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## Senate Committee Passes Legislation to Strengthen Lead-Safe Remodeling and Renovation Rule

On Sept. 17, the Senate Environment and Public Works Committee passed S. 3639, the Protect Pregnant Women and Children from Dangerous Lead Exposures Act of 2008. The bill would greatly increase health protections in the U.S. Environmental Protection Agency's (EPA) Renovation, Repair, and Painting (RRP) Rule.

Recognizing the inability of EPA's "cleaning verification" procedure to demonstrate a safe environment for children, the bill would require the use of clearance testing, including quantitative dust wipe analysis, during most RRP projects. Trained renovators would be required to be on-site during all RRP work, and allowed work practices would have to be at least as stringent as those required by HUD's Lead Safe Housing Rule (meaning that dry scraping and sanding would be prohibited). The bill would also require EPA to update its definitions of lead hazard to reflect recent scientific findings about the dangers of lead at lower levels. The bill also creates a grant program, funded at \$7 million per year, to fund local training and enforcement programs.

The bill remains on the Senate Calendar for consideration and could be considered during a lame-duck session after the election. It is probable, though, that the measure will have to be taken up again by the 111th Congress in January. The Alliance continues to encourage states considering implementing RRP locally to incorporate additional health protections, including true clearance and enhanced training criteria.

S. 3639 resulted from the merger of two other bills, S. 3495, introduced by Sen. Barbara Boxer (D-CA), and S. 3513 introduced by Sen. Hillary Clinton (D-NY). The bill addresses most of the concerns raised in the Alliance's and the National Center for Healthy Housing's joint [Legislative Agenda for strengthening the RRP rule](#), released a few months ago. [Click here for the full text of S. 3639.](#)

For more information on how states can improve upon EPA's rule, see [http://afhh.org/res/res\\_staff\\_presentations\\_RepairingRRP\\_MacRoy.pdf](http://afhh.org/res/res_staff_presentations_RepairingRRP_MacRoy.pdf). The Alliance is also interested in working with states to assist with implementation plans – contact Patrick MacRoy at [pmacroy@afhh.org](mailto:pmacroy@afhh.org) for more information.

## Research Indicates EPA Residential Lead Dust Standards Are Inadequate

The National Center for Healthy Housing (NCHH) in September released a series

of analyses that show the current residential dust standards established by the U.S. Environmental Protection Agency (EPA) to protect children from lead paint hazards in housing are nearly four times too high.

Lead dust generated from old lead paint and contaminated soil is the primary source of exposure for young children. Since 2001, EPA has set standards for lead in residential dust and soil. When homes are tested for lead dust by a certified risk assessor or sampling technician, they must meet these standards to be considered “safe.”

However, the research completed by NCHH shows that the current EPA standards leave more than 30 percent of children at risk of lead poisoning.

NCHH found that the floor dust standard (currently 40 micrograms per square foot ( $\mu\text{g}/\text{ft}^2$ )) is four times as high as it should be to be protective. Lowering the floor dust standard to  $10 \mu\text{g}/\text{ft}^2$  would protect at least 95 percent of children in the United States from having blood lead levels at or above  $10 \mu\text{g}/\text{dL}$ . Similarly, the current windowsill dust level of  $250 \mu\text{g}/\text{ft}^2$  is more than double NCHH’s recommended standard of  $100 \mu\text{g}/\text{ft}^2$ .

NCHH made the following recommendations:

- EPA should revise its standards to reflect the findings of the new studies
- Parents, contractors, and risk assessors should use the new standards in determining whether a home is lead-safe
- Local jurisdictions should adopt the new standards

The use of lead paint in homes was banned in 1978. Lead remains a serious health risk today, with an estimated 38 million homes containing lead-based paint. Lead-contaminated household dust is the major source of lead exposure for children, and large amounts of dust can be generated when paint is disturbed (e.g., during renovation or repainting work) or if the paint deteriorates.

