

IN THIS ISSUE:

EPA Accepts Petition to Strengthen Lead Dust and Paint Standards

EPA Issues Proposed Changes to RRP as a Result of Settlement

Wisconsin Is First State to Receive Delegation of RRP Rule

Healthy Housing Council Bill Introduced in the House

Appropriations Update

Government Agencies Release Preliminary Findings on Chinese Drywall

EPA Seeks to Disclose Hazardous Pesticide "Inert" Ingredients

Detroit Steps Up Protection against Lead Hazards

National Lead Poisoning Prevention week

New EPA Guidelines for Cleaning Up Meth Houses

NCHH Releases Recent Consumer Survey

Call for Proposals: Health Impact Assessment

Alliance News

Upcoming Events

EPA Accepts Petition to Strengthen Lead Dust and Paint Standards

The Environmental Protection Agency announced on October 22 that it will propose to modify the regulatory hazard standard for lead in residential dust and paint so that it is based on the most recent science. This announcement came in conjunction with the National Lead Poisoning Prevention Week and marks a big win for the Alliance, the National Center for Healthy Housing, and several other advocacy groups who [petitioned the EPA in August](#) to strengthen dust standards for lead, making the point that current standards are outdated. Additionally, EPA announced that it will work with the U.S. Department of Housing and Urban Development to propose to modify the regulatory definition of lead-based paint.

The petition requested EPA to lower the standard for lead in dust to 10 µg/ft² on floors and 100 µg/ft² on interior windowsills, and additionally requested that EPA revise the lead-based paint definition to 0.06% by weight (600 PPM). In accepting the petition, however, EPA did not commit to lower the standards to a particular number or establish a time frame for issuing a proposal. In the past, EPA has accepted some petitions but failed to follow-up in a timely fashion, meaning advocates will need to continue to monitor the agency and ensure a timely follow through with taking the promised action.

See the Alliance's [August 2009 press release](#) for more about the original petition.

EPA Issues Proposed Changes to RRP as a Result of Settlement

Last week, the US EPA announced its [proposal to make several changes](#) to its Renovation, Repair, and Painting (RRP) rule, seeking public comment by November 27. Many of the changes proposed by the EPA are a result of a legal settlement with a number of environmental and public health advocates (discussed in the [August Alert](#)), however the EPA also added several proposals of its own, including a request for comments on delaying the effective date of the rule. Under the settlement, EPA will be proposing additional changes to the rule in the coming months. It is essential that healthy homes advocates provide feedback to the US EPA on the rule, supporting the positive suggestions and arguing strongly against delaying the effective date.

As required by the settlement agreement, EPA is proposing to eliminate the "owner-occupied opt-out" provision of the rule. Under the opt-out, owners who live in the home and who do not have children or pregnant women residing in the home, may allow their contractors to ignore the lead safety requirements of the

rule. Removing this opt-out was a major goal for lead poisoning prevention advocates who noted that it ran contrary to the Congressional directive, failed to protect neighbors (such as during exterior work), could poison children who visit or move into the home shortly after the renovation, allowed contractors to get “out of practice” on the use of lead safe work practices, and provided easy opportunities for the rule to be abused. While EPA is proposing the removal of the provision, they encourage comments on alternative approaches, such as only regulating the exterior work or requiring dust sampling after exempted work (to document any hazards to go on the “record” at time of sale or lease). The Alliance urges complete elimination of the opt-out provision.



EPA is also fulfilling the settlement agreement by proposing to require contractors to provide a post-renovation notification to owners and occupants of the property. Under the current rule, renovation contractors are required to document and keep in their files a number of records and certifications as to how they performed the work and ensured they cleaned properly to comply with the rule. This proposal would essentially require renovators to give a copy of most of this documentation to the owners and occupants of the property as well. As a result, owners and occupants will better understand what occurred and what hazards may remain following the renovation.

In addition to the settlement requirements, EPA requested comments on a handful of additional possible changes to the rule. Noting that many renovators may delay getting trained until as close to the effective date of the rule as possible to get maximum value out of the five year certification period, EPA proposed extending all renovator certifications issued prior to April 22, 2010, to July 1, 2015, to eliminate any potential advantage of delaying. Additionally, hearing feedback from many potential trainers that obtaining 16 hours of accredited lead-specific training for the principal instructor was a barrier, EPA is proposing to reduce that requirement to eight hours. EPA also proposed allowing states who accept delegation of the rule a one year period to update their requirements should EPA make changes to the rule (such as through this proposal) before being deemed less-stringent than the federal program and therefore at risk of losing delegation.

