



LEAD SAFE ILLINOIS

A Newsletter on Childhood Lead Poisoning and Prevention

Spring/Summer 2008

In the News

Chicago Lowers Definition of Lead Poisoning

The City of Chicago Department of Public Health rules concerning lead-bearing substances now define lead poisoning as a blood lead level greater than 5 micrograms per deciliter ($\mu\text{g}/\text{dL}$), making Chicago one of the few cities to set the threshold below 10 $\mu\text{g}/\text{dL}$. The amended rules also lower the amount of lead in contaminated soil considered a hazard from 1000 to 400 micrograms per gram of lead. In addition, the rules reflect the 2006 amendments to the Chicago City Ordinance. The rules limit the sale, transfer, and distribution of items containing lead-bearing substances; require warning labels on lead-bearing substances that may be used by the general public; require information to be posted in certain establishments that sell paint supplies; require notice to be posted by building owners who have been cited for violations; and establish blood lead level reporting requirements for health care professionals.

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For more information on Chicago's lead laws, see <http://www.cityofchicago.org>

EPA Issues New Rule for Renovating

In April, the U.S. Environmental Protection Agency (EPA) issued long awaited regulations for anyone performing renovations or remodeling in housing, childcare facilities, or schools

Research has found that children who live in homes where renovations and remodeling activities were performed within the past year are 30% more likely to be lead poisoned than children who do not live in homes being remodeled.

built before 1978 where children under six years of age are present or where a pregnant woman resides. In addition to residential remodelers, the rule will affect specialty trades, including electricians and plumbing contractors. The new requirements will take effect in April 2010 in order to give contractors the time necessary to become certified to work in a lead safe manner and to train their workers.

Renovation and remodeling work undertaken in pre-1978 homes can create high levels of lead dust that can poison children if contractors do not do the work safely. Research has found that children who live in homes where renovations and remodeling activities were performed within the past year are 30% more likely to be lead poisoned than children who do not live in homes being remodeled.

The new rules for lead safe practices in-

clude a ban on open flame burning or torching when renovating older homes and restrictions on other widely used methods to remove paint, including heat guns and other power tools.

While lead poisoning prevention advocates and state public health officials applaud the EPA for issuing the rule, they note serious shortcomings. For instance, advocates are troubled that

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Lead Safe Illinois Reflects...

IN MAY 1972 FORMER CHICAGO ALDERMAN AND CIVIL rights activist Leon Despres spoke to the American Academy of Pediatrics at a conference devoted to lead poisoning. Despres proposed a series of efforts needed for a local government policy to eradicate lead poisoning, which at the time was the cause of children’s deaths. Despres’ top ten suggestions included: (1) determination, (2) legislation, (3) enforcement of the laws, and (4) education – especially encouragement of local groups.

It’s sobering that lead poisoning remains a scourge all these years later in our state—the number of children lead poisoned is among the highest in the nation. But it’s also gratifying to note that over the last nine years a very broad coalition has been working together to carry forward Despres’ advice. This coalition includes health, housing, legal, and child advocates and experts; parents; local, state and federal public health and housing officials, and private industry. The determination to tackle this problem now exists among the stakeholders, and Illinois’ first prevention driven legislation passed in 2006, provides momentum to strengthen the laws even further (see Lead Safe Illinois Spring/Summer 2006 newsletter at www.leadSAFEillinois.org for a summary of the law). Lead Safe Illinois, a statewide campaign comprised of a broad range of stakeholders, with local Lead Safe initiatives as well, is focusing on successful implementation and enforcement of the laws that were passed and additional education and outreach to community based organizations, faith-based groups, day care providers, schools, property owners, contractors and hardware store owners. The greatest challenge now to eliminating lead poisoning is identifying financial resources to remove lead hazards and make homes lead safe.

During this decade Illinois has seen the numbers of children identified as “poisoned” drop by the thousands – due in large measure to the efforts of public-private partnerships, modeled in Chicago. But we’ve also learned that children are being harmed at much lower levels than once thought. The Surgeon General defined 60mg/dL as “undue lead absorption” in 1970; in 1975, the Centers for Disease Control and Prevention lowered the threshold to 30 mg/dL and by 1991 to 10 mg/dL. This year, Chicago, following a handful of other cities and states, approved regulations establishing that children are considered poisoned at 5 mg/dL. It seems as if every few months a new study establishes additional

harms to children caused by lead. In May, stronger links were established between childhood blood lead concentrations and criminal arrests in early adulthood. (See Link Between Lead Poisoning and Criminal Behavior Tightened, p. 6 .Studies consistently show the impact of lead on learning, IQ and behavioral problems in children.

Thirty six years after Despres’ address to the pediatricians, children and families should not still be dealing with the devastating consequences of lead poisoning. Lead is one of the few causes of social and learning problems we now how to eliminate. Shame on us for not having fixed this scourge so that we can move on to other challenging matters.

To hear about the challenges that Chicago advocates faced fighting childhood lead poisoning in the 1960s and early 1970s, visit leadSAFEillinois.org and click on the video link “Historical Perspectives.” The video, developed by Loyola University’s ChildLaw Center, features interviews with Leon Despres, who today is 100 years old. Also featured are public health advocate Dr. Quentin Young, who turns 85 this year, and Dr. Bernard Lafayette, who was a Civil Rights Movement activist in the 1960s – all leaders in early advocacy efforts.

Anita Weinberg, Director

In the News

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the rule requires only the renovator to take a day-long certification course in lead safe work practices. The certified renovator then trains the work crew on the job. Other than that, the renovator need not be at the work site except for the critical tasks of posting warning signs, containment, and post-renovation cleanup. For all other renovation activity, the certified renovator need only be reachable by phone or otherwise. The only activity that cannot be delegated to the work crew is the post-renovation cleaning verification.

Another aspect of the new rule that has drawn strong criticism from lead poisoning prevention advocates is the method required to verify that the work area is free of any lead hazards created by the renovation. When the job is completed, the contractor verifies that the work area is clean by matching three surface wipes to the whiteness on a verification card. The EPA contends that this three-step cleaning will pick up enough lead residues to meet government safety standards. Public interest groups argue that this “white-glove” test gives homeowners false assurances that lead has been removed and is not sufficiently protective of household members, especially children. In addition, public health departments are concerned about the cost of implementation and the lack of guidance from the EPA.

In an effort to strengthen the EPA rule, the Alliance for Healthy Homes (AFHH) and the National Center for Healthy Housing (NCHH) are seeking legislative action to add additional requirements, including mandating the presence of a certified renovator onsite at all times and an EPA review of the federal dust lead hazard standard every two years.

The Rule can be found at <http://tinyurl.com/dezz7k>

For more information about the AFHH and NCHH initiative see: <http://tinyurl.com/dhs8yn>

RI Supreme Court Overturns Lead Paint Verdict

In a unanimous decision issued on July 1, the Rhode Island Supreme Court reversed a landmark jury verdict that found three former lead paint companies liable for creating a public nuisance that lead poisoned thousands of children. The paint companies had been facing costs of over \$2 billion to clean up hundreds of thousands of lead contaminated homes.

The monumental lawsuit, resulting in the longest civil jury trial in the state’s history, marked the first victory at the trial court level that public health advocates could claim against the lead paint industry. The Supreme Court, however, while recognizing that children’s lives “forever have been changed by the poisonous presence of lead” ruled that public nuisance law does not provide a remedy for their injuries. The decision concluded that the state had not and could not show that the paint companies’ conduct interfered with a public right or that defendants were in control of lead pigment at the time it caused harm to children in Rhode Island. Furthermore, the Court noted that Rhode Island law holds landlords responsible for maintaining their premises and ensuring that the premises are lead-safe.

The lead poisoning prevention community registered deep disappointment with the Rhode Island decision. Noting that there are pending legal cases in Ohio and California against lead pigment makers, Patrick MacRoy, Executive Director of the national advocacy group Alliance for Healthy Homes,

urged on the Alliances’ website that lead poisoning prevention advocates and governments continue to champion these cases. “If these cases do not succeed, taxpayers and private property owners will continue to bear the costs of dealing with the toxic legacy that these companies created.”

Litigation/Legislation Digest

States Strengthen Prevention-Focused Laws

New proactive laws in Maryland, enacted in May, will help meet the goal of eliminating lead poisoning in Maryland by 2010 while taking steps to increase the amount of lead free housing stock. To increase affordable housing stock, individuals, local governments, and non-profit organizations can buy rental properties in violation of code and bring them into compliance within a prescribed schedule instead of being found in violation from the date of purchase. The legislation ensures that information about lead certification is included in the Maryland Home Improvement Commission’s licensure process, allows use of a dust test as part of the “lead-safe housing” standard, and provides rights and remedies to tenants when an owner fails to verify compliance with lead standards.

Also in May, San Diego passed a new lead ordinance that strengthens lead poisoning prevention. Included are provisions that require owners of rental properties to correct lead hazards before re-occupancy of vacant pre-1978 units and renovators to use lead safe work practices when disturbing lead paint. Child care facilities must obtain proof of blood lead testing at enrollment, and home improvement retail

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Litigation/Legislation Digest

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stores are required to provide lead education materials.

Indiana’s Childhood Lead Poisoning Prevention Act passed in March. Highlights of the Act include: prohibiting retail stores from selling products with lead in excess of federal or Indiana State Department of Health (ISDH)

Housing and Urban Development (HUD) regulations require a lead inspection based on a child’s blood lead level of 20 µg/dL or greater. The House bill, H.R. 3397, would lower the blood level to 10 µg/dL.

guidelines; requiring ISDH to develop a lead safe work practices training program for contractors, remodelers, and painters; requiring retailers who sell paint to provide safety information and make testing kits available for sale to consumers; establishing both an Advisory Council to develop long-term plans, and a legislative study committee to look at issues related to childcare and lead poisoning; and to ensure that children with elevated blood lead levels be quickly located and provided with needed services, imposing a civil penalty for incomplete contact information on reports to the ISDH.

Illinois passed its first prevention-driven legislation in 2006 and advocates and government officials continue to work on its implementation. A summary of the Illinois law is at www.leadSAFEillinois.org.

Full article and summary of the three Maryland laws can be found at: <http://tinyurl.com/cf5krb>

A copy of the San Diego ordinance can be found at: <http://tinyurl.com/dftgls>

The Indiana law is posted at: <http://tinyurl.com/dbbvtr>

Bill Lowers Blood Lead Level Threshold for Inspection in Federally Assisted Housing

A bill advancing in the U.S. House of Representatives, H.R. 3397, lowers the blood lead level threshold that triggers intervention measures in federally assisted housing. Housing and Urban Development (HUD) regulations require a lead inspection based on a child’s blood lead level of 20 µg/dL or greater. The House bill, H.R. 3397, would lower the blood level to 10 µg/dL. The bill also proposes an automatic update of HUD’s requirements when the Centers for Disease Control and Prevention lowers the trigger for its level of concern.

To view the bill, summary, and status: <http://tinyurl.com/cqbvmk>

Landlord Responsibility

In early January, a Macon County, Illinois court found that the landlord of a property at which 7-year old twins were lead poisoned was not negligent in addressing the property’s lead hazards. The property underwent renovations unrelated to lead paint prior to the children moving into the building. A city health department inspection of the property later found lead hazards which the landlord took steps to repair. The decision hinged on testimony of the landlord, who observed no paint in disrepair after the initial renovations, and that of the children’s grandmother, who claimed that the paint was in terrible condition when the twins moved in. The court found the landlord’s testimony to be more credible and consistent with other facts of the case.

The case is on appeal based on a theory of liability under the Federal Disclosure Act. The landlord admitted that he had not provided the tenants the mandated disclosure form or the informational brochure regarding lead based paint, as required before renting or selling property. A decision on the appeal is expected in the fall.

In March, a jury in Baltimore, Maryland found property managers responsible for an 8-year old boy’s lead poisoning due to poor paint conditions in his mother’s apartment. The Baltimore landlord had hired an environmental firm to address lead hazards identified by a city inspection. The firm found additional lead hazards, and treated all identified hazards, yet the boy’s elevated blood level (EBL) remained high. The landlord argued that the hazards had been eliminated and that poisoning occurred at the boy’s alternative residence. The family alleged that since the firm had found additional problems following the city’s inspection, there was no certainty that all lead hazards had been identified and removed. The family also claimed that the boy spent very little time at the other home.

EPA Brings Suit Against Real Estate Corporation

In July, the Environmental Protection Agency (EPA) filed suit against The Community Builders Inc. (TCB), a large Massachusetts based real estate corporation, and a number of associated property owners, alleging that TCB failed to provide information and records to tenants regarding known lead-based paint hazards in the apartments. TCB also allegedly failed to provide tenants with the required lead hazard information pamphlet. Even though the EPA information does not indicate that any children were lead poisoned

as a result of the violations, since some of the properties were known to have lead-based paint, the defendants face up to \$11,000 for each of more than 800 violations.

In Sept 2005, the EPA filed a complaint against two Chicago landlords and V & V Management for allegedly failing to warn tenants that their homes may contain lead-based paint hazards. In April 2006, the landlords and V & V agreed to a civil penalty of \$27,724.00 together with the completion of a Supplemental Environmental Project, costing \$10,000.00, in which they were to fund an environmental quality assessment.

Community Initiatives

Lead Safe Chicago Brings Message to Community Meetings

Lead Safe Chicago is getting the word out about childhood lead poisoning to community meetings of City of Chicago aldermen whose wards have experienced high levels of childhood lead poisoning. Throughout the summer Loyola’s ChildLaw Center staff and law students are making presentations to inform constituents about the problem in their wards; the factors contributing to high rates of lead poisoning, including the age and condition of the housing stock in their wards; and resources available to community members to help identify and eliminate lead hazards that are putting their children at risk. Additional outreach efforts also result from these presentations.



Imagine Englewood If... youth members prepare for a trip to Washington D.C. where they plan to discuss lead poisoning with legislators.

Spring 2008 Exposure 101

Urban Sustain’s Spring “Exposure 101” afterschool program, which officially began this February, took place at South Shore High School in Chicago and was designed to spur local youth to give back to the community as well as inform them of topics such as lead, diesel emissions, and environmental tobacco smoke. Through their research, youth discovered that cigars are filled with a multitude of chemicals from the herbicides and pesticides, including heavy metals

such as lead. They also learned that lead was being used in marijuana to increase the weight.

Lessons went beyond the classroom as students petitioned for cigar-free neighborhoods, and included a trip to Springfield, where they saw first hand lobbyists in action, the legislative process, and their elected representatives at work.

For more information about Urban Sustain visit: www.urbansustain.org

If you are interested in a presentation to your community organization, faith-based group, or other entity, please contact Mary Burns, Community Outreach Coordinator at mburns6@luc.edu or 312-915-6811.

Full article can be found at: <http://tinyurl.com/d9z8xa>

Workbook for Hardware Store Outreach Available

A workbook developed by the University of Illinois School of Public Health, Loyola’s ChildLaw Center, and the Environmental Protection Agency as an outreach tool for local health departments is now available. The workbook is designed to help local health departments establish relationships with their local paint supply retailers to promote lead safe work practices and to ensure

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Community Initiatives

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that posters or brochures are displayed, as required by the Lead Poisoning Prevention Act of 2006. A hard copy of the workbook will be sent to local health officials and will be available online. Some on-site visits to stores have already occurred in Chicago and around the state to evaluate compliance with the law and where needed, to supply posters and brochures.

On-site surveys revealed that many stores were not in compliance, were not sure of the requirement, or had already removed the poster. The workbook provides a “how to” in approaching local retailers to become partners in lead poisoning prevention by educating customers about lead safe work practices. For more information about the Hardware Store Project contact Jennifer McGowan at jlmcgow@uic.edu.

Research Updates

Link Between Lead Poisoning and Criminal Behavior Tightened

A study published in May by the University of Cincinnati’s Children’s Environmental Health Center found that early lead exposure is a risk factor for criminal behavior, including violent crime, in adulthood. The research followed pregnant women living in lead-contaminated housing in poor areas of Cincinnati. Researchers measured the women’s blood lead concentrations during pregnancy as an indication of their offspring’s prenatal lead exposure, and the children’s blood lead levels regularly until they were six-and-a-half years old. By referencing

local criminal justice records, researchers found that increased blood lead levels before birth and during early childhood were associated with higher rates of arrest for any offenses, including violent crimes.

Another study funded by the National Institute of Environmental Health Sciences and the U. S. Environmental Protection Agency and published in May has shown that childhood lead exposure is associated with reductions of brain matter in adults. High blood lead levels increase the likelihood of

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decreases in brain mass in the areas of the brain that regulate executive functions and mood regulation. Volume loss in these brain areas is consistent with cognition and behavior problems previously associated with lead exposure: intellectual and executive functioning, antisocial behavior, and ADHD. The study also observed reductions in brain mass more frequently in males than in females.

These most recent studies considered variables that prior research in this area had not addressed as thoroughly.

For a copy of the article on the link between lead poisoning and criminal activity, see: <http://tinyurl.com/4xql23>

For a copy of the article on lead poisoning and brain damage, see: <http://tinyurl.com/4kfs4h>

Lead Exposure Linked to Heightened Release of Stress Hormone

A study published in the February 2008 issue of Environmental Health Perspectives found that even low blood lead levels caused a significant raise in the human stress hormone, Cortisol. High levels of the hormone can impair cognitive ability and the ability to manage acute psychological stress. Researchers conducted cold stress tests on 169 children, nine-and-a-half years of age, whose blood lead levels were measured before the age of three years. After controlling for several confounding variables, the research concluded that relatively low prenatal and postnatal blood lead levels, notably those well below the 10 µg/dL level, are associated with a significant increase in the hormone that responds to stress at nine years of age. Although the long-term implications for this study are unclear, the authors note that increased Cortisol activity is associated with a number of emotional, behavioral, and physical problems in children.

Full article can be found at: <http://tinyurl.com/dlab2y>

Controversial Tests of Sludge as Lead Poisoning Fix

Families in low income Baltimore neighborhoods were given food coupons and free lawns in exchange for their participation in a 2005 research project aimed to determine whether phosphate and iron in filtered semi-solid waste (sludge) would increase the ability of soil to trap harmful metals, including lead. The test families lived in homes with known lead-contaminated soil, and researchers provided them with information about the contaminants. Researchers also assured participants that the sludge fertilizer was safe.

The research concluded that phosphate and iron in sludge can increase the ability of soil to trap harmful metals, including lead. If a child eats the soil, they claim, the material will pass safely through the child’s system keeping the lead from entering the blood stream. Critics of the research, however, are unsure if the sludge remains bound to the lead when it reaches the acidity in the stomach. Furthermore, they are concerned that sludge itself is not safe and that the low income neighborhoods in the study may have been unnecessarily exposed to a health risk due to its use.

Full article can be found at: <http://tinyurl.com/cml5dh>

FYI

National Report Reviews Status of Lead Exposure

A recent review and report by the National Institute of Environmental Health Sciences of sources of lead exposure in U.S. children and the risk factors for lead poisoning confirms that exposure to lead is widespread in the environment. The study determined that while deteriorating paint and contaminated dust and soil are the primary cause of lead poisoning, at least 30% of cases do not have an immediate lead-paint source.

Non lead-paint sources of lead poisoning include: industrial emissions of lead into the air, especially from smelters, battery manufactures, municipal incinerations, and waste treatment plants; traditional medicines manufactured outside the U.S., but sold here in ethnic grocery stores and by folk healers; contamination of food from processing and packaging; lead in breast milk

related to maternal exposures or past exposures mobilized from lead in bones; dietary supplements; prod-

Age is a risk factor because of higher hand to mouth activity in toddlers. Young children also absorb lead more easily. Risk factors rise for minority and recent immigrant and refugee children. Data shows that 46.8% of non-Hispanic black children and 27.9% of Mexican-American children exceeded 5 µg/dL compared to 18.7% of white children.

ucts containing wood, metal, plastic, ceramics, and paper; deterioration of PVC products such as vinyl miniblinds, wastewater pipes, artificial Christmas trees, and telephone cords.

The report also discussed risk factors for lead poisoning. Age is a risk factor because of higher hand to mouth activity in toddlers. Young children also absorb lead more easily. Risk factors rise for minority and recent immigrant and refugee children. Data shows that 46.8% of non-Hispanic black children and 27.9% of Mexican-American children exceeded 5 µg/dL compared to 18.7% of white children. Refugee and recent immigrant children are also more likely than U.S. born children to have elevated blood lead levels (EBL’s). These children may enter the U.S. with EBL’s and levels can rise both because of contamination in their new environment and the family’s use of imported products and traditional medicinal remedies. Even though income disparities have narrowed, lead poisoned children are more common in households below the federal poverty level. Lead contamination is typically greater in urban areas and older homes. Children of lead exposed workers tend to have higher EBL’s through take-home exposures. A smoker in the house has also been associated with EBL’s. Finally, EBL’s are higher during warm weather

seasons due to increased exposure to soil, more frequent opening and closing of windows, and dispersion of lead

dust with air flow through open doors and windows.

The report concludes that given the variety of lead exposure sources and risk factors, screening children for lead and abating lead paint hazards is necessary and effective, but not alone sufficient. Lead poisoning prevention programs must shift to primary prevention, considering current and past uses of lead and behaviors that leave specific populations vulnerable to lead exposure.

For the full report see: <http://tinyurl.com/dm9fo7>

Extreme Makeover: Home Edition Provides Lead-Free Home

The goal of a May 4th episode of the television show Extreme Makeover: Home Edition was to provide a lead safe home to a Rhode Island family. The family was given a new home free of lead hazards, neighbors were given new lawns and information on protecting against lead contamination, and the City of Warwick and the Department of Environmental Management were on hand during the rehabilitation to ensure lead safety and to educate the designers and crew. Critics, however, expressed concerns that lead safe work

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practices were not accurately represented in the footage of the show that aired. In a letter to the network, National Paint and Coatings Association President, J. Andrew Doyle, said that there was “no hint of concern for safety among the workers” and that “the type of abatement demonstrated on the program [was neither] emblematic of the problem or a good demonstration of a solution, except in rare instances.”

Full article can be found at: <http://tinyurl.com/d9z8xa>

Proposals Submitted to the International Code Council

In June, the Alliance for Healthy Homes and the National Center for Healthy Housing proposed that two lead safety requirements be added to the International Property Maintenance Code. The International Property Maintenance Code sets standards that are followed by members of the building industry, including architects and engineers, and that have been adopted by many local jurisdictions throughout the country. The proposals include requiring the use of lead safe work practices, as defined by the recently issued EPA's Renovation, Repair, and Painting Rule, during repairs of interior and exterior deteriorated

paint. Also proposed is a requirement to correct underlying sources of moisture that cause interior paint to deteriorate. The International Code

Keynote speakers will address how housing affects children's health in a multitude of ways and present recent medical findings on the effects of lead poisoning and the growing evidence of the link between early lead exposure and delinquency.

Council will consider these proposals at its meeting on September 19th.

For more information see: <http://tinyurl.com/bx7oyh>

Illinois Lead Poisoning Prevention Conference – October

The Illinois Department of Public Health will convene a conference entitled Healthy Homes for Healthy Kids to be held in Springfield on October 23, at the Dove Conference Center, Prairie Heart Institute, St. John's Hospital. Participants will include contractor associations, realtors, landlord associations, health care professionals and Head Start educators. Keynote speakers will address how housing affects chil-

dren's health in a multitude of ways and present recent medical findings on the effects of lead poisoning and the growing evidence of the link between early lead exposure and delinquency.

For more information contact: Eleanor Davis, Education Coordinator, Illinois Lead Program: 217 782 3517; Eleanor.davis@illinois.gov

National Healthy Homes Conference – September

The Department of Housing and Urban Development, the Centers for Disease Control and Prevention, the U.S. Environmental Protection Agency, and the U.S Department of Agriculture are sponsoring the Building a Framework for Healthy Housing conference on September 15-17 in Baltimore. The conference will focus on building capacity to deliver healthy housing, mainstreaming healthy housing principles, creating healthy housing through research, developing enforcement and regulatory strategies as a primary prevention tool, marketing healthy housing, and educating the public.

Conference registration is free and can be completed online. For more information visit: <http://tinyurl.com/cqkxam>



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