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## *Alliance Alert*

### **Rhode Island Supreme Court Overturns Landmark Decision against Lead Pigment Manufacturers; Alliance Blasts Decision as Short-Sighted, Harmful to Children**

The lead poisoning prevention community is enormously disappointed with the decision issued July 1 by the Rhode Island Supreme Court that reversed a jury's decision holding three former lead pigment makers liable for creating a public nuisance through the sale and promotion of lead-based paint. It is especially painful to see a reversal in the first case where a state sued the pigment makers. Justice was not served for the tens of thousands of Rhode Island children who have been irreversibly harmed by lead in recent years.

The paint companies may not have been found legally responsible under the technical definitions of public nuisance, but this trial highlighted the undisputable moral failings of the industry. For decades, the companies added a known toxin to a household product while duplicitously marketing its safety and virtues.

The Alliance for Healthy Homes assures readers and other allies that it stands with Rhode Island lead poisoning prevention advocates who, for many years, worked so hard to encourage and support the State's lawsuit. The Alliance also expresses deep gratitude for the perseverance and hard work of the Rhode Island Attorney General's office and private counsel that assisted with the case.

There remain pending legal cases in Ohio and California where lead pigment makers could still be held accountable for their harmful actions, and we urge lead poisoning prevention advocates and governments to 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.

No matter the outcome of this case and any future cases, the Alliance also calls on the companies responsible for manufacturing and falsely promoting lead-based paint as "safe" to finally step up to the plate and voluntarily provide the monetary resources necessary for state and local governments and private property owners to ensure that all housing in America is lead-safe.

Finally, the Alliance urges advocates to redouble efforts in the "ground war" against lead poisoning. Despite this month's unfortunate setback, we all must

continue working to safeguard our children from lead exposure. We must continue fighting for smarter and stronger prevention-oriented policies at the state and local levels and demanding greater funding for prevention programs, particularly pending federal appropriations for HUD, CDC, and EPA lead poisoning prevention programs.



## **Studies Link Childhood Lead Exposure to Criminal Behavior Later in Life and Decreased Brain Volume**

Two studies examining the life-long effects of lead exposure in children have helped confirm a link between lead and criminal behavior and dramatically demonstrated permanent brain damage likely a result of lead exposure.

The studies, conducted in Cincinnati, tested children's lead exposure before birth and during the first seven years of life. Researchers then followed up with the individuals who took part in the study, measuring brain size and examining arrest records when those children reached adulthood.

Although previous studies have pointed to an association between lead exposure and violent or anti-social behavior, the rigorous and prospective design of the Cincinnati study provides stronger evidence. The researchers found evidence that increases in both prenatal blood lead levels and the blood lead level at age six were statistically associated with increases in the number of arrests later in life. Average childhood lead level, as well as the lead level at age six, were associated with an increased likelihood of arrests for violent crimes.

In the brain volume study, researchers helped explain the epidemiological evidence of lead's impact by using MRI technology to estimate the actual volume of different areas of the brain. Adults who had higher lead levels as children were found to have less gray matter, particularly in areas of the brain associated with mood regulation and decision making. The effect was substantially greater in males than in females, suggesting that lead poisoning may have more severe impacts for boys than girls.

Advocates and experts alike say that the studies reinforce the fact that there is no "safe" level of lead exposure. They urge local, state, and federal government agencies, as well as private property owners, to continue to do whatever they can to control and eliminate lead hazards in the home.

Click [here](#) to see the full text of the study looking at arrest records; the full text of the study looking at brain volume is available [here](#). The studies were also accompanied by a useful commentary from lead research [David Bellinger](#).

## **Alliance, NRDC, and Sierra Club Sue EPA over Air Freshener Health and Safety Issues**

The federal government needs to inform consumers about the chemical ingredients found in household air fresheners and the potential risks those chemicals pose to human health, according to a lawsuit filed in mid-June by the Natural Resources Defense Council (NRDC), Sierra Club, and the Alliance for Healthy Homes. The lawsuit follows a 2007 NRDC analysis of more than a dozen common household air fresheners, which found that most contained chemicals called phthalates that may affect hormones and reproductive development, particularly in infants. Air fresheners may also contain other chemicals linked to lung irritation, asthma attacks, and increased rates of cancer.

