



NEW ENGLAND LEAD PREVENTION




New England Lead Coordinating Conference (NELCC) is sponsored by the U.S. Environmental Protection Agency, Region 1 and is administered by JSI Research & Training Institute Inc.


## Legislative Overview - Updates by State

11/01/2017

[www.newenglandlead.org](http://www.newenglandlead.org)



NEW ENGLAND LEAD PREVENTION



New England states have some of the oldest housing in the United States with over a third of New England housing built before 1950, where deteriorating lead-based paint is most likely to exist. Although lead poisoning can cause serious health problems, especially in children younger than six years old, it is preventable.

**NELCC MEMBERS**

- **Aroostook Band of Micmacs**
  - **Connecticut**
  - **Maine**
- **Massachusetts**
- **New Hampshire**
- **Rhode Island**
- **Vermont**

[www.newenglandlead.org](http://www.newenglandlead.org)




NEW ENGLAND LEAD PREVENTION

## Connecticut Legislative Updates


[www.newenglandlead.org](http://www.newenglandlead.org)

## Connecticut 2017 Legislative Session

- Connecticut Department of Public Health introduced Senate Bill 937: ***An Act Concerning the Department of Public Health's Recommendations Regarding Lead Prevention Initiatives and Asbestos Training.*** (Resulting in Public Act No. 17-66)
- Statutes affected by this legislation include:
  - 20-474
  - 20-476
  - 20-477
  - 20-479
  - 20-480
  - 19a-14



Connecticut Department of Health



## Legislation Included:

- Requiring lead and asbestos training providers to be certified
  - ▣ Annual renewal
  - ▣ Fee: \$50
  - ▣ Effective date: 10/01/2017
  - ▣ Added a definition and references throughout the Statute
- Reason: two Connecticut training providers were indicted for selling training certificates
  - ▣ Individual courses still need to be approved by DPH staff



Connecticut Department of Health



## Legislation Included:

- Eliminated the term Lead Consultant
  - ▣ Definition read as: “Lead consultant” means any person who performs lead detection, risk assessment, abatement design or related services in disciplines including inspector and planner-project designer.
- Reason – there is no certification for Lead Consultant but there is for lead inspector, lead inspector risk assessor and planner-project designer
  - ▣ Removed Lead Consultant and listed out lead training provider, lead inspector, lead inspector risk assessor, and lead planner project designer



Connecticut Department of Health



## Policy Change:

- Discontinuing the Lead Abatement Consultant Contractor license
- Reason: Discipline is not found in the enabling Statutes
  - Lead Abatement Contractor
    - Companies that can perform lead abatement jobs
      - Employ certified lead abatement supervisors and lead abatement workers
  - Lead Consultant Contractor
    - Companies that perform the lead inspection, lead risk assessment or the plan and/or project design of an abatement job
      - Employ certified lead inspectors, lead inspector risk assessors and lead planner project designers



Connecticut Department of Health



## Policy Change:

- Training must match the discipline applying for
  - e.g., certified lead abatement worker must take lead abatement worker trainings (initial & refresher) – NOT lead abatement supervisor training
- Reason: trainings have different focuses and are not transferrable



Connecticut Department of Health



## Contact Information:

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Connecticut Department of Health



## Massachusetts Regulatory Updates

[www.newenglandlead.org](http://www.newenglandlead.org)

## Massachusetts



### Massachusetts Lead Law: M.G.L. c. 111, § 197

- Department of Public Health Childhood Lead Poisoning Prevention (CLPPP)
  - 105 CMR 460.000
    - Proposed amendment publication date **November 17, 2017**
- Department of Labor Standards (DLS)
  - 454 CMR 22.00
    - Most recently amended **January 13, 2017**

Massachusetts Department of Labor Standards

## Massachusetts



### □ Proposed Pediatric Healthcare Screening Changes

- **Mandatory Screening Schedule Remains the Same**
  - Screen all children at 9-12 months and again at ages 2 & 3
  - Continue to screen children 4 and over if High Risk
    - **Lives in a High Risk Community:** A list of these communities can be found at: [mass.gov/dph/clppp](http://mass.gov/dph/clppp): "Lead Research and Statistics"
    - **Lives in a High Risk Environment:** Other poisoned children in the same home or pre-1978 homes under renovation
- **Changes to Regulatory Blood Lead Level Categories**
  - **Lead Poisoning:** Venous Blood Levels  $\geq 10 \mu\text{g/dL}$  (*reduced from 25  $\mu\text{g/dL}$* )
  - **Blood Lead Level of Concern:** Venous Blood Levels 5 to  $<10 \mu\text{g/dL}$  (*new regulatory category*)

