitigation order from doing business with the State or State agencies for a period of time, and
 - ✓ allowing the Illinois Department of Public Health (IDPH) to inspect common areas of residential buildings when two or more units within a five-year period have had mitigation notices issued, and requiring lead inspections when a parent or guardian of a child under six, or a pregnant woman residing in the same building, requests an inspection. The bill requires IDPH consider the owner's financial ability to complete the repairs when establishing a time frame for the work.
- Educates the public about lead poisoning by:
 - ✓ requiring signs be posted, or brochures distributed, about lead safe work practices in stores where supplies intended for paint removal are sold,
 - ✓ requiring families with children in day care facilities be provided information on lead poisoning, and
 - ✓ requiring notices be posted in common areas of buildings when a child has been poisoned in one of the units, until the hazards are removed
- Holds stakeholders accountable for preventing lead poisoning by:
 - ✓ Coordinating data between IDPH and IDHFS,
 - ✓ Adding penalties for failure to comply with existing laws, and
 - ✓ Requiring state agencies responsible for prosecuting lead poisoning cases to report annually to the General Assembly the number of referrals from the IDPH for prosecution.

Wisconsin between May 1999 and February 2006. The jewelry was packaged in red and white cardboard with the label "American Girl" and "Made in China" on the front of the package.

The Dollar Tree necklaces that the CPSC recalled have a black string with silver-colored clasps and a silver-colored charm with a "gem" in the center. The rings are silver-colored,

adjustable, and also have a toy "gem" in the center.

Since 2003, CPSC has announced 13 recalls of metal jewelry involving nearly 162 million pieces. Some lead-contaminated items intended for use by children are manufactured in countries with limited government regulation of lead in consumer products.

Illinois Attorney General Urges FDA to Do More Following New Guidance on Lead

In a March 10 letter to the Acting Commissioner of the Food and Drug Administration (FDA), Illinois Attorney General Lisa Madigan applauded FDA's December 2005 draft

guidance that reduced the acceptable levels of lead in candy products frequently consumed by small children and expanded the definition of candy to include powdered snack mix products known as “seasonings” that are imported from Mexico. She noted that in 2004 her office and the Illinois Department of Public Health imposed a statewide embargo on these products because they contained dangerous levels of lead. She also praised the federal agency’s acknowledgement that lead derived from lead-based printing ink on packaging can migrate into the food product as an important step in moving towards regulatory action against the use of heavy metal-based inks on wrappers and packaging.

Madigan objected, however, to the FDA’s directive that the guidelines for lower lead levels in candy and the inclusion of seasonings sold as candy are not for enforcement purposes and for FDA’s failure to specify what actions it will take against manufacturers, importers and distributors who violate the guidance. Madigan urged the FDA to propose federal regulations covering lead in candy and to educate the public about the danger of lead in excess of the new lower standard in order to encourage manufacturer compliance.

The distinction between FDA guidance and federal regula-

tions is significant. Many states, like Illinois, incorporate federal regulations into their statutes. Far fewer, including Illinois, incorporate federal guidance.

LITIGATION DIGEST

Lawsuit by Families of Chicago Children Exposed to Lead Reinstated

In February the Illinois Appellate Court reinstated a class action suit against the Lead Industries Association and seven lead-pigment producers filed by families of Chicago children exposed to lead in paint. The Cook County Circuit Court had ruled that the families lacked standing to sue.

In the lawsuit the families argue that the companies named in the suit were aware of the risks of childhood lead exposure yet continued to put the hazardous product on the market. The families want the companies to pay for lead screening for at-risk children.

RI Jury Finds Former Lead Paint Makers Created Public Nuisance

In a groundbreaking verdict on February 22, a jury in Providence, Rhode Island, found

three of four lead manufacturers responsible for creating a public nuisance that continues to poison children today. As a result of the lawsuit, brought by the state of Rhode Island, the manufacturers must pay damages for the lead abatement of approximately 240,000 Rhode Island homes at an estimated cost of between one billion and several billion dollars.

The State argued that children continued to be poisoned by the paint that was manufactured before the ban on the sale of lead paint in 1978, and that the companies continued to manufacture lead paint knowing the potential dangers of the product. The companies claimed that lead paint was only a problem in a small group of poorly maintained properties. The companies further argued that other sources of lead exposure exist and that the state failed to clearly link the pigment made by the companies to the children poisoned in Rhode Island.

Although the court did not award punitive damages, the state hails the case as a victory because it forces the paint manufacturers who created the lead hazards to clean up Rhode Island homes. The case may also set a valuable precedent for other states battling lead hazards.