The lawsuit, filed against the U.S. Environmental Protection Agency (EPA), would require the government to mandate that manufacturers disclose the results of safety assessments and properly label their products with full ingredient lists. Since the release of NRDC's 2007 air freshener report, *Clearing the Air*, this information is still not available to the public.

To read the full text of the organizations' lawsuit, visit [http://docs.nrdc.org/health/hea\\_080613A.pdf](http://docs.nrdc.org/health/hea_080613A.pdf) . For more background on the air freshener controversy, see our [initial story](#) from the September/October 2007 Alliance Alert.

## **Environmental and Public Health Groups Support Kid-Safe Chemicals Act**

A wide variety of environmental and public health organizations signaled support in late May for the Kid-Safe Chemicals Act of 2008 (H.R. 6100; S. 3040). The bill is designed to overhaul the Toxic Substances Control Act to shift the burden to chemical manufacturers and the U.S. EPA to show that chemicals currently on the market, as well as substances proposed for introduction, do not pose significant risks to children's health.

*Specifically, the legislation would:*

- Require that industrial chemicals be safe for infants, children, and other vulnerable groups;
- Require that new chemicals be safety tested before they are sold;
- Require chemical manufacturers to test and prove that the 62,000 chemicals already on the market that have never been tested are safe in order for them to remain in commerce;
- Require EPA to review "priority" chemicals, those which are found in people, on an expedited schedule;
- Require regular biomonitoring to determine what chemicals are in people's bodies and in what amounts;
- Require regular updates of health and safety data and provide EPA with clear authority to request additional information and tests;
- Provide incentives for manufacturers to further reduce health hazards;
- Require EPA to promote safer alternatives and alternatives to animal testing;
- Protect state and local rights to pass stricter chemical testing and safety laws and regulations;
- Require that all chemical testing results and safety hazard information be publicly available, thereby preserving the American public's environmental right to know.

The Alliance is among the organizations that have signed on to support the bill. It was introduced by Rep. Hilda Solis (D-CA) and Sen. Frank Lautenberg (D-NJ) and co-sponsored by Reps. Barbara Lee (D-CA), George Miller (D-CA), and Henry Waxman (D-CA) and Sens. Barbara Boxer (D-CA), Hillary Clinton (D-NY), John Kerry (D-MA), Robert Menendez (D-NJ), and Sheldon Whitehouse (D-RI).

For more information on the Kid-Safe Chemicals Act, including links to fact sheets, bill text and status, and the list of organizations that are supporting the legislation, visit [www.ewg.org/kidsafe](http://www.ewg.org/kidsafe) . Further information on your environmental right to know is available at [www.ombwatch.org/article/archive/97](http://www.ombwatch.org/article/archive/97) .

## **Alliance, NCHH Continue to Push for Model Code Changes**

The Alliance and the National Center for Healthy Housing submitted six proposed modifications to their previously submitted changes to the International Property Maintenance Code (IPMC). The new modified proposals are designed to address concerns raised by the Committee at the International Code Council's (ICC) hearing on code change proposals last February. The six proposals include:

PM4 – Revised proposal for requiring repair of exterior deteriorated paint in pre-1978 buildings using lead-safe work practices as defined by EPA’s Renovation, Repair, and Painting Rule.

PM6 – Revised proposal for requiring repair of interior deteriorated paint in pre-1978 buildings using lead-safe work practices as defined by EPA’s Renovation, Repair, and Painting Rule and requiring correction of underlying sources of moisture problems causing paint failure.

PM3 – Revised proposal to change the definition of extermination, renaming the requirement “pest elimination,” eliminating references to poison spraying and fumigation, and adding references to all rodents and water sources.

PM14 – Revised proposal to maintain maximum water temperature in showers and tubs at 120°F

PM7 – Revised proposal to require a carbon monoxide alarm where there is an attached garage or a fuel burning furnace, water heater, or appliance.