See the National Center for Healthy Housing’s [press release](#) for more information on the studies.

## **Model Code Council Approves Some Important Healthy Homes Measures**

The International Code Council’s (ICC) final action hearings occurred Sept. 20 and 21 in Minneapolis. Thanks to the efforts of healthy homes advocates, the council approved several key healthy homes measures. Despite this progress, however, much work remains.

The ICC approved:

1. In the International Residential Code (IRC, the construction code for housing), requirements for single-station carbon monoxide alarms in existing dwelling units with fuel-fired appliances or attached garages where work requiring a permit occurs, and a requirement for the alarms in all new dwelling units that have fuel-fired appliances or attached garages.
2. In the International Property Maintenance Code (IPMC, the code governing maintenance of existing buildings), changes to the definition of “Extermination” that update the term to “Pest Elimination;” delete poison spraying and fumigation; and require elimination of all rodents (not just rats) and water sources.

In addition to this fall’s progress, in February, the ICC’s Property Maintenance Committee approved adding requirements for joint landlord-tenant responsibility for eliminating pests in multi-family housing and for the ventilation of clothes dryer exhaust to the exterior.

While the successes were important, ICC members unfortunately rejected revised proposals for adding the following requirements to the IPMC:

1. Repair of exterior deteriorated paint in pre-1978 buildings using lead-safe work practices (unless that paint is not lead-based paint).
2. Correction of underlying source of moisture causing interior paint failure and repair of interior deteriorated paint in pre-1978 buildings using lead-safe work practices (unless that paint is not lead-based paint).
3. Maintenance of water temperature in showers and tubs at a maximum of 120°F (required by IRC).
4. Carbon monoxide alarm in existing property with an attached garage or a fuel-fired appliance (after 2009 – required by IRC except where there is no permit-required work).
5. Bathroom floor surfaces that are smooth, hard, and nonabsorbent (except in single family dwellings; exclusive of non-permanent bathroom mats).

New model code change proposals must be submitted to the ICC by March 24, 2009, [www.iccsafe.org](http://www.iccsafe.org). The Alliance for Healthy Homes and the National Center for Healthy Housing will continue to pursue needed requirements in the model codes, coordinate efforts, and keep readers up to date.

Visit the Alliance's website for [more information about the Alliance's model code work](#).

## **Sen. Jack Reed (D-RI) Introduces Nation's First Healthy Housing Bill**

On September 29, Sen. Jack Reed (D-RI) introduced the Research, Hazard Intervention, and National Outreach for Healthier Housing Act (RHINO-HH), S. 3654. Reed's bill emphasizes cost-effective approaches and market-based incentives to make homes healthier and safer without detracting from their affordability. The Alliance praised this multi-faceted legislation, as it aims to improve research, enhance the capacity of federal programs, and expand national outreach efforts.

Bill provisions include:

- Provides funding for existing federal housing programs, such as CDBG, HOME, and LIHEAP to add healthy homes components
- Leverages the private market interest in healthy homes by creating a voluntary "Healthy Homes Seal of Approval" modeled after the successful Energy Star program
- Authorizes \$7 million for each of the next five years for the National Institute of Environmental Health Science and the Centers for Disease Control and Prevention (CDC) to evaluate the health risks and human health effects of indoor exposure to chemical pollutants including carbon monoxide, chemical asthma triggers, and common household and garden pesticides
- Authorizes \$6 million for the Department of Housing and Urban Development (HUD) to study methods for the assessment and control of housing-related health hazards
- Provides \$10 million for HUD and CDC to study the indoor environmental quality of existing housing and to create a system for monitoring housing-related hazards

Click here for the full text of the [Research, Hazard Intervention, and National Outreach for Healthier Homes Act of 2008](#). And see the joint Alliance-NCHH [press release on the bill](#).

## HUD Soliciting Feedback on Healthy Housing Strategic Plan



HUD's Office of Healthy Homes and Lead Hazard Control (OHHLHC) has released a draft version of a healthy housing strategic plan and is seeking feedback on the measure.

