

Lead Safe Illinois

A Newsletter on Childhood Lead Poisoning and Prevention

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IN THE NEWS

Advocates Seek Funding for Window Replacement Pilot Program for Low-Income Properties

This summer Governor Rod Blagojevich signed into law P.A. 95-0492. The law establishes, subject to appropriation, two pilot sites to inaugurate CLEAR-WIN, a window replacement program for low-income properties to address lead hazards. Titled CLEAR-WIN, the Comprehensive Lead Education, Reduction and Window Replacement program was introduced by State Representative Harry Osterman (D-14th) and State Senator Carol Ronen (D-7th). The program focuses on reducing lead hazards through window replacement, the biggest source of childhood lead poisoning.

Advocates are working with legislators and state officials to identify state dollars to implement the law.

The CLEAR-WIN pilot program aims to:

- Establish a window replacement pilot program for low-income properties (both owner occupied and rental) in order to address the lead hazards in

housing units.

- Finance property owners through loans and grants for the lead hazard reduction work/window replacement.
- Train and prepare individuals for job readiness in lead-safe work practices as well as in carpentry skills in order to be able to replace windows and remediate lead hazards.
- Create jobs for community members to install windows and do accompanying carpentry work.
- Create market opportunities for Illinois window manufacturers and assemblers.
- Create more remodeling and renovation activities, which in turn stimulates local economies.

For the full text of the bill, visit: www.leadSAFEillinois.org.

Illinois Issues Lead Advisory Council Report

Following year long deliberations, the Illinois Lead Safe Housing Advisory Council, established pursuant to P.A. 93-789, completed its report to the General Assembly and Governor Rod Blagojevich. The Council's report includes recommendations on six key strategies that are critical to eliminating childhood lead poisoning: (1) identification

of revenue sources and financial incentives to assist property owners; (2) requirements for lead safe work practice in remodeling and renovation; (3) targeting of buildings with lead hazards; (4) focus on populations at greatest risk; (5) enhancement of reporting and surveillance; and (6) raising public awareness.

The report is available online at www.leadSAFEillinois.org.

New Market Tax Credits Ease Lead Abatement Costs

This summer, the Chicago Department of Public Health announced a multi-million dollar loan program intended to make it economically attractive for landlords of affordable housing, in qualifying low income neighborhoods, to finance and have lead abatement work performed in their multi-family unit buildings.

The program combines private and public funds to enable qualifying landlords to borrow up to 100% of the money required for lead abatement at 9% interest with payments on a 14- year amortization schedule. After seven years and conditioned on payment of 50% of the original loan value, the remaining 50% will be forgiven.

The program is made possible through a grant issued by the Chicago Department of Public Health, with additional funding from private investors' taking advantage of federal New Market Tax Credits.

The use of NMTC is part of the Lead Safe Chicago strategic plan to eliminate childhood lead paint poisoning, and was accomplished through the efforts of Lead Safe

Chicago's partners, especially the Delta Institute.

In a competitive bidding process, Chicago Lead Safe Window Services (CLSWS) was chosen to be the sole abatement contractor.

As an added incentive, under the plan landlords may also qualify for Cook County's Class 9 Tax Abatement which reduces property taxes on qualifying buildings by approximately 50% for a ten year period with the option to renew for additional 10 year terms. The abatement contractor, CLSWS, is authorized to assist the property owner with filing the necessary paperwork to qualify for the County's tax abatement.

For further information about the New Market Tax Credit, contact CLSWS: 312-423-3150.

Focus Grows on Blood Lead Levels Below 10µg/dL

As a growing number of studies establish that children are harmed by low levels of lead, states and local governments are considering lowering the threshold for intervention:

Longitudinal Study Establishes Harm at Low Lead Levels and Corresponding Educational Costs

Lead in children, even at low levels, is associated with a decline in IQ scores and has effects into the school-age years, according to a study reported in the November issue of the journal *Environmental Perspectives*.

The study, which builds on a 2003

study by the same research team, establishes that blood lead levels between 5-9 micrograms per decileter (µg/dL) are associated with a 4.9 point decline in IQ. This difference in IQ was greater than it was in children with levels below 5 µg/dL and above 10 µg/dL.