Massachusetts Department of Labor Standards

## Massachusetts



### Proposed Pediatric Healthcare Changes (Cont):

- ▣ **Changes to Screening and Reporting Thresholds**
  - Capillary tests  $\geq 5 \mu\text{g/dL}$  now require venous confirmatory re-screening (recommended within 2 months)
  - Continue to report all Blood Levels to CLPPP
    - **BLL  $10 \mu\text{g/dL}$  or greater** (reduced from  $25 \mu\text{g/dL}$ ): Report within 3 business days of testing
    - **BLL  $< 10 \mu\text{g/dL}$** : Report within 7 business days of testing
  - Provide parents/guardians with proof of screening for entry into daycare and pre-K programs in addition to kindergarten.

Handouts available

Massachusetts Department of Labor Standards

## Massachusetts



### Property Owners and Contractors:

#### When Do the Changes Go into Effect?

- ▣ **All changes go into Effect December 1, 2017**
- ▣ Deleading work that began *before December 1, 2017* can be completed to the abatement standards in place at the time of the deleading notification *if*:
  1. The submitted deleading notification includes the "start work date" prior to 12/1/17; *and*
  2. The work is completed and passes a final deleading re-inspection on or before January 2018.

Massachusetts Department of Labor Standards

## Massachusetts



### Property Owners and Contractors:

#### What are the Changes to Deleading Requirements?

##### Accessible, Mouthable Surfaces

- The following must be delead:
  - Window sills that are 5 feet or less from a floor, stair tread, or ground
  - Hand rails and railing caps
- Surfaces like baseboards, door and window casings, and outside corners of walls that are in good condition no longer require deleading.

##### Friction Surfaces

- Doors (edges), door jambs, and stair treads are lead hazards. They must be delead at all points of potential friction where the components meet. Stair treads need to be abated in their entirety from the balusters to the wall – or they can be covered.

Massachusetts Department of Labor Standards

## Massachusetts



### Property Owners and Contractors (Cont):

#### What are the Changes to Deleading Requirements?

- **Encapsulation:** Can now be used for Exterior Accessible, Mouthable Surfaces *if*:
  - 1) The existing paint or coating is well adhered *and*
  - 2) The surfaces assessment requirements are met.
- **Repainting/Sealing:** Floors where loose lead paint was made intact for compliance must be repainted and pass a dust wipe sample (alternatively, these surfaces can be covered).
- **Coating Removal Using Chemicals:** All doors and woodwork where chemical stripping, including off-site dipping, was utilized, will now be subject to re-inspection to ensure that the components are repainted prior to occupancy.

### Handouts Available

Massachusetts Department of Labor Standards



## Massachusetts



- Contact: CLPPP at 800-532-9571

[www.mass.gov/dph/clppp](http://www.mass.gov/dph/clppp)

Draft Reg (redline): <http://www.mass.gov/eohhs/gov/laws-regs/dph/proposed-regulations/lead-regulations.html>

- Contact: DLS at 617-626-6979

[www.mass.gov/leadsafe](http://www.mass.gov/leadsafe)

Reg:

<https://www.mass.gov/files/documents/2017/10/23/454cmr22.pdf>

Massachusetts Department of Labor Standards

## Massachusetts



Massachusetts Department of Labor Standards



## Vermont Legislative Updates

[www.newenglandlead.org](http://www.newenglandlead.org)

## Vermont Healthy Homes Lead Poisoning Prevention Program

Vermont Blood Lead Screening Law Overview:

The Healthy Homes Lead Poisoning Prevention Program works with health care providers to ensure that all children are tested for lead. [Vermont law](#) requires that all children are tested for lead at 12 months and 24 months.

- **Test all children at 12 months and 24 months.**
- **Test all children ages 36 to 72 months who have not been previously tested.**
- **For children of refugees:** test all children, age 6 months to 16 years old, upon entry to the U.S. Within three to six months, a follow-up blood lead test should be performed on all refugee children age 6 months to 6 years, regardless of initial screening result.
- **Other at-risk populations:** International adoptees, immigrants, children of migrant workers, children in foster care, and children diagnosed with pica or special health needs that increase hand-to-mouth behavior.