PM14 – Revised proposal to require that bathrooms in dwellings other than single-family units have a smooth, hard, nonabsorbent surface to permit the floor to be easily kept clean and sanitary. Non-permanent bathroom mats would be allowed.

The organizations also support a revised proposal by ICC’s Hazard Abatement in Existing Buildings Committee to establish a new Health and Sanitation Chapter in the IPC. It would incorporate health standards for asbestos, carbon monoxide, radon, lead, potable water, and arsenic-treated lumber in the property maintenance code.

ICC’s full assembly will consider the proposals at its meeting in Minneapolis, which is being held Sept. 19-23. A two-thirds majority vote of the government officials eligible to vote is needed for a proposal to be added to the code.

More information on the proposals is available at [www.afhh.org/aa/aa\\_housing\\_codes.htm](http://www.afhh.org/aa/aa_housing_codes.htm).

## **Lifelong Illnesses May Plague Children Who Lived in “Katrina Trailers”**

Since Hurricane Katrina struck the Gulf Coast nearly three years ago, environmental organizations and scientists have discovered and documented a variety of health threats to those who returned home to New Orleans and coastal areas of Louisiana and Mississippi. Ranging from toxic chemicals in sludge to rampant mold growth in homes damaged by flooding, the hazards have also included the high levels of formaldehyde in the “Katrina trailers” that the Federal Emergency Management Agency (FEMA) provided to survivors as “temporary” housing.

Evidence is emerging that life in the trailers has been especially hard on children. Classified as a vulnerable population by environmental health scientists, children often suffer more severe effects from exposure to health hazards because, pound for pound, they breathe more air, drink more water, and eat more food than their adult counterparts. This appears to be the case, too, for children exposed to formaldehyde in FEMA housing.

Doctors are worried that tens of thousands of children exposed to the high concentrations of formaldehyde found in many of the trailers will suffer lifelong illnesses such as frequent upper respiratory infections and severe asthma. Already, dozens of children who lived in the trailers have developed asthma or have seen their asthma worsen. Medical professionals cannot yet conclusively tie their symptoms to time spent in the trailers, though most suspect formaldehyde exposure to be the cause. Researchers also say that these children are likely at a higher risk of developing certain cancers in the next 10 to 15 years.

Despite the risks of formaldehyde exposure, a known respiratory irritant and carcinogen, more than 22,000 Katrina trailers are still in use on the Gulf Coast.

Recently adding to the growing body of research about the FEMA trailers, the Centers for Disease Control and Prevention (CDC) has published the results of two studies of trailers that FEMA provided to those displaced by Katrina. The first CDC study found average formaldehyde levels in FEMA trailers to be significantly elevated and that the levels could adversely affect occupant health. Travel trailers had significantly higher average formaldehyde levels than mobile homes. CDC also found that temperature, humidity, trailer type and brand, keeping windows open, and mold affected formaldehyde levels.

A second study was recently conducted for CDC by the Lawrence Berkeley Lab regarding formaldehyde in FEMA trailers used in the aftermath of Katrina. This study traced the formaldehyde's presence to extensive use of cheap, light plywood and particleboard for walls, flooring, and cabinet surfaces. The study also found that the "Katrina trailers" were not outfitted for adequate ventilation and were tighter than would be desired for housing with such small volume.

Details on the CDC studies are available at [www.cdc.gov/nceh/ehhe/trailerstudy/residents.htm](http://www.cdc.gov/nceh/ehhe/trailerstudy/residents.htm) . For more on formaldehyde and efforts to limit its use in products intended for home use, visit the [Sierra Club's website](#).

## **Home Use of Naphthalene Poses High Poisoning Risk for Children**

On May 14, the EPA released a draft revised risk assessment for naphthalene that indicates children are at high risk of poisoning from the chemical. Naphthalene is a common insect and small animal repellent used in mothballs.