In a decidedly negative move, EPA also requested comments on whether or not it should delay the implementation date of the rule for six months or a year. Although the notice strongly implies EPA is leaning against such an extension, noting that they are only asking for comment, not proposing it and that they believe they will be ready to enforce the rule under the current implementation timeline, the notice opens the door for industry groups and others to pressure the EPA to delay the rule. Further delay will only prolong the implementation process and result in more children and families exposed to unsafe renovation practices.

Finally, EPA requested suggestions on how it could more accurately measure the benefits of the RRP rule. In the economic analysis, EPA relied on measuring only the benefits from avoided IQ loss amongst young children, rather than the wider range of effects lead has on children and adults.

EPA will make a final decision on all of these proposals prior to the RRP effective date of April 22, 2010.

In the coming weeks, the Alliance and other advocates will be submitting comments on the proposal. We encourage other advocates to join us. Watch [LeadNet](#) for more details, or contact [Jane Malone](#) for more information.

Wisconsin Is First State to Receive Delegation of EPA’s Renovation Rule

This month, Wisconsin became the first state to officially receive delegation of EPA’s Renovation, Repair, and Painting Rule. Wisconsin exercised the state-certification option, meaning their governor certified that their program is at least as protective as the federal rule. Under this option, a state becomes authorized to administer the program while EPA reviews their application. Should the EPA unexpectedly discover problems, they could disapprove the state at a later date and retake authority.

The Alliance firmly supports efforts of states to accept delegation of the program and to implement strong local enforcement. As such, we congratulate Wisconsin for achieving this milestone, and look forward to more states joining in soon!

For more information, see [EPA's announcement](#) or [WI's announcement](#). Wisconsin's [revision to their rules](#) is also available.

Healthy Housing Bill Introduced in House

Representative Robert Brady (D-PA) has introduced the [Healthy Housing Council Act of 2009](#), HR 3793. The bill has been referred to the House Committee on Financial Services and Agriculture as well as the Committee on Energy and Commerce. This bill is the House version of S. 1658, introduced by Senators Jack Reed (D-RI), Mike Johanns (R-NE), Barbara Boxer (D-CA), Jeff Merkley (D-OR), and Al Franken (D-MN).

The Council on Healthy Housing would have two objectives: encouraging healthy housing through capacity building, technical assistance, public policy, and education; and facilitating coordination and collaboration between federal agencies. The Council's focus would be on improving the impact and eliminating duplication in existing programs, targeting current and future resources to the most vulnerable, high-risk persons and communities, and ensuring household access to existing programs. The Council would also identify policy, program, and research deficits as well as best practices for addressing healthy housing needs.

Appropriations Update

Congress continues to debate the budget for the 2010 fiscal year, which began October 1. As discussed in the [May 2009 Alert](#), the President's budget requested an additional one million dollars for EPA's state lead grant program. This line item, in addition to supporting states that have accepted delegation of the abatement program, will also be supporting states that take over the RRP rule. Despite the great need for this additional funding, the House denied the request, and approved level funding for the grant program. The Senate included the full administration request.

The Alliance and the [National Safe and Healthy Housing Coalition](#), worked to encourage the Conference committee to include the extra million dollars as requested by the administration and approved by the Senate. The conferees agreed, and the Interior/Environment appropriations bill was passed by the House on October 29. As this appropriations bill includes the continuing resolution necessary to avoid a Federal Government shutdown on November 1, the bill is widely expected to pass the Senate in the next two days.

Although the Transportation/HUD appropriations bill has not yet passed, both the Senate and the House committees level-funded HUD's lead and healthy homes grant programs at \$140 million, despite calls from advocates and a "Dear Colleague" campaign from Senators Jack Reed (D-RI) and Olympia Snowe (R-ME) calling for an increase to \$225 million. The appropriations committees did, however, accept the administration proposal to increase the portion devoted to the Healthy Homes Initiative to \$20 million.

The Alliance will continue to advocate for expansions of these and other healthy homes programs in the 2011 budgets.