For the past 10 years, OHHLHC has funded a healthy homes grant program, supported important research, and engaged in partnerships with various agencies and organizations to advance healthy housing programs and policies. The new strategic plan is intended to describe where this effort should be headed.

The initial five sections of the document provide key background information on the program. The key section addressing "IV. Healthy Homes Program Future Directions" is presented on pp. 30-39. It is organized around four goals: National Framework, Key Research, Mainstreaming Healthy Homes, and Enabling Community Action.

The Alliance urges all healthy homes advocates to read and comment on this [draft plan](#). You should submit your feedback via e-mail to [hudhhstrategy@hud.gov](mailto:hudhhstrategy@hud.gov) by Oct. 31. We encourage advocates to also provide a copy of their comments to Ralph Scott at [rscott@afhh.org](mailto:rscott@afhh.org) so we can incorporate the feedback into our advocacy plans.

## CPSC Panel to Study Cumulative Effects of Phthalates for First Time

For the first time ever, a federal agency will study the cumulative effects of phthalate exposure on children. Part of the Consumer Product Safety Improvement Act of 2008 (H.R. 4040) passed earlier in 2008, the study will consider a variety of sources of phthalate exposure.

H.R. 4040 banned three types of phthalates permanently. An additional three types of phthalates are banned temporarily while the scientific panel at the Consumer Product Safety Commission (CPSC), known as a Chronic Hazard Advisory Panel (CHAP), conducts further research on them. Upon the completion of the panel's work, the CPSC will have to decide whether or not to make the ban on the additional phthalates permanent.

This precautionary approach to chemical toxics policy, as well as the pending examination of cumulative exposures, is groundbreaking in the United States. Usually, chemicals enter and stay on the market without regulation and are only pulled if scientists prove a definitive health risk; this often allows harmful substances to cause health effects in people before preventative measures can be taken. Additionally, many chemical risk assessments are flawed because they only study one or two exposure sources and do not attempt to observe how various chemicals interact with each other. Scientists have been pushing CPSC, EPA, and other agencies to take a close look at the effects of multiple phthalates building up in the human bloodstream.

Phthalates are a class of chemicals used as plasticizers in a wide variety of products, including some toys, cleaning and personal care products, and even air fresheners. Certain phthalates are known or suspected endocrine disruptors, meaning they impact and alter the human hormone system. Phthalates are also suspected to be potent reproductive toxins, especially in boys.

More information on the current [CHAP's mandate](#). More on [phthalates](#).

# GAO Says EPA is Failing on Children's Environmental Health Issues

*Editor's Note: The full text of this article originally appeared in the Sept. 23, 2008, edition of the OMB Watcher, the newsletter of OMB Watch.*

The Government Accountability Office (GAO) told a Senate oversight committee Sept. 16 that the U.S. Environmental Protection Agency (EPA) has ignored recommendations from the Children's Health Protection Advisory Committee. For example, in developing three recent air quality standards on particulate matter, ozone, and lead, EPA either rejected the committee's recommendations or treated them as one of many public comments.

In April 1997, President Clinton issued Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks, directing federal agencies to make a concerted effort to address children's health issues because of children's greater susceptibility to toxic chemicals and air pollutants. The order established an interagency task force co-chaired by the heads of EPA and the U.S. Department of Health and Human Services (HHS). In addition, EPA created an Office of Children's Health Protection (OCHP) and the advisory committee.

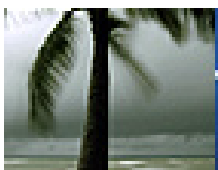
Committee members include public health officials from government, nonprofits, academia, industry, and health care organizations. OCHP and other EPA officials have met with the advisory committee regularly, as have outside groups. Nevertheless, GAO concluded that in more than 30 meetings of the advisory committee in the first ten years, "EPA has rarely sought out the committee's advice and recommendations to assist it in developing regulations, guidance, and policies that address children's health."