In the assessment, EPA said naphthalene poses a higher risk to children than all other pesticides combined. This is partially due to the toxicity of the chemical, but it is also a result of the way that naphthalene is often used: mothballs are used in closets, wardrobes, dressers, and flowerbeds, where they are easily accessible to children who may handle or ingest them. Poison control center data indicate at least 133 cases of acute naphthalene poisoning in children every year, and experts estimate that there are more than 11,000 annual exposures to the toxin.

Short-term exposure to naphthalene in both children and adults can cause dizziness, nausea, vomiting, and headache. Intense, prolonged inhalation of the chemical can destroy red blood cells. Naphthalene is also classified as a possible human carcinogen.

To reduce children's exposure to the chemical, EPA recommends completely blocking access to the toxin and changing the packaging of mothballs to eliminate the risk for ingestion or handling. Eliminating the use of naphthalene-containing products in the home is highly recommended by other experts.

EPA is taking public comments on the assessment until July 14. For more information, visit [www.regulations.gov/search/index.jsp](http://www.regulations.gov/search/index.jsp) and search for Docket No. EPA-HQ-OPP-2008-0343. Visit the Pesticides Database for more on [naphthalene](#).



## Maryland Governor Signs Three Lead Poisoning Prevention Bills

In mid-May, Maryland Governor Martin O'Malley (D) signed three bills to protect the state's children from exposure to lead through toys and in homes. One law, governing lead in toys, went into effect on July 1. The other two bills go into effect on Oct. 1.

The first bill targets lead in toys and other children's products. The new law mandates that any products marketed to children under age 6 or that may be used by children under age 6 contain lead in no amount greater than 0.06 percent of total weight. The bill regulates items including accessories and jewelry, clothing, decorative objects, furniture, lunch boxes, eating utensils, and toys. It requires independent, third-party testing and mandates that certification be provided to retailers and/or the Maryland Department of the Environment (MDE) upon request. It subjects manufacturers to civil fines ranging from \$1,000 per day for each violation, up to a misdemeanor charge and a fine of \$10,000 or imprisonment up to one year for a willful violation.

The second piece of legislation, the Lead Poisoning Prevention Act of 2008, will protect owners and tenants by ensuring that information about MDE's lead certification is included in the Maryland Home Improvement Commission licensure process and provides for a \$5,000 penalty for each violation. The act's changes to the definition of "lead-safe housing" will allow MDE to establish a lead-contaminated dust test as part of a more stringent standard for housing. In addition, if a rental property owner cannot verify compliance with the state's lead standards, a tenant will be able to break a lease or rental agreement and have the property owner pay for reasonable relocation expenses. As a result, the risk of lead poisoning will be reduced for lower-income tenants with young children who may not otherwise have the means to pay for relocation.

The third bill empowers persons, including local governments and nonprofit organizations, to purchase rental properties with lead paint violations and bring them into compliance within a prescribed schedule. This bill would encourage the purchase of these properties by responsible property owners, resulting in an increase in the stock of lead-safe housing throughout Maryland.

Upon signing the legislation, O'Malley commented, "Together these bills will continue Maryland's leadership to eliminate childhood lead exposure by 2010. By adding protection for owners and tenants, encouraging the purchase and renovation of properties in violation, and enforcing standards for children's toys, Maryland is taking important steps to increase the amount of lead-free, affordable housing."

For more information on the bills, see the Maryland Department of the Environment [press release](#). Visit the Alliance's website for more on the [harmful impacts of lead exposure](#).

## Rhode Island Lead-Safe Housing List Goes Public

In late May, the State of Rhode Island launched a public lead-safe housing registry and made it accessible on the Internet. The registry, called the Lead Mitigation Certificate Database, already includes more than 15,000 properties and is updated on a regular basis as new properties come into compliance with the state's lead-safe housing law.

The database is searchable by city or town, and users can also run queries by street address. The Rhode Island Housing Resources Commission said it designed the online resource to be easy to use and to allow renters the opportunity to determine if the housing they wish to lease is in fact lead-safe.