Government Agencies Release Preliminary Findings on Chinese Drywall

The governmental agencies charged with responding to the odiferous and corrosive Chinese drywall problem (reported on in the [April](#) and [July](#) Alerts) issued some preliminary findings of their investigations earlier this week. The agencies, which include CPSC, EPA, HUD, CDC and ATSDR, noted that comparisons between some samples of imported Chinese drywall and non-imported drywall found the imports to have higher levels of sulfur and strontium, but that the strontium was not posing a radiological hazard. Laboratory testing also showed that the Chinese drywall emits “volatile sulfur compounds” at a higher rate than the non-imported variety. However, in the limited field tests performed, the agencies were unable to identify elevated levels of hydrogen sulfide, carbon disulfide or carbonyl sulfide, gases that some suggested may have been the source of corrosion and lung irritation. Interestingly, the report noted increased levels of formaldehyde and acetaldehyde, known irritants and carcinogens, but did not believe them to be associated with the drywall, but rather with other building components.

The agencies report further testing and analysis is both necessary and underway. More information, including copies of the full reports released to date, are available on the [CPSC website](#).

EPA Seeks to Disclose Hazardous Pesticide “Inert” Ingredients

On September 30, EPA responded to two petitions ([one by Northwest Coalition for Alternatives to Pesticides](#), and a [second by certain State Attorneys General](#)), that identified over 350 so-called inert pesticide ingredients as hazardous. The petitioners asked EPA to require these inert ingredients be identified on the labels of products that include them in their formulations. EPA announced that the agency is moving forward with a plan to require disclosure of the identities of all inert ingredients in pesticides including those that are potentially hazardous.

This increased transparency will assist consumers and users of pesticides in making informed decisions and will better protect public health and the environment. Pesticide manufacturers typically disclose their inert ingredients only to EPA. Currently, EPA evaluates the safety of all active and inert ingredients in a product’s formulation when determining whether the pesticide should be registered.

The Agency anticipates publishing its proposed rulemaking in the Federal Register within the next few months. In it, EPA will discuss ideas for greater disclosure of inert ingredient identities, including inerts associated with various hazards, as well as inerts in general. EPA believes one way of discouraging the use of the more hazardous inert ingredients in pesticide formulations is by making their identities public. In addition to pursuing regulatory action for inert disclosure, EPA is considering encouraging voluntary initiatives to achieve this broader disclosure.

See EPA’s [Response to Petitions Requesting Disclosure of Inert Ingredients](#).

Detroit Steps Up Protection against Lead Hazards

On October 22, the Detroit City Council passed an amendment to the Property Maintenance section of the Detroit City Code that will require landlords to have their properties inspected for lead hazards and cleaned up before a certificate of compliance, required to rent a property, is issued to the property owner (Chapter 9, Article 1, of the 1984 Detroit City Code). Currently, inspections only occur after proof that a child has been poisoned.

The amendment is a huge step forward for lead poisoning prevention advocates, who recognize that waiting until a child is poisoned before fixing a hazard is like placing a canary in the coal mine to warn miners of

hazardous gasses. If landlords are held responsible for keeping their properties in compliance before tenants move in, it follows that a lot fewer children will be exposed to dangerous levels of lead.

The amendment now makes Detroit one of the more protective cities for lead poisoning prevention laws, as it affects all rental properties in the city.

National Lead Poisoning Prevention Week

As was declared by [Senate Resolution 199](#), National Lead Poisoning Prevention Week was held October 18-24, sparking a number of events intended to raise awareness about lead poisoning and educate families in the ways to reduce exposure to lead. CDC, EPA and HUD produced [materials](#) for the week as well as launched a YouTube video contest designed to “educate the public about lead poisoning prevention and the danger of lead exposure in a 30 to 60 second video.” Results of the contest were [announced](#) at the National Environmental Public Health conference in Atlanta.

New EPA Guidelines for Cleaning Up Meth Houses

In August 2009 the EPA released guidelines for remediating former methamphetamine labs. The [Voluntary Guidelines for Methamphetamine Laboratory Cleanup](#) provides technical guidance for state and local personnel responsible for methamphetamine lab cleanup. The Guidelines are based on an extensive review of the best available science and practices and addresses general cleanup activities, identifies best practices for specific items or materials, discusses sampling procedures, and provides additional technical resources.

NCHH Releases Recent Consumer Survey

The National Center for Healthy Housing recently surveyed adults (aged 18 and older) to gauge their level of awareness of the common health and safety hazards found in many homes. The results (<http://www.nchh.org/Resources/Consumer-Survey.aspx>) reveal that although most people realize serious health problems may result from the way their homes are built and maintained, they have not taken action to create a healthy and safe home environment for themselves and their loved ones.