Following the successful litigation in Rhode Island, parents of lead poisoned children and pub-

lic health advocates in Maine delivered a letter to Attorney General Steven Rowe urging him to file a similar lawsuit against the paint industry. “The paint industry knew that lead paint was hazardous and unnecessary for at least fifty years before it was finally banned,” said Michael Belliveau, executive director of the Environmental Health Strategy Center as reported by the Alliance for Healthy Homes. More than 350,000 Maine homes built before 1978 may contain leaded paint. “Money is desperately needed to clean up lead hazards at thousands of older Maine homes,” said Sandy Roseberry, a parent of lead poisoned children and parent advocate for the American Lead Poisoning Help Association. “Not one more family should have to suffer from lead poisoning like we did. It’s time to hold the offending industry accountable for removing their toxic paint to make Maine homes safe to live in.”

In November 2004, a lawsuit against paint manufacturers brought by the city of Chicago alleging public nuisance was dismissed when the judge ruled that the city’s complaint failed to show that the defendants caused the condition creating the nuisance. The city also lost its appeal.

RI Supreme Court Rules Lead-Hazard Law Unconstitutional

On January 10, 2006, the Rhode Island Supreme Court held that a provision of the Rhode Island Lead Hazard Mitigation Law was unconstitutional on the grounds that there was no rational basis for the provision exempting landlords of two- and three-unit owner-occupied buildings from the law’s requirements. The court did not delay the enforcement of the law but indicated that the legislature should re-visit the issue.

The Lead Hazard Mitigation Law passed in 2002 but its implementation was delayed twice due to challenges to the exemption. The law was finally implemented in November of 2005. The law requires landlords to take a three-hour lead-hazard awareness course and prove that their properties comply with state Health Department standards by getting their properties certified as lead-safe every two years or each time a new tenant moves into the unit.

The equal protection issue was raised only with respect to the owner-occupied two- or three-unit properties exemption. Exemptions for housing restricted to people age 62 and older, temporary housing, and housing certified as lead safe or lead free were not challenged.

RESEARCH UPDATES

HUD Risk Assessment Study Issued

A recent study regarding the most effective locations to test for lead was published in July in the *Journal of Exposure Science and Environmental Epidemiology*. The article, “An Investigation of Dust Lead Sampling Locations and Children’s Blood Lead Levels” was conducted by the National Center on Healthy Housing (NCHH) and funded by the US Department of Housing and Urban Development.

The study examined the dust lead sampling locations in a home that are most related to children with or without elevated blood lead levels (as defined by 10ug/dl).

According to the NCHH, key findings from the article include that: “Floor samples should be taken from the center of the room or near a door; sampling living rooms is as good as sampling the room identified as the child play area; sampling the kitchen, bedroom, or living room are all predictive locations but sampling baths is not as predictive; and sampling unit entries is predictive but if sampled, a different floor dust lead standard would be appropriate since these floor areas are higher than other floors in the home.

In general, the article raises questions about the current floor standard of 40ug/ft² suggesting it is too high to be adequately protective. The findings also raise questions about whether sampling window sills or troughs is useful to measure risk, while recognizing that sampling these surfaces can help identify sources of hazards and confirm that treatments were adequately conducted.

The abstract is available at: <http://www.nature.com/jes/journal/vaop/ncurrent/abs/7500514a.html>. The full study report is now available on NCHH'S website: http://www.centerforhealthyhousing.org/html/risk_assessment.html.

Children Throughout North America Remain at Risk for Lead Poisoning

In January, the Commission for Environmental Cooperation, in partnership with various health organizations and the governments of Canada, Mexico, and the United States, released the first report on children's health in relation to environmental factors in North America. The overall finding of the report indicates that North American children are at risk for environmental exposures and that reporting on children's health must be improved.

Case studies from Canada, Mexico, and the United States show that children's blood lead levels are dropping in response to measures such as removing lead from gasoline. Still, exposures from deteriorating paint in old homes and lead-contaminated soil remain a significant threat to children's health.

Recent data shows that in the United States 25% of homes have a "significant lead-based paint hazard, which could be from deteriorating paint, contaminated dust or contaminated soil outside the house."

In 2001, 24% of Canadian children under five years old lived in housing built before 1960, when most paint in Canada still contained high concentrations of lead.

In Mexico, lead mines contribute to environmental contamination. In fact, some populations of Mexican children have lead levels as high as five times the action level of 10 mcg/dL. Emissions from a plant in Torreón, Mexico, the world's fourth largest mining-metallurgical company, and the largest in Latin America, has caused high rates of chronic environmental exposure to toxins including lead.