To receive a certificate of compliance and be included in the database, rental property owners must allow the Rhode Island Department of Health to inspect each unit and test for the presence of lead dust. Property owners must also take any required mitigation steps to control paint and soil-based hazards in order to be included on the list.

Advocates praised the database launch and said they hope that by making such information publicly available, the state will encourage rental property owners not already in compliance to take steps to render their properties lead-safe and have the units included in the registry.

For more information on Rhode Island's lead-safe housing registry, visit [www.hrc.ri.gov](http://www.hrc.ri.gov).

## **Flame Retardants Contaminate House Dust with Largely Unknown Effects**

Common flame retardants known as polybrominated diphenyl ethers (PBDEs) have been detected in significant and increasing concentrations in house dust over the past decade. The chemicals are used in household furniture, electronics such as computers, and other products designed to reduce flammability. The rising concentrations are cause for concern because, though many effects of the chemicals remain unknown, scientists are beginning to understand the human health impacts of PBDEs.

PBDEs, a class of brominated flame retardants, are organic chemicals supplemented by bromine. Like their cousins, the chlorinated hydrocarbons, PBDEs are highly persistent in house dust and other environments, and they are also bioaccumulative, meaning that they build up in the tissues of living things, including humans, over time.

As the May 2008 issue of *Environmental Health Perspectives* explained, medical and environmental health researchers have only scraped the surface about what they know about the effects of PBDEs. It appears that the chemicals are potential endocrine disruptors, meaning they may negatively impact the human hormone system. PBDEs particularly seem to target the action of the thyroid.

In response to the growing body of research, the European Union took proactive steps to ban two types of PBDEs, known as "penta" and "octa," and recently, the U.S. EPA forged a cooperative agreement with PBDE manufacturers to phase out penta and octa in America. A third type of PBDE, the supposedly more stable "deca," is still in use in the United States; due to recent studies that show that deca can also escape the products in which it is used, build up in house dust, and break down in the more bioaccumulative penta, the European Court of Justice banned the use of deca on April 1.

For more information on PBDEs, visit the [Environmental Health Perspectives special May 2008 focus](#). The book, "[Our Stolen Future](#)" is a good resource for more information on endocrine disruptors.

## **EPA Pushes Safety Control Measures for Rodent Poisons**

New safety measures announced by the EPA are intended to protect children from accidental exposure to rodent-control products. These measures may also reduce the risk of accidental poisonings of pets and wildlife. EPA developed the new safety rules in response to a lawsuit against the agency filed by West Harlem Environmental Action and the National Resources Defense Council in late 2004, which challenged a 2001 agency decision to allow rat poison makers not to require that two effective deterrents—a bittering agent and a dye—be included in their rodenticide products.

EPA is requiring that ten rodenticides used in bait products marketed to consumers be enclosed in bait stations, making the pesticides inaccessible to children and pets. The agency is also prohibiting the sale of loose bait, such as pellets, for use in homes.

Rodenticides and other pesticides are some of the most dangerous environmental health hazards found in the home. These chemicals can cause acute poisonings, which can sometimes prove fatal, as well as respiratory, central nervous system, developmental, endocrine, and reproductive system disorders. Many pesticides are also known to cause or are suspected of causing cancer in humans and pets.

Visit the EPA's website for more information on [rodenticide safety measures](#). For more on the dangers of pesticides and how property owners can reduce the risk of pesticide exposure and poisoning through integrated pest management (IPM), see [www.afhh.org/hhe/hhe\\_pesticides.htm](http://www.afhh.org/hhe/hhe_pesticides.htm) and [www.afhh.org/dah/dah\\_pesticides.htm](http://www.afhh.org/dah/dah_pesticides.htm).

## **Environmental Tobacco Smoke May Increase Severe Infection Risk in Children**

In addition to its significant impacts on childhood asthma and the development of lung and other cancers, environmental tobacco smoke in the home is now suspected of increasing children's risk of severe infections. Such infections, including meningitis, often require hospitalization and prolonged medical treatment.

The exact pathway of increased infection risk is yet unknown, but scientists studying the issue believe that environmental tobacco smoke, also known as secondhand smoke, suppresses or otherwise alters a child's immune system in some way.