Vermont Department of Health

## Vermont HHLPPP Overview

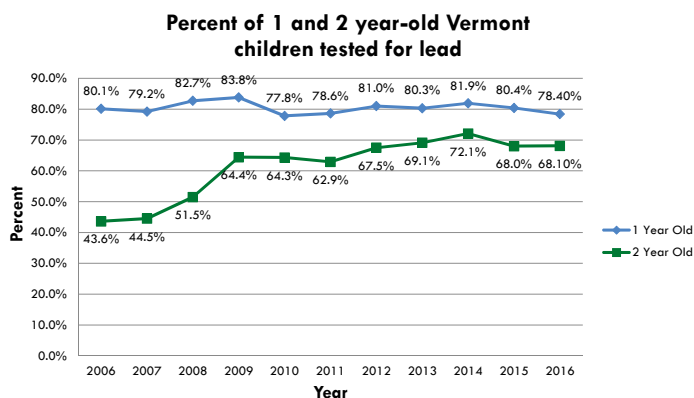
- CDC Funded Healthy Homes and Lead Poisoning Prevention Program (HHLPPP)
  - 5 Staff (Program Manager, Case Investigator, Information Director, Surveillance Database Administrator, and Division Admin.)

Grant Goals:

- For the three-year project period, Vermont has four long-term outcomes:
  - Increase knowledge of and support for primary prevention
  - Decrease number of children with BLLs at or above the reference value (5 µg/dl)
  - Increase percentage of lead-safe housing
  - Increase public policies that support safe and healthy housing

Vermont Department of Health

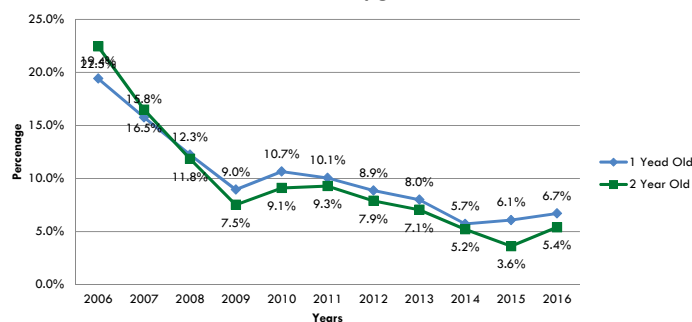
## 2016 Vermont Blood Lead Data



Vermont Department of Health

## 2016 Vermont Blood Lead Data

Vermont Children Ages 1 & 2 with a Blood Lead Level  $\geq 5 \mu\text{g/dL}$



Vermont Department of Health

## Vermont HHLPPP Overview

- Continue to develop outreach and guidance for general public and targeted populations (e.g., pregnant women, women of childbearing age, parents of young children).
  - ▣ Recently developed video versions of many of our fact sheet to correspond with updated. Videos include how to make a general all purpose cleaner for wet cleaning, how to use a dust wipe kit, risks of lead in vintage goods, how to test your water for lead and other contaminants.
  - ▣ Also updated fact sheets on vintage goods, lead safe cleaning, drinking water and lead, and developing a lead hazards and firearm safety as well as updated risks of maple sugaring fact sheet.
  - ▣ Developed a tool for providers to use for pregnant women to assess their risks of lead exposure.
  - ▣ We also link in important videos on lead safe renovation and the effects of lead on the brain.
- Working with providers to increase screening rates among providers and coordinate with ALRP.
  - ▣ Using our SPHINX (Shared Public Health Information Exchange) system to share data to look at practices that are underperforming and target outreach letters encouraging increasing rates. Also, may include punitive action at a later date.
  - ▣ Working with Environmental Health Tracking and Envision to test lead in school water in high risk towns of VT.
  - ▣ Working with Asbestos and Lead Regulatory Program (Vernon's program) to revise lead law and better coordinate Essential Maintenance Practice (EMP) compliance in rental properties where children are poisoned.
  - ▣ Working toward moving to CDC's HHLPPS surveillance system.

Vermont Department of Health

## Vermont Legislative Update - Summary

### Vermont's Lead-based Paint Laws and Regulations

#### V.S.A. Chapter 38 - Lead Poisoning Prevention

- Vermont Regulations for Lead Control (Inspection and Abatement)
- Essential Maintenance Practices (2017 proposed revision to adopt and incorporate USEPA RRP – decision pending)
- USEPA Renovation, Repair and Painting (RRP)
- Lead in Construction – worker safety (VOSHA)