Over two thirds of respondents said they had one or more major health risks in their home, including: 29% who do not have a carbon monoxide alarm; 19% who permit smoking in the home; 17% who had water leaks present in the past nine months; 15% who reported pesticide use in the home, presence of mold or mildew or presence of pests such as mice or roaches in the past three months; and 11 % who reported that their home was built before 1978 and the paint is peeling.

The survey results highlighted the need for additional efforts to help ensure Americans have healthy home environments.

Call for Proposals: Health Impact Assessment Demonstration Projects

The [Health Impact Project call for proposals](#) (CFP) is seeking applicants to undertake health impact assessment (HIA) demonstration projects. An informational web conference will be held November 5, 2009, however registration has reached capacity and therefore the conference will be recorded and archived on the above Web page for those interested after November 5.

HIAs bring together relevant public input, available data and a range of qualitative and quantitative methods to anticipate the potential health consequences of a proposed policy, program or project. They are a structured yet flexible process for developing practical recommendations that decision makers can use to advance well-informed public policies, programs and projects that avoid unintended health consequences and unexpected costs. [Learn more about HIAs here.](#)

Applicants need not have experience with HIAs to apply to the CFP. Rather, they should have knowledge of the decision-making process that they aim to influence and the ability to communicate effectively with all of the players in that process, from elected officials to their citizens. Grantees will receive training, mentoring and technical assistance from the Health Impact Project and leading HIA experts. The application process is described at <http://www.healthimpactproject.org/call>.

The Health Impact Project, a collaboration of the **Robert Wood Johnson Foundation** and the **Pew Charitable Trusts**, is a national initiative designed to promote the use of health impact assessments (HIAs) as a decision-making tool for policymakers.

ALLIANCE NEWS

The Alliance is proud to announce that we have substantially updated our website! Although the design of our site is the same, we hope structural changes will make it easier for people to navigate the wealth of information available, from information about specific hazards to what you can do eliminate hazards in your home and community. Check out the updated site at www.afhh.org!

The Alliance is also proud to be featured in the RWJF Commission **Database of Prevention and Wellness Resources**. This searchable database is intended as a resource for those interested in the connections between health and where we live, learn, work and play. It includes some of the foremost experts in the field, links to download research and other reports, and background on organizations – from small, local non-profits to large federal interagency partnerships – that are working to uncover solutions to improve health.

The Alliance is now accredited by the US EPA to offer initial dust sampling technician classes in addition to initial and refresher renovator classes nationwide (except Wisconsin).

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](#). Thank you for your support!

Sign up to receive updates from the Alliance! To receive the Alliance Alert in your inbox and to subscribe to our no-cost listservs (Leadnet and Healthyhomesnet), visit www.afhh.org/forms/alert_subscribe.asp.

Upcoming Events

The American Public Health Association will be holding its Annual Meeting, November 7-11, 2009 in Philadelphia, PA. The theme this year is “Water and Public Health: the 21st Century Challenge.” The conference will explore the latest public health challenges and learn about what can be done to protect our resources, our health and our world. For more information or to register, visit <http://www.apha.org/meetings/>.

The US EPA and HUD will be offering several free four-hour webinars, focusing on how to become a training provider under the new Renovation, Remodeling and Painting Rule. Dates of the webinar include: October 30, November 13, December 10 and December 18, 2009 at 1:00 - 5:00 p.m. ET. Each of the offerings will have the same content, with time at the end for Q&A. To register, please go to: <http://hud-lead-trainthetrainer.webex.com>.

The Alliance continues to hold “Train the Trainer” courses throughout the country in order to help prepare organizations to become accredited trainers under EPA’s rule. The next training will be held December 14-15 in Cranston, Rhode Island in partnership with the [Childhood Lead Action Project](#). Additionally, there is a training scheduled in partnership with the NeighborWorks Training Institute in New Orleans March 1-2. Check the [Alliance’s training page](#) for updated information.

“Lead and Beyond: Progress in Eliminating Lead Poisoning and New Opportunities for Collaboration in New Jersey” will be held at the Sheraton Edison Hotel, Raritan Center, 125 Raritan Center Parkway, Edison, NJ on April 16, 2010. The conference is sponsored by the New Jersey Interagency Task Force on the Prevention of Lead Poisoning and the Governor’s Council on the Prevention of Mental Retardation and Developmental Disabilities. The deadline to register is April 2, 2010.