The authors point to the enormous social costs that follow from their findings: even a five point downward shift in IQ results in a 57% increase in the number of children in the extremely low range of intelligence, which doubles the cost of education. The numbers of children in the very superior range (130 IQ or higher) also are reduced, although less so.

The article can be found in *Environ Health Perspect* doi:10.1289/ehp.10424 available via <http://dx.doi.org/> (Online 20 November 2007).

CDC Issues Guidelines for Physicians for Treating Children with Low Levels of Lead

New guidance from the Centers for Disease Control and Prevention (CDC) aims to assist physicians in interpreting and managing blood lead levels below 10µg/dL in children. Many physicians are not accustomed to interpreting and managing levels lower than 10µg/dL, the level that triggers medical and environmental interventions. Concerns have also been raised that the CDC's designation of 10µg/dL as a level of concern encourages parents and health professionals not to worry about levels below 10µg/dL. Recognizing that harmful effects of lead in blood occur well below 10µg/dL, an advisory committee to the CDC reviewed the clinical interpretation and management of blood lead at

the lower levels and published its findings in *Morbidity and Mortality Weekly Report*. The report helps doctors understand blood lead levels below 10µg/dL, points out what is known and still unknown about the effects at low levels, and outlines strategies to reduce childhood exposures to lead.

The report can be found at www.cdc.gov/mmwr/preview/mmwrhtml/rr5608a1.htm.

Lead Poisoning Thresholds Lowered at State and Local Levels

Beginning in November 2007, Vermont families with children with blood lead levels between 5 and 9µg/dL will receive educational materials, a self risk assessment, and if requested, a phone consultation. This follows the state lowering its intervention threshold from 10µg/dL to 5µg/dL. Vermont is the first state to lower the level of concern below 10µg/dL. Approximately 2600 Vermont children are identified with blood lead levels at 5 µg/dL or greater each year.

Earlier in the year, health departments in the Greater Cleveland area recommended to health care providers that 5-9µg/dL be considered the threshold. This new threshold has added nearly 8000 children in Cleveland and surrounding communities to those considered lead poisoned. These children receive home visits from public health nurses who check their physical development and motor and cognitive skills. On follow-up visits a lead dust sample is collected and families receive information on preventive measures to maintain a lead safe home.

The City of Chicago Public Health Department is proposing regulations that would define lead poisoning as 5µg/dL or higher in order to raise greater awareness of the dangers of even very low levels of lead.

EPA Has Yet to Issue Renovation, Remodeling and Painting Rule

Advocates and health and housing professionals are waiting for the EPA to issue its long-awaited Renovation, Remodeling and Painting (RRP) Rule. At the same time, concern is growing that federal funding will not be made available to states to implement the Rule.

Last April, following issuance of the proposed rule, a group of environmental and children's health advocates wrote the EPA arguing that the proposal would not fully protect children, and that "the rule-making process has been replete with events that have served to delay the rule and dilute its effectiveness." According to the letter, these events include an extension of the initial comment period to accommodate industry real estate and builder industry groups, and the EPA's decision to launch a study of lead dust generated by renovations even though numerous studies have shown the dangers associated with remodeling and renovation procedures.

Advocates claim that the proposed rule fails to fully protect children by allowing remodeling and renovation methods which would result in lead dust levels above the EPA hazard standard. The letter urges that the Rule ban all dangerous

methods of paint disturbance, require post-work clearance testing, proper training in lead safe work practices for all workers, and ensure adequate enforcement.

At the time of publication of this newsletter, EPA indicated it anticipates the revised rule will be issued this spring.

To view the letter to the EPA, visit: http://www.centerforhealthyhousing.org/RRP-4-16-07_Letter_from_National_Organizations.pdf

To view the proposed EPA Renovation, Remodeling and Painting Rule, visit: <http://www.epa.gov/fedrgstr/EPA-TOX/2006/January/Day-10/t071.htm>

LITIGATION / LEGISLATION DIGEST

Federal Legislation Pending to Assist Child Care Facilities and Home Owners Eliminate Lead Paint Hazards

Both presidential candidates Hillary Clinton (D-NY) and Barack Obama (D-IL) have worked on lead poisoning prevention during their years in the Senate. Currently, they both have legislation pending.