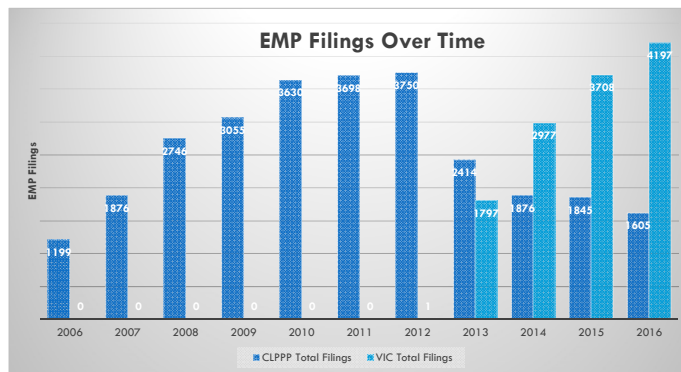
Vermont Department of Health

## Vermont's Essential Maintenance Practices (EMP) Law

- Applies to pre-1978 residential rental housing and child care facilities.
- Applies when disturbing one (1) square foot or more of lead-based paint.
- Must use lead-safe work practices and restricts prohibited practices.
- Person performing the work or an on-site supervisor must have a Vermont Department of Health EMP Certificate.
- Requires annual compliance statement to be filed with VDH

Vermont Department of Health

## VT EMP Compliance Statement 10 Year Trend



Vermont Department of Health

## Contact Information:

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Vermont Department of Health


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## New Hampshire Legislative Updates

[www.newenglandlead.org](http://www.newenglandlead.org)

## New Hampshire Legislative Updates

- Beverly Baer Drouin, Administrator



**NH Senator Dan Feltes District 15**  
Concord, Hopkinton, Henniker, and Warner

## Senate Bill 135 – July 2015 Childhood Lead Poisoning & Screening Law

### First change in lead law since 2008

- **Protect families** from eviction if child has EBL
- **Notify Property Owners** of Child with EBL 5 – 9 ug/dl
- **Notify Parents** of Children EBL 5 – 9 ug/dl by letter.
- **Established 85% testing goal** for 1 YO testing and 2 YO testing by December 2017 or move towards enforcement
- **Created Commission** on Childhood Lead Poisoning Screening and Prevention



## Commission on Childhood Lead Poisoning Screening & Prevention

### Have met ongoing since August 2015

- **Medical community**
- **State and local public health**
- **Small, medium & large scale landlords**
- **Head start**
- **HUD lead hazard control grants**





## Commission on Childhood Lead Poisoning Screening & Prevention

### Have met ongoing since August 2015

- Member of the Senate
- Member of the House
- NH Housing Finance Authority
- NH Property Owners Asc.
- Licensed childcare facility
- NH Kids Count



## Commission on Childhood Lead Poisoning Screening & Prevention

### Provide summary report to Governor December 2017

- Universal Screening for 1 and 2 year olds
- Blood lead required to be on file for entry into kindergarten & licensed child care
- Essential Maintenance Practices for pre-78 rentals
- State take over authority for EPA RRP program
- Modified whole building enforcement



## Commission on Childhood Lead Poisoning Screening & Prevention

### Provide summary report to Governor December 2017

- **Landlord protections**
- **Lower action level to 5ug/dL**
- **Must show proof of RRP certificate to obtain building permit**
- **Code officials must provide RRP educational pamphlet**
- **Modifications to real estate disclosure**



## Commission on Childhood Lead Poisoning Screening & Prevention

### Provide summary report to Governor December 2017

- **Create \$3 Million landlord grant fund for component replacement (e.g. doors, windows)**
- **Test drinking Water in homes of poisoned children**
- **Testing drinking water of schools and child care facilities**
- **Inventory and remove lead pipes in municipal water**
- **Required Insurance coverage for blood lead testing**



## Commission on Childhood Lead Poisoning Screening & Prevention

### Senator Feltes introduced SB247 in January 2017

- Commission worked for last 2 years – resulted in Senator Feltes introducing SB247 in January 2017



## The Journey of Senate Bill 247

### Started in the Senate March 2017

- **NH Universal Testing State – ALL 1 and ALL 2 year olds**
  - required for public school entry
  - required for child care entry
  - (Consistent with all other New England States)*
- **Lower Public Health Reference Level –**
  - Consistent with reference level of 5 mcg/dl
- **NH becomes an EPA-authorized RRP State –**
  - Authority to shut down lead-paint sites
  - Contractors are now following lead-safe work practices

## The Journey of Senate Bill 247

### First in the Senate and then to the house

- **PASSED** NH Senate – vote of 15 – 7 - March 31, 2017
- **PASSED** NH House Healthy and Human Services and Elderly Affairs Committee policy vote 19 – 1
- **PASSED** full NH House policy vote 233 – 109
- **Retained** – by NH House Finance Committee – May 24, 2017  
Vote of 15 – 11



## The Journey of Senate Bill 247

### House Fiscal Committee

- Committee appears legitimately interested in working on the bill and moving it forward. In other words, it does not appear this is an effort to kill SB 247.
- To be reintroduced in January 2018 legislative session