EPA requested advice from the committee on regulations only three times, on guidance three times, and only once on developing a policy. Yet over the period GAO reviewed, the committee sent over 600 recommendations for action EPA should take on a wide variety of issues, ranging from mercury regulation and farm worker protections to pesticides and air pollution. GAO concluded, "EPA has largely disregarded the advisory committee's recommendations."

To read the full text of this article, visit [www.ombwatch.org/article/articleview/4360](http://www.ombwatch.org/article/articleview/4360).

## Information Available on the Safe Recovery of Flood-Damaged Homes

The month of September marked the statistical peak for hurricane season on the Atlantic and Gulf coasts. Hurricanes Gustav and Ike and Tropical Storm Hanna proved a cumulative disaster for coastal areas, as well as the middle of the country, which got soaked by the storms' remnants. The Alliance has put together several resources for communities affected by flooding, including a top ten list of quick tips to protect your family from housing-related health hazards in hurricane impact zones.



[Rebuilding Flood-Damaged Homes: A Manual for the Safe, Healthy, Green, and Low-cost Restoration for the Gulf Coast](#)

[Hurricane Recovery for Healthy Communities](#)

[Residential Environmental Health Issues in the Wake of Hurricanes and Floods](#)

## **Wal-Mart Pressures California to Roll Back New Formaldehyde Rule**

According to a Sept. 10 letter to retailing giant Wal-Mart, the Sierra Club has learned that the company has been pressuring staff at the California Air Resources Board (CARB) to relax the state's new rule protecting consumers and the public from the formaldehyde emissions from composite wood products. The letter claims that before the California rule went to effect, Wal-Mart had been pushing for CARB to accept composite wood products that comply with the European Standards.

Tom Neltner, co-chair of the Sierra Club's National Toxics Committee, asserted in the letter that the European Standards are inadequate because they do not have the quality control mechanisms in place to ensure compliance. Neltner said, "The Sierra Club's experience with the 2007-2008 debacles with lead in children's products and with formaldehyde levels in FEMA disaster recovery housing makes clear that the quality control procedures for imports falls far short of what is necessary to protect consumers."

The nonprofit advocacy group EnvironmentCalifornia recently reported that that baby furniture constructed with particleboard can give off enough formaldehyde to raise formaldehyde concentrations in a room to unsafe levels. As the organization notes, many baby nursery furnishings emit formaldehyde, and a baby sleeping in a room with excessive formaldehyde emissions may face an increased risk of allergies or asthma.

The Sierra Club, the Alliance, and 5,000 individuals from every state in the nation have asked the U.S. Environmental Protection Agency (EPA) to expand the CARB rule so it applies to the entire country. Key stakeholders in the industry supported the concept of a national standard. In response to the petition, EPA will be issuing an Advanced Notice of Proposed Rulemaking this fall as a first step in that process. EPA will also be holding four regional public meetings to discuss the issue.

Neltner closed his letter asking Wal-Mart to engage environmentalists and consumers in a constructive manner instead of being combative and holding back progress on a very important indoor environmental health issue. "Rather than fight a rule that is critical to protect public health, Wal-Mart should embrace the rule and support efforts to ... protect all Americans," said Neltner.

For information on the dangers of formaldehyde, visit the [Agency for Toxic Substances & Disease Registry](#). Read more about the [CARB formaldehyde rule](#).

## **DC Water Utility Criticized on Lead Testing, Pipe Replacement Program**

The Washington, DC, water utility announced in September that it was cutting back its multimillion dollar lead service line replacement program, claiming replacement costs were too high and that chemical treatments have reduced lead levels in water significantly. However, lead poisoning prevention advocates asserted that the drop in lead levels in the city's water isn't as significant as the utility would have the public believe, accusing the utility of using testing methods designed to hide lead.