The increased risk is not insignificant. Researchers have found that all children exposed to environmental tobacco smoke in the home face a 14 percent increased risk of severe infection requiring hospitalization. Children exposed during the first six months of life saw their risk increase by 45 percent. Children with a low birth weight who were exposed to environmental tobacco smoke in the home fared even worse, with a 75 percent increased risk of hospitalization, while premature babies' risk doubled when exposed to secondhand smoke.

Medical experts said that the easiest way to reduce the risk is for parents and other residents of the home to quit smoking. Barring that, all smokers should smoke outside the home and should never smoke in a room where a child sleeps, plays, eats, or otherwise spends significant amounts of time.

For more on the dangers of environmental tobacco smoke, visit [www.lungusa.org/](http://www.lungusa.org/).

### **\* \* \* \* \* Alliance News \* \* \* \* \***

If you appreciate the news and information in the Alliance Alert, please consider making a tax-deductible donation to the Alliance! We rely on donations from individuals and organizations to allow us to do policy work in Washington and across the country. You can make a one-time donation or sign up to make a recurring monthly or quarterly donation on our website. We thank you for your support!

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The Alliance is excited to have two talented individuals join our staff as summer interns for the next few months:

*Susan Dixon*, a native of Washington, DC, is a junior at the University of North Carolina at Chapel Hill. She will be majoring in Environmental Health Science, a program within UNC's School of Public Health. This summer she hopes to gain experience in the nonprofit field, as well as learn more about the environmental health issues associated with hazardous housing. Susan will be working with the Alliance on updating our database of local healthy housing laws and regulations, assembling information on community partners, and updating some content on our website.

*Lindsay Britt*, a junior from Suttontown, NC, is a journalism major and English minor at the University of North Carolina at Chapel Hill. She is a staff writer for the on-campus monthly magazine *Blue&White*. Coming from a small town, Lindsay is enjoying the change of pace of living and interning in the nation's capital. Lindsay will be helping the Alliance with some of our communication needs and is responsible for the new look of the Alert.

## **Upcoming Conferences and Trainings**

### *2008 National Healthy Homes Conference*

*September 15-17*

HUD, CDC, EPA, and USDA will co-sponsor Building a Framework for Healthy Housing: 2008 National Healthy Homes Conference from Sept. 15-17 in Baltimore, MD. The conference will focus on key themes that together build the framework necessary to make homes safe, healthy, and efficient for everyone: Building Capacity to Deliver Healthy Housing; Mainstreaming Healthy Housing Principles; Creating Healthy Housing through Research; Developing Enforcement and Regulatory Strategies; Marketing Healthy Housing; and Educating the Public and Practitioner. If you haven't done so yet, register now by visiting [www.hud.gov/event\\_registration/index\\_2.cfm?eventID=855](http://www.hud.gov/event_registration/index_2.cfm?eventID=855). There is no registration fee but you must complete the online information form to register. Visit [www.hud.gov/offices/lead/2008NHHC.cfm](http://www.hud.gov/offices/lead/2008NHHC.cfm) for more information. If your agency or company is interested in exhibiting, send an e-mail to [weilcm2@comcast.net](mailto:weilcm2@comcast.net) to request exhibit information.

### *6th Annual Conference on Children's Health and the Environment*

*September 18-19*

Save the date for the 6th Annual Conference on Children's Health and the Environment. The conference will be held Sept. 18-19 in Philadelphia. The conference is organized by the Pediatric Environmental Health Specialty Unit (PESHU) of Region 3 – the Mid-Atlantic Center for Children's Health and the Environment (MACCHE). This two-day event is targeted to health care providers, public health professionals, and the public. Discussions will explore the intersection between the environment and child health issues and will be centered on tracks including climate change, healthy homes, exposure to toxicants and outcomes in children, and emerging issues in children's environmental health. For details, visit [www.gwu.edu/%7Emacche/philadelphiaconference08/](http://www.gwu.edu/%7Emacche/philadelphiaconference08/).