This fall, Senator Clinton introduced S. 2244, which addresses a range of lead hazard reduction issues, including: increased funding; requirements for pre-lease and pre-sale inspections and risk assess-

ments, as well as building-wide risk assessments and abatement in targeted properties, and establishment of pilot projects to target areas of high incidence of lead poisoning in children, including repeat offender properties.

Congress also is considering a bill introduced by Senator Clinton this summer that would offer incentives in the form of tax credits to property owners for safely removing lead-based paint hazards from homes and rental units. Property owners would get tax credit for up to 50% of the cost of lead hazard reduction up to a maximum of \$3000 for lead abatement and \$1000 for interim control measures. The bill targets housing in low income neighborhoods where lead-based paint likely is deteriorating and posing a health risk, and is intended for homes with children under six years old, women of childbearing age, and buildings built before 1960.

Senator Obama introduced S. 1811 this summer to make all child care facilities lead-safe within five years. The Lead Poisoning Reduction Act would require elimination of lead hazards in non-home based child care centers, including Head Start program locations and kindergarten classrooms. The bill also would establish a five-year, \$42.6 million dollar grant program to help local communities pay for renovation or repairs and to set in place “best practices” standards to ensure that the work is done in a lead-safe manner.

“Lead poisoning continues to pose an enormous threat to our children's health and safety in day care

facilities and schools in Illinois and across America,” said Senator Obama in a statement introducing the bill. “We must act on these basic precautions to keep our children healthy and our schools lead-free.”

In 2003 a government study found that 14 percent of licensed child care facilities were contaminated with hazardous levels of lead-based paint. At facilities where the majority of children attending were African-American, 30 percent were found to pose serious risks of lead poisoning.

Multi-million Dollar Settlement Funds RI Lead Programs

Money from a \$12 million settlement reached in 2005 between the State of Rhode Island and Dupont following a lawsuit against paint manufacturers, will soon fund six community organizations that work with lead-poisoned children and a lead poisoning media campaign, primarily reaching Latino communities. Millions more will be targeted through improved enforcement of lead paint building violations and removal of lead paint in over 600 houses and apartments in Rhode Island.

Rhode Island won its lawsuit against three other paint manufacturers and proposed that the \$2.4 billion judgment be spent cleaning up lead based paint throughout the state. That verdict is on appeal in the State Supreme Court. In December two public health experts were appointed to work out details of an abatement plan, should the

State's Supreme Court uphold the jury verdict.

Ohio Suit Against Paint Companies Moves to Trial

A law suit filed on behalf of the state against Dupont, Sherwin Williams and eight other paint manufacturing companies has been scheduled for trial. The complaint alleges that contaminated paint created a public health hazard and caused the state to “incur substantial costs.” According to the complaint, the paint companies intentionally “omitted adequate warnings about lead paint and coating hazards.” The Ohio suit follows a similar 2005 Rhode Island suit, which resulted in a landmark victory over Sherwin Williams and other paint manufacturers.

The National Paint and Coatings Association (NPCA) adamantly opposes the Ohio suit against the paint companies, and issued a statement that the attorney general is pursuing “unfounded and ill-conceived litigation,” instead of focusing on “current, effective measures that have made major progress in eliminating childhood lead poisoning.”

The Ohio suit against the paint companies comes just months after Governor Ted Strickland vetoed a bill that would essentially ban Ohio cities from pursuing suits against paint companies. The Governor stated that failing to veto the bill would “prevent cities from being to able to pursue justice on behalf of their citizens.” Currently, four Ohio cities have filed suits against paint manufacturers.

Iowa Passes Mandatory Lead Testing Bill

On April 17, 2007, Iowa's Governor signed into law a bill that requires all Iowa children starting school in Fall 2008 to have had a blood lead test by age six or prior to entering elementary school.

Current Illinois law requires blood lead tests for all children six and under living in specific areas deemed high risk by the Illinois Department of Public Health. Those living in low risk areas must receive a lead risk assessment, which assesses the child's risk of being lead poisoned. In addition, Illinois child care facilities must require proof of blood lead testing for admission.