## The Journey of Senate Bill 247

### House Fiscal Committee

- Universal Screening of 1 & 2 year olds
- Lowering the action level to 5ug/dL
- Testing drinking water in homes of poisoned children
- Essential Maintenance Practice for pre-78 rentals
- Rental units must have lead inspection
- Rental units must have lead safe certificate by 2021



## The Journey of Senate Bill 247

### House Fiscal Committee

- Licensed child care facilities must have lead inspection
- Licensed child care facilities must have lead safe certificate by 2021
- Code officials must distribute RRP educational material
- Proof of RRP required to obtain building permit
- \$3M Grant program is now a loan program



## Stay Tuned! Any Questions?

**State of New Hampshire  
Department of Health & Human Services  
Division of Public Health Services  
Bureau of Public Health Protection  
Healthy Homes & Environment Section**

**Beverly Baer Drouin  
603-545-4775  
Beverly.Drouin@dhhs.nh.gov**



## Rhode Island Legislative Updates

[www.newenglandlead.org](http://www.newenglandlead.org)

## RI State Agencies



- Department of Health (RIDOH)
- Housing Resources Commission (HRC)
- Department of Environmental Management (DEM)

## RI Lead Laws



- Lead Poisoning Prevention Act (RIGL §23-24.6) - RIDOH
- Lead Hazard Mitigation Act (RIGL §42-128.1) - HRC
- Clean Air Act (RIGL §23-23) - DEM

## RI Lead Regulations



- RIDOH Rules and Regulations for Lead Poisoning Prevention (R23-24.6-PB)
- HRC Rules and Regulations Governing Lead Hazard Mitigation
- DEM Air Pollution Control Regulation No 24: Removal of Lead-Based Paint from Exterior Surfaces

## RIDOH - EPA



- Promulgate Regulations
- Certify lead training courses
- License lead professionals
- Define lead standards
- Approve treatment options for lead hazards
- Specify lead safe work practices
- Track compliance & enforcement



## RIDOH - CDC



- Universal lead screening
- Lead screening guidelines
- Elevated blood lead level (EBLL) – non-medical case management
- Environmental intervention blood lead level (EIBLL) – comprehensive environmental lead inspection
- Surveillance data

## HRC



- Educate property owners and tenants
- Increase supply of rental housing with Certificates of Conformance
- Resolve disjointed insurance practices

## RIDOH v. HRC



- Lead Poisoning Prevention Act is largely reactive, not proactive. Services provided for lead-poisoned children. Enforcement against owners of those properties.
- Lead Hazard Mitigation Act focuses on rental property regardless of occupancy by children, but exempts owner-occupied 1-3 unit houses. HRC has no enforcement authority.

## Previous Proposal



- Repeal Lead Hazard Mitigation Act to combine RIDOH & HRC lead programs
- Eliminate inconsistencies between the agencies
- One agency with one database
- More efficient
- Less confusing to the public

## Budget Article 22



- Proposed as a budget article relating to Lead Poisoning Prevention Programs so RIDOH wouldn't get HRC lead program without funding source
- Proposed funding source was part of real estate conveyance tax – some pushback
- Article never introduced – too complicated for Finance Committee

## Regulatory Changes



- Did not combine RIDOH & HRC lead programs
- Reword, reorganize, clarify content
- Expand definitions
- Reduce # licensees, simplify names
- Eliminate most RI differences with EPA RRP Rule
- Adopt federal lead standards

## RI Administrative Procedures Act



- The Rhode Island Administrative Procedures Act (APA, RIGL §42-35-1, et seq.) governs agency rulemaking, including how state agencies propose and promulgate regulations.
- State agencies must use a prescribed process for creating or amending regulations.

## New Proposal



- Redraft Article 22 as legislation
- Explore other funding sources
- Combine RIDOH & HRC lead programs
- Upgrade existing RIDOH database even if programs are not combined

## RI Code of Regulations



- APA requires all executive regulations to be reformatted and filed as part of a state code (RICR)
- RIDOH is using this opportunity to also reorganize, rewrite, and amend the Rules and Regulations for Lead Poisoning Prevention (R23-24.6-PB)
- R23-24.6-PB will be repealed and replaced by 216-RICR-50-15-3 – Lead Poisoning Prevention

## Rulemaking Process



- **Step One:** Regulatory Preparation and Analysis
- **Step Two:** Advance Notice of Proposed Rulemaking (optional step)
- **Step Three:** Notice of Proposed Rulemaking and Public Comment Period
- **Step Four:** Finalizing Regulations and Filing with the Office of the Secretary of State (as of 11/1/2017)

## Contact Information



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