Since 2004, the DC Water and Sewer Authority (WASA) has undertaken an aggressive lead service line replacement program to combat high lead levels in the District's water. The high levels that occurred between 2001 and 2004 were publicized in the Washington Post in early 2004 after WASA attempted to engage in a cover-up. The secrecy surrounding the lead levels in drinking water prompted criticism from the public and members of Congress. After much prodding, the U.S. Environmental Protection Agency (EPA) and WASA agreed to implement several measures to reduce lead levels in DC's drinking water.

In addition to the replacement project, WASA has been adding a chemical called orthophosphate to the District's

drinking water supply. Orthophosphate slows the corrosion of pipes, including those made of lead, and can reduce lead leaching from plumbing. However, advocates say that while the orthophosphate has helped, WASA has engaged in a number of “testing ploys” to make the chemical treatments appear far more effective than they really are.

The lead poisoning prevention community recently pushed for a round of independent drinking water tests, securing a testing regime that should provide a more accurate picture of lead levels in DC’s drinking water, according to advocates involved in the effort. This will be the first-ever independent check on a major water utility’s supposed compliance with federal lead standards.

DC lead poisoning prevention advocates are also concerned that WASA is claiming to be moving away from partial service line replacements that have been shown to actually increase lead levels at the tap for an unknown period of time. In reality, the utility adopted a program to continue partial replacements for several decades, but at a slower pace than during the past four years.

For more on lead in DC’s drinking water, visit [www.epa.gov/dclead/](http://www.epa.gov/dclead/). Click here for a PowerPoint presentation about the [DC independent water-testing program](#).

## **Recent Study Ties Common Plastics Chemical to Heart Disease, Diabetes**

A study published in September in the Journal of the American Medical Association (JAMA) ties a common plastics chemical with an increased risk of heart disease and diabetes. The chemical, bisphenol A (BPA), has been the subject of much controversy of the past several years because previous research tied it to reproductive problems, especially in males.

BPA is found in a variety of plastic containers, most notably drinking water containers and plastic baby bottles. Earlier this year, the Canadian government issued a warning that BPA poses unacceptable health risks, especially for infants and young children. Canada has since moved to ban BPA in baby bottles and other children’s products, and several states and municipalities in the United States are considering similar measures.

The chemical industry, the European Union, and the U.S. Food and Drug Administration (FDA) all claim that in the amounts BPA is found in consumer products, the chemical poses no risk to human health. The JAMA study and others, however, contradict this assertion.

According to the British researchers who analyzed blood and urine samples from more than 1,400 Americans, those in the highest quartile of BPA exposure were more than twice as likely to have heart disease and diabetes compared to the 75 percent of study participants with lower BPA concentrations in their bloodstreams.

The study’s authors caution that more research is needed but also noted that their results, combined with a series of studies demonstrating other health effects of BPA, should give manufacturers and environmental health agencies pause. Advocates also noted that the wisest approach to BPA would be a precautionary one. They urged Congress and the states, FDA, and the U.S. Environmental Protection Agency to follow the example of a recent Consumer Product Safety Commission reform law that mandates study and a determination of safety of another plastics chemical class, phthalates, before the substances can be used in consumer products.

For more on the JAMA study, see <http://jama.ama-assn.org/cgi/reprint/300/11/1303>. More information on the [BPA controversy](#) is available at the Environmental Working Group website.

# ALLIANCE NEWS

Alliance staff made several key workshop presentations at the National Healthy Homes Conference in Baltimore in September. The conference was a great success, bringing together government officials, nonprofit organizations, and community experts, to share their goals and accomplishments in promoting healthy housing across the country. Here are just a few highlights:

