

# ENVIRONMENTAL LEAD INTERAGENCY COORDINATING COUNCIL

Activities Report for calendar year 2007

## I. EXECUTIVE SUMMARY

With the passage of the Lead Hazard Mitigation Act in 2002, the HRC was charged with implementation of the Act and serving as the “lead state agency for lead hazard mitigation, planning, education, technical assistance and coordination of state projects and state financial assistance to property owners for lead hazard mitigation” (RIGL 42-128.1). The development of regulations for property owners, the creation of systems for inspections and training, and establishing mitigation procedures has been a task of enormous magnitude that continues to this day. Materials, policies and procedures developed by the HRC in close partnership with the RI Department of Health have begun to transform the culture related to childhood lead poisoning in rental property, and have moved us toward the goal of elimination.

Much of the initial work was accomplished by one HRC staff member and two contracted employees through a U.S. Department of Housing and Urban Development (HUD) Lead Outreach Grant. That grant ended in June 2007. The HRC had hoped that there would be funding available to continue this work through the agreement between the Attorney General and DuPont. However, due to restrictions on funding government agencies, HRC was unable to receive funds through this agreement. With the lack of state funds, HRC will not be able to employ the two former contract positions. While DuPont funding has been recently distributed in the state, that funding is limited to two years and is targeted to lead activities not specific to the Lead Hazard Mitigation Law. Therefore, while the HRC will continue to strive to fulfill the legislative purpose of increasing the supply of rental housing in which lead hazards have been mitigated, lack of resources will make it tremendously difficult to continue to move forward at the previous rate of progress.

Mandates that *are maintained at a very minimum* level include:

- Operation of the 222-LEAD hotline that has received thousands of calls each year
- Enforcement efforts in coordination with the Dept. of Health and local code officials

Mandates that *will not be possible to achieve* include:

- Increasing public awareness including radio, television and print media
- Re-printing of materials that have been developed
- Outreach to landlords about their responsibilities under the law
- Promoting inspections of rental units
- Financing lead abatement efforts
- Provision of information to tenants
- Operation of a “Lead hazard technical assistance service” as required in (RIGL 42-128.1-13)

These mandates were established to ensure that home environments are safer for children and families. The inability to meet these mandates will potentially decrease the number of rental units where lead hazards have been identified and eliminated. Children living in units where lead hazards have not been addressed are more likely to be exposed to lead hazards, and therefore more likely to get lead poisoned. The consequences include more homes with lead hazards and thus more lead poisoned children, which could have been prevented if units had been issued Certificates of Conformance.

## II. PROGRESS REPORT

### 1. Information offered to property owners and tenants

By the close of 2007, over 23,500 property owners had taken the 3-hour Lead hazard Awareness Seminar. This number is well over the goal of training 9,900 property owners between the periods of 2004-2007 as outlined in the Comprehensive Strategic Plan. The training teaches property owners about the health effects of lead, how to comply with the Law, and, most importantly, use of lead safe work practices in the ongoing maintenance of their rental properties.

The three-hour Seminar ran on Cable and Public Access the spring of 2007 and continues to be available to property owners through DVD's available for sale as well as in-person classes in English, Spanish, Cambodian, Vietnamese, Laotian and Hmong. Property owners and tenants have also been reached through the following efforts:

- The Technical Assistance Center staff assisted property owners to assess their units and to advise those regarding corrective measures in order to bring their units into compliance with lead hazard mitigation requirements. The Center functioned as a clearinghouse of information for all housing/lead related issues in the state.
- Appropriate training and education materials were developed to educate landlords and their tenants on the lead hazard mitigation requirements. The following educational materials were created:
  - The Property Owner's Guide to Lead Inspection Services in RI. This guide is done in coordination with the Department of Health.
  - The Guide to Lead Safety in Historic Buildings in RI. This guide was developed in coordination with the RI Historical Preservation and the Heritage Commission Society.
  - A series of curriculum, first of its kind in the State, targeted to low literacy and/or immigrant and refugee tenant populations. The curriculum is available in English and Spanish.
- In coordination with The Housing Network, the pre and post-purchase counseling education curriculum was revised to include information on the new lead Law.
- Amendments to the Lead Hazard Mitigation Rules and Regulations were proposed, with input from other state and local agencies and stakeholders affected by the Law to address quality control issues.
- Implementation of the Comprehensive Strategic Plan has continued. The goal of the Plan is to reduce the incidence of childhood lead poisoning through better coordination of services and resources within state and local agencies.
- The web-based data system that tracks compliance units is being maintained.
- More than 400,000 booklets/fact sheets on the Lead Hazard Mitigation Act and lead information have been distributed to landlords and tenants

### 2. Certificates of conformance issued

As of the end of 2007, 13,810 rental units have received Certificates of Conformance and 2,596 have received Presumptive Compliance Status. [It is estimated that about 145,000 rental units exist in the state of Rhode Island. This means that less than 10% of the total rental units have a Certificate of Conformance.]