To view the new Iowa law, visit: <http://coolice.legis.state.ia.us/Cool-ICE/default.asp?Category=billinfo&Service=Billbook&frame=1&GA=82&hbill=HF158>

RESEARCH UPDATES

Chelation Treatment May Improve Muscle Movement and Balance

A study published in the May 2007 issue of *Neurotoxicology* reveals that the FDA approved Chelation drug "Succimer" may improve the muscle movement and balance in children with increased blood lead levels. The lead researcher of the study, Amit Bhattacharya, states: "Lead exposure is a serious issue, and it's important to identify early

signs of neuromotor exposure effects—such as impaired postural balance or locomotion—before permanent damage occurs. Our research may help develop control strategies for minimizing exposure to lead at an earlier stage." Chelation, also known as "scrubbing," is a process involving an orally administered drug which will seek out and bind to poisonous metals, such as lead, in the bloodstream. The compound of the drug and the metal is then excreted through the urine, essentially cleansing the body of lead. Experts caution that chelation, a potent treatment, should be used only in extreme cases of lead poisoning where blood lead levels are greater than 40 micrograms per deciliter.

This study follows a 2006 study by the same researchers published in the October 2006 issue of the *Journal of Adolescent Health*. The results of that study indicate that teenagers who had elevated blood lead levels during childhood suffer more accidental injuries than those who had lower levels. Bhattacharya states that the new data, combined with the older data, "leads us to believe that succimer therapy may also result in reduced injuries among this at-risk population."

For the full article, see *Journal of Neurotoxicology*, 28, No. 3 (May 2007)

Evidence Mounts of Effects of Lead on Adults

A study by the Center for Occupational and Environmental Neurology in Baltimore, Maryland of workers exposed to lead in the workplace found that workers who were good readers retained much

more of their thinking skills than did co-workers with low reading levels. What doctors call cognitive reserve, built up by years of reading, appears to have protected the brain from much of lead's assaults on attention, memory, mental calculations and decision making.

Workers with the same level of exposure who scored at the 11th grade level or lower on a reading test had more than twice the level of cognitive damage from the lead. The protective reserves the brain develops as the result of reading skills does not apply to the nervous system. Both groups suffered similar neurological problems as shown by tests of the workers' motor skills.

For the full article, see *Journal of Neurology*, 69, No. 5 (July 31, 2007)

Recent research also finds that adult exposure to lead even at low levels accelerates the progress of kidney disease. A study published in October in the *American Journal of Physiology-Renal Physiology* is the first of its kind to find the accelerating effect of lead on the progress of the disease.

This latest study adds to the evidence that low levels of lead exposure in adults can, over time, also damage the heart and brain and lead to impaired cognitive function.

Associations between lead and these health effects were also noted in a study reported in the January 2007 issue of *Environmental Health Perspectives* (EHP). The study found that these associations remained consistent across subgroups, including smokers, diabetics, males and females, suggesting that they are not likely due to

chance or other factors.

For more information on these studies, see American Journal of Physiology-Renal Physiology, v. 293, n. 4 (October 2007). An abstract of the study is available at <http://ajprenal.physiology.org/cgi/content/abstract/293/4/F1391>

The Environmental Health Perspectives article, v. 115, n.1 (January 2007) can be found at www.ehponline.org/realfiles/members/2007/115-1/focus.html.

COMMUNITY INITIATIVES

Angie's List Sponsors Nationwide Tour Focused on Lead

Angie's List, the consumer organization that is a referral service for homeowners looking for reliable local contractors and other service providers for projects in and around the home, came to Chicago October 13th as part of its Lead Paint Education Tour to 20 cities. The event was held at the University of Illinois's School of Public Health. The tour was developed in response to an Angie's List investigation into whether contractors were following lead-safe work practices.

Angie's List has more than 500,000 members across 124 cities and gathers more than 15,000 reports each month about companies that have been used by members.

The company provided publicity for the Tour and contacted

providers in each area who were reported by members as providing high quality work in services such as dry walling, painting and home renovations, to attend the event and to go through the LSWP training.

The Angie's List Tour included a four hour HUD approved training in lead safe work practices for consumers and contractors as well as an educational event for families about lead poisoning prevention and what they should look for in hiring a contractor. The Chicago Department of Public Health conducted the four hour training and Loyola University's ChildLaw Center and other members of the Lead Safe Housing Task Force contributed staffing and organizational support.

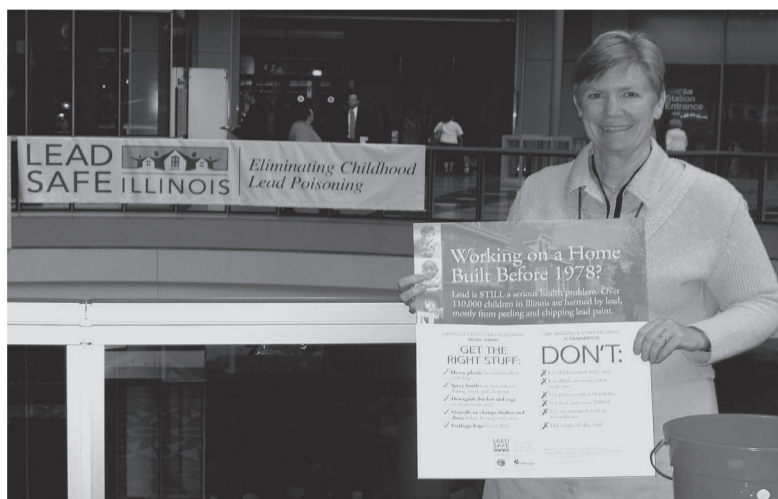
Founder of Angie's List, Angie Hicks, said, "We are concerned that our members are being given incorrect information about lead-based paint. The goal of this tour is to bring together experts who

can educate the public about the hazards associated with lead."

A nationwide poll of Angie's List members found that 51 percent live in a home built prior to 1978. Of those members, 75 percent said their contractor failed to warn them about the possible dangers of lead-based paint, and 85 percent never received the pamphlet. Although recognizing that low-income children are at the highest risk for lead poisoning, the company emphasizes that it poses danger for every income level. Angie's List CEO, Bill Oesterle, was rehabbing an older home in Indianapolis when his daughter, then two years old, suffered the effects of lead poisoning.

Development Project in Mexico Trains Artisans to Use Lead-Free Glazes in Pottery

In 1978, when the Consumer Product Safety Commission restricted the use of lead in paint to no more



Leslie Nickels, Deputy Director, Great Lakes Centers at the University of Illinois Chicago, displays Chicago's hardware store poster and supplies needed to work lead safe at the State of Illinois Building during this year's Lead Poisoning Prevention Week. State and local government agencies and community based groups participated, providing information to interested passers-by.

than .06 percent, ceramic pottery from Mexico, made with lead glazes, could no longer be legally exported to the United States. In the years since 1978, while many artisans gave up their craft, others continued to use the glazes in their home studios and exposed their families to lead poisoning.

An organization called “Barro Sin Plomo (“clay without lead”) has

been training artisans for the past 10 years in the lead-free arts in the villages of Mexico. The project has helped artisans make a living who otherwise would be forced to try to enter the United States as undocumented workers or to put their families at risk by continuing to make leaded pottery in their homes.

For the full article, see the Providence Journal, June 19, 2007/Leifer.

FYI

Concern Rises about Child Product Safety

Following recalls of hundreds of children’s products because of lead and other hazards, efforts are underway on the state and federal level to inform consumers about recalled children’s products. In addition, the Chicago City Coun-

Excerpts from the Testimony of Terry Mason, M.D., F.A.C.S., Commissioner, Chicago Department of Public Health before the Committees on Finance and on Licensure and Consumer Protection, Chicago City Council, delivered Nov. 20. The Council held hearings on the dangers of lead and the recent rash of recalls associated with lead contaminated toys.

This past summer Americans learned what experts have long warned: the Federal system for regulating consumer safety, particularly amongst imports into our country, is broken. What I find particularly disturbing about the recent recalls is that medical science has understood the danger of lead to children since the late 1800s. Most of the world responded to this danger by banning the use of lead in paint in the 1920s.

.... When we look at lead poisoning in Chicago, it is important that we all recognize that nearly all children are poisoned by old, deteriorating, lead-based paint in their own homes. The focus of our lead poisoning prevention program, and the reason why it has been so successful, is addressing lead-based paint in housing. Our goal is to eliminate lead poisoning as a public health problem. [T]his means not only drastically reducing lead poisoning citywide, but eliminating lead poisoning as an example of health disparities. We will not rest until lead poisoning rates are no higher in our low-income neighborhoods than our more affluent ones. This will never happen without an intense focus on eliminating lead hazards from our housing stock.

I do not mean to imply that the dangers posed by the toys are insignificant or that action should not be taken against the manufactures and resellers of them. Indeed, some manufactures and retailers have argued that we should not worry greatly about lead in toys or consumer products since their products have been linked to so few cases of acute poisoning. This argument ignores two key facts. One is that there is no safe level of lead in a child. Researchers have been unable to identify a point at which lead exposure does not cause some level of IQ loss. In fact, recent research has shown that at the level of lead exposure commonly referred to as “normal” or “safe,” a child may have already lost nearly 8 IQ points from their lead exposure. Therefore, just because few children have been acutely poisoned or documented, does not mean that there have not been many children harmed from the lead exposure. The second fact ignored in this argument is that lead exposure is essentially cumulative. A child can pick up lead from many different sources, and it adds up over time to increase their blood lead level. This is especially critical in an urban area, where the historic uses of lead have left a lot of the toxin in the environment. Our children already have a higher background level of exposure – they do not need additional lead from a toy or trinket.

.... Although, as a city, we should continue to proactively identify hazardous products and keep them off store shelves here, the ultimate solution to this problem only lies at a Federal level. [t]he Federal Government, and especially the Consumer Product Safety Commission, must take responsibility for better policing imports into our country. Furthermore, we need laws on the Federal level requiring pre-market testing of all children’s products. Currently there is no requirement that a children’s toy be tested for dangerous substances before it is made available for sale. The CPSC relies on companies to voluntarily test their own products and relies on the public to report potentially dangerous items for government investigation. This voluntary system has clearly proven to be ineffective at preventing dangerous products from finding their way onto store shelves.

cil, convened a hearing to address the problem.

Illinois Attorney General Issues Shopping Guide

In time for the winter holiday season, the Illinois Attorney General issued a 2007 Safe Shopping Guide that lists all toys and children's products recalled January 1, 2007 through November 21, 2007. The Guide and updates are available on the Attorney General's website at http://www.ag.state.il.us/consumers/safe_shopping.html.

The Attorney General also established a Hotline for report of recalled products being sold in stores and to answer consumer questions. The number is 1-888-414-7678.

CPSC's Email "Drive to 1 Million" Campaign

The U.S. Consumer Product Safety Commission (CPSC) launched a new program which provides consumers with easy access to information about potentially dangerous products. "Consumers can literally save lives with the click of their computer mouse," says Nancy Nord, the acting commissioner of the CPSC.

The "Drive to 1 Million" campaign is an effort to increase the flow of

information to consumers. The goal is to sign up at least 1 million people for the CPSC e-mail notification program. To sign up for the CPSC e-mail notification project, visit: www.cpsc.gov

Federal Legislation Focuses on Strengthening CPSC

In response to growing concerns about the effectiveness of the CPSC in protecting the health and safety of children, Senator Dick Durbin (D-IL) introduced S. 1847 to increase the appropriation for CPSC and to reduce the time required to alert the public to unsafe products. Several other bills also have been introduced to address these concerns. For more information on this issue, see www.ombwatch.org/regs.

State Sends Notices to Illinois Child Care Providers

In July Illinois' Department of Human Services began statewide mailings to all Childcare providers (including exempt providers) receiving funds through the Child Care Assistance Program (CCAP) to inform them about their obligation under the Lead Poisoning Prevention Act of 2006 to provide

parents with information annually about childhood lead poisoning. This mailing was inserted with their July billing and included a flyer with essential facts about preventing lead poisoning that can be distributed to the families they serve. The fact sheet, available in English, Spanish and French, can be found on the Illinois Department of Public Health website: www.idph.state.il.us. Click on publications, scroll down to: lead out fact sheets.

Upcoming Conference

Registrations are now being accepted for lead poisoning prevention training sponsored by the CDC National Lead Poisoning Prevention Training Center. The sessions run from March 10 2008 through March 14, at the Holiday Inn Chicago Mart Plaza. Registration is open to state and local lead poisoning prevention program managers and staff, and for the first time, representatives from housing agencies and community based organizations. The deadline for registration is Monday, February 25. For information about the training contact Laura Titus at the National Center for Healthy Housing, ltitus@nchh.org or call 443-539-4161.

For more information or referrals on lead poisoning prevention efforts:

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