- Alliance Executive Director Patrick MacRoy provided a compelling summary of the challenges we face in the collective goal to eliminate childhood lead poisoning by 2010. MacRoy's presentation, "Elimination & Beyond: Remaining Lead Challenges and Integration into Healthy Homes," emphasized misconceptions with the current blood lead level of concern, as well as current dust clearance standards that are not health protective enough and how those standards affect what can be considered "elimination."
- Alliance Housing Policy Director Jane Malone identified key mechanisms for leveraging the resources needed to address hazards in housing in her presentation, "Financing to Ensure Hazard-Free Housing." Malone highlighted seven major resources in the private market, as well as governmental financing strategies to support health hazard remediation in housing.
- Ralph Scott, the Alliance's Community Projects Director, shared the successes and frustrations of a joint campaign to inform consumers about the chemical ingredients found in household air fresheners in his presentation, "Air Fresheners', Indoor Air Quality and Federal Policy." Air fresheners are virtually unregulated but may contain potentially hazardous chemicals (VOC's such as formaldehyde and phthalates) that affect hormones, reproductive development, and are linked to lung irritation, asthma attacks, and increased rates of cancer. The Natural Resources Defense Council (NRDC), the Sierra Club, and the Alliance have filed a lawsuit against the EPA to require the government to mandate that manufacturers disclose the results of safety assessments and properly label their products with full ingredient lists.

These and other staff PowerPoint presentations are available on the Alliance website.

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## Upcoming Events

The Illinois Lead Program, in collaboration with the Illinois Poison Center, will be conducting a Lead Poisoning Prevention Conference entitled “Healthy Homes for Healthy Kids” on Oct. 23, 2008 in the Dove Conference Center at the Prairie Heart Institute of St. John’s Hospital in Springfield, IL. This joint conference is intended to empower attendees to examine ways to utilize elected officials, health advocates, community health educators, and lead industry contractors to reduce incidents of environmentally related illnesses through public education, community outreach, and safe work practices. To register, visit [www.idph.state.il.us/training.htm](http://www.idph.state.il.us/training.htm). For more information about the conference, call 217-782-3517.



The Childhood Action Project will be hosting a lead poisoning prevention conference in Rhode Island on Oct. 24. The conference, entitled “Getting to Zero,” will include workshops and panel presentations on childhood lead poisoning prevention in the state, and it will feature keynote speaker Lois Gibbs of the Center for Health, Environment, and Justice (CHEJ). For more information, visit [www.lead safekids.org](http://www.lead safekids.org) or call 401-785-1310.

On Oct. 30 and 31, the Children’s Environmental Health Institute will hold its Fifth Biennial Scientific Symposium in Austin, TX. The theme of this year’s symposium is “Blueprint for Children’s Health in the Built Environment” and will cover subjects related to healthy building design, construction, and maintenance. Participants will learn how standards for materials and the adoption of policies for operating practices can reduce health risks to children by decreasing their exposure to environmental contaminants and hazards and will see how physicians, architects/builders, businesses, and others can “green” their practices and how it will impact children’s health and well-being. To receive a registration brochure, e-mail [janie.fields@cehi.org](mailto:janie.fields@cehi.org). For more information on the Children’s Environmental Health Institute, visit [www.cehi.org](http://www.cehi.org).



The **2008 Indiana Lead Safe and Healthy Homes Conference** will take place Nov. 5 and 6 in Indianapolis. Sessions being planned include Lead Poisoning 101; Asthma Basics; Environmental Health Data—What Information Exists in Indiana and How Can You Find It?; Local Authorities, Ordinances and Strategies for Healthy Homes; New Federal Regulations for Lead Safety for Renovators and Contractors; Integrated Pest Management: What Is It and How Do I Do It?; and more.

Save the dates! The New England Regional Conference on Eliminating Childhood Lead Poisoning, Implementing Healthy Homes Programs, and Combating Indoor Environmental Hazards is scheduled for Nov. 13 and 14 in West Springfield, MA. The 2009 National Lead Poisoning Prevention and Healthy Homes Conference will occur April 28-May 1, 2009, in Orlando, FL. Both conferences provide a wealth of information and a series of panel discussions from healthy homes professionals and advocates. For more information, see [www.LeadMoldConferences.com](http://www.LeadMoldConferences.com).