### 3. Trained professionals

There are six training providers licensed with HEALTH offering twenty certified lead training courses for lead professionals. HEALTH currently licenses 1,297 individuals to conduct a variety of regulated lead activities as follows: 273 Lead Hazard Reduction Contractors/Site Supervisors, 36 Workers, 61 Lead Inspection Technicians, 48 Lead Inspectors, 3 Master Lead Inspectors, 4 Lead Assessors and 872 Lead Safe Remodeler/Renovators. The number of licensed Lead Inspector Technicians has dropped since the peak of 183 reached in 2005. The number of licensed Lead Inspectors has remained constant with no significant changes. In addition,

- By the close of 2007, over 23,500 property owners had taken the three-hour Lead hazard Awareness Seminar.
- As of the end of 2007, 16 individuals and/or agencies throughout the state have been certified to offer the required 3-hour Lead Hazard Awareness Seminar. These organizations are providing classes that range from no cost to fifty dollars (\$50).

### 4. Lead liability insurance

The Department of Business Regulation (DBR) promulgated Insurance Regulation 101, effective on April 8, 2003, to establish a uniform policy regarding lead poisoning coverage in pre-1978 residential rental property liability coverage and to set forth requirements to assure the availability of insurance coverage for losses and damages caused by lead poisoning. Since the promulgation of Insurance Regulation 101, DBR issued Insurance Bulletins #2003-9, #2003-13, #2003-17, #2004-1, and #2005-6 to address issues that arose out of consumer complaints and miscellaneous inquiries relating to the insurers' issuance of lead liability coverage in Rhode Island.

In accordance with Insurance Regulation 101, insurers and advisory organizations were required to submit proposed policy forms and rate filings for lead liability coverage to DBR by October 1, 2003. DBR, along with its consulting actuaries, reviewed the proposed filings for compliance with the Lead Hazard Mitigation Act. The Department expended a great deal of time and resources reviewing filings to ascertain compliance with the Act. Approvals were issued to be effective July 1, 2004. The Department spoke at various Industry meetings and seminars targeted at the insurance regulatory aspects of the Act, including seminars conducted by the Independent Insurance Agents of Rhode Island, the Rhode Island Joint Reinsurance Association, and the Chartered Property Casualty Underwriters Society. A representative from the Department of Health also participated in the seminars.

The Department proposed amendments to Insurance Regulation 101 in order to implement the 2005 amendments to RIGL §42-128.1-9 and to incorporate issues that have been addressed by bulletin since the initial enactment of RIGL §42-128.1-9. A public hearing was held on September 8, 2005. The amendments became effective on October 17, 2005. In light of these changes, insurers were required to revise filings to comply with the provisions of the 2005 Act. Effective November 1, 2005, insurers are required to follow Insurance Regulation 101 as

amended. Insurers are also required to file Annual Reports with the Insurance Division regarding insurance coverage for pre-1978 residential rental properties in Rhode Island.

During calendar year 2007 the Department has seen a substantial decrease in consumer complaints and inquiries relating to Lead Liability coverage. The Department will continue to investigate any consumer complaint to ensure insurers compliance with the RI Lead Liability Act and Insurance Regulation 101. With respect to reporting requirements by insurers, pursuant to Insurance Regulation 101, to date 57 insurers have filed reports with this Department for business written as of calendar year 2007. Of these 57 replies, approximately 15,404 notices of eligibility to the FAIR Plan were provided by insurers to residential rental property owners. The FAIR Plan reported that as of December 31, 2007, 114 residential rental property owners obtained stand-alone lead liability policies offered through the FAIR Plan. Due to the timing of reporting under Insurance Regulation 101 and additional follow-up required by the Department, the Department will continue to compile data and will include updated information in the following Report to the Governor.

#### **5. Outreach funding**

In September of 2007, Attorney General Patrick C. Lynch and the Children's Health Forum (CHF) announced that Barbara Baldwin has become the program coordinator for the Healthy Kids Collaborative (HKC), the statewide lead-safety initiative conducted in partnership with Attorney General Lynch, CHF, and the Attorney General's Advisory Commission on Lead Paint. Under Ms. Baldwin's leadership and acting on the recommendations of the Attorney General's Advisory Commission on Lead Paint, the HKC is developing a comprehensive multi-year \$9 million program that includes elements of education, outreach, training, remediation, and enforcement of lead-safety regulations. The model program is being designed with the participation of local health advocates, state and municipal agencies, and care providers. In December of 2007 the HKC awarded \$1.2 million to six local agencies to conduct statewide community-based outreach, education, and training related to lead poisoning prevention in Rhode Island. Four of the six recipients are Lead Centers: Blackstone Valley Community Action, Inc., East Bay Community Action Program, St. Joseph's Health Services of RI, and Westbay Community Action, Inc. All are certified by the Department of Human Services to conduct comprehensive case management for lead poisoned children. The two other entities are Childhood Lead Action Project and Thundermist Health Center.

The grants, providing \$610,000 per year for two years, represent the first round of allocations made by the HKC, the model statewide lead safety initiative funded by DuPont.

#### **6. Lead Hazard Mitigation Law and Enforcement**

In December 2007, the RI Supreme Court upheld the constitutionality of the Lead Hazard Mitigation Act. In reversing a lower court judgment in a suit filed by absentee landlords, the Supreme Court noted Rhode Island's ongoing efforts to eradicate the childhood lead poisoning problem and agreed that targeting the areas where poisonings are most prevalent is an acceptable step toward that end.

In 2007 the Department of Attorney General continued to work with Department of Health to obtain compliance with the Lead Poisoning Prevention Act.

## 7. Properties becoming lead safe

The State Lead Hazard Reduction Program is the state funded deferred loan program targeting homeowners and rental property owners to make units lead-safe for children under the ages of six. In March of 1999, the HRC adopted Rules and Regulations for the State Lead Hazard Reduction Program. The Commission continues to evaluate regulations and procedures to improve the delivery of services and effective use of our resources.

The Commission contracted with Rhode Island Housing to implement and administer the program. This program makes funds available to property owners whose homes have lead paint and are identified as health risks for occupancy. Funds are made available to homeowners and rental property owners to reduce the risk of lead poisoning for children under the age of six, children with elevated blood level (EBL) and those units cited by the Department of Health. Also targeted are home-based daycare units and low-income children living in Section 8 subsidized units. Projects sponsored by non-profit organizations also receive priority.

In addition to direct support, this program provides a one-time \$2,000 loan reduction to owners who opted to take the education incentive. This helps owners lower their loan balance and ensures that the property will be maintained using lead safe work practices.

In 2007, \$705,062.00 was committed to make 65 units lead safe. Since 1999, the State Lead Hazard Reduction Program has committed over \$13.3 million representing 407 loans toward making 1,404 units lead-safe. Fifty Percent (50%) of the program's loans were made to core urban cities such as Providence, Pawtucket, Woonsocket and W. Warwick where the incidence of lead poisoning is highest.

Overall, the State Lead Hazard Reduction Program is making a significant impact on improving the condition of residential property throughout the state of Rhode Island. In addition, the program is helping to increase public awareness of the hazards of lead-based paint and how to eliminate it.

Other efforts include:

- Over 200 referrals made to the different Lead Hazard Reduction Programs in the State,
- Over 150 units (within our five target communities of Central Falls, Newport, Pawtucket, Providence and Woonsocket) received Lead Assessment through our Lead Technical Assistance Center, and forty (40) units, located in our target area, received lead comprehensive services offered through our partnership with ClearCorps Providence. The services included visual assessment and lead remediation.

- In addition, a total of 249 units became lead safe in 2007 [It is estimated that the state has approximately 145,000 rental units]. The break down is as follows:

Through funding administered by RI Housing: 170  
 East Providence Lead Safe Rehabilitation Program: 9  
 Woonsocket Safety Program: 39  
 Warwick Lead Hazard Reduction Program: 31

## 8. Removal of exterior lead paint

The Department of Environmental Management's *Exterior Lead Paint Removal Certification Program* is administered by the Office of Technical & Customer Assistance (OTCA), and involves self-certification