The report is available at: http://www.cec.org/programs_

projects/pollutants_health/children/index.cfm?varlan=english&CFID=10599393&CFTOKEN=26860496

Research Finds Stress Enhances Cognitive Problems Associated with Childhood Lead Poisoning

Researchers at the John Hopkins Bloomberg School of Public Health in Baltimore found that stress exacerbates cognitive disorders associated with childhood lead poisoning. The researchers created a measure of "psychosocial stress" based on a series of indicators including crime statistics, number of 911 calls, and complaints about abandoned cars. The researchers found that residents of tougher neighborhoods with a high measure of psychosocial stress tended to have more cortisol, a stress hormone. The researchers also administered seven cognitive tests to participants with high levels of stress and to those with lower levels. When comparing the results of participants with the same lead levels as indicated by bone lead levels, the researchers found that stressed city-dwellers scored lower on the cognitive tests than those with a lower measure of psychosocial stress. The article can be found at: <http://sciencenow.sciencemag.org/cgi/content/full/2006/307/2>

COMMUNITY INITIATIVES

Community Training on Tenants Rights and Lead Begun

In April, students from Loyola University's Law School began a series of workshops to community groups in Chicago on tenants' rights and what tenants can do about lead hazards in their buildings. Students attended a training sponsored by Loyola University ChildLaw Center's Lead Safe Housing Initiative and the Metropolitan Tenants Organization of Chicago (MTO). MTO will provide oversight and continued training for the workshops. The first community meeting was held at Rainbow PUSH Coalition.

Initiatives of Cook County Department of Public Health

Cook County Department of Public Health's Lead Poisoning Prevention Unit (LPPU) continues to develop collaborations with businesses, community-based organizations, and primary care providers in an effort to raise awareness of lead poisoning. In order to reach families with very young children, who are most at risk, the LPPU has set up booths in two large children's stores, Babies 'R' Us

and Toys 'R' Us to provide customers with information and to answer questions about lead poisoning, its effects on children, product safety, and the need for testing. The LPPU also has provided healthcare professionals in suburban Cook County with staff education and lead poisoning prevention materials so they can reach the families that participate in the county's Vaccination for Children Program (VCF), a program that offers free vaccines to children enrolled in Medicaid. In addition to its ongoing lead poisoning prevention training for day care facilities and Head Start programs, the LPPU also has begun discussing with the University of Illinois Chicago Hardware Store pilot project the possibility of expanding the pilot's hardware store staff education program to Cicero and Berwyn, two of the highest risk areas for lead poisoning in suburban Cook County.

FYI

Lead Poisoning Advisory Council Ends Year One

The Illinois Lead Safe Housing Advisory Council completed its first year of deliberation to develop recommendations regarding a prevention focus to address the problem of lead poisoning. Co-chairs from Illinois Department of Public Health

and Loyola University's Lead Safe Housing Task Force are completing a report to be given to the General Assembly and Governor, pursuant to Public Act 93-0789. Several recommendations in the report that had the consensus of the Advisory Council were included in the bill that passed this year (see summary, page 3).

Children at Risk from Salvaged Building Components

Waste management divisions in many states encourage the recycling and reuse of building materials as a way of reducing the waste stream. Homeowners, concerned about the environment or simply looking for an old door or window with vintage character may go to an architectural salvage yard and bring home a salvaged item. Public health officials, however, warn that by bringing a pre-1978 component into their home they could also be bringing lead into their home. Even chemically stripped wood, with no visible signs of paint, can contain lead that has leached into the wood. When the bare wood is sanded to prepare for refinishing, leaded dust can settle into the house and cause lead poisoning. Children in the home should be tested for lead. Lead-safe work practices that minimize the spread of dust and contamination should always be used when sanding, and con-

sumers should think twice and ask about lead paint when they buy old building components.

Toy Recall Info

This spring saw several recalls of products and food due to the levels of lead included in the items (see articles on pages 2-4). For more information on toys and other items that place children at risk, see www.kidsindanger.org.

Building Blocks Available Online

The web version of the Center for Disease Control and Prevention's *Building Blocks for Primary Prevention: Protecting Children from Lead-Based Paint Hazards*, is available at www.afhh.org/buildingblocks. The site, Building Blocks Online, presents a variety of primary prevention strategies as possibilities for state and local governments, community-based

organizations, and others to use in combating childhood lead poisoning.

Upcoming Conferences

The National Center for Healthy Housing is offering a course titled *Essentials for Healthy Homes Practitioners* at the University of Illinois at Chicago's School of Public Health. The two-day course will be held on September 12 & 13. The course is designed for professionals who visit homes to provide health or inspection services of any type whether a public health nurse visiting a client or environmental health professional doing a rodent inspection. For more information and to register, go to: www.healthyhousing.org/training/

The North Central Regional Conference on *Eliminating*

Childhood Lead Poisoning, Implementing Healthy Homes Programs, and Combating Indoor Environmental Hazards is scheduled for September 28 - 29, 2006 in Chicago/Arlington Heights. For conference details, go to www.leadmoldconferences.com

The 2006 4th Annual Conference on Children's Health and the Environment will be held at Children's Hospital of Pittsburgh on October 21, 2006. It is organized by the Mid-Atlantic Center for Children's Health and the Environment, and jointly sponsored by Children's Hospital of Pittsburgh; the United States Environmental Protection Agency, Region III; and the Children's National Medical Center of Washington, DC. For conference updates, please go to www.health-e-kids.org or contact: Aurora O. Amoah, MPH @ 202-994-1166.

For more information or referrals on lead poisoning prevention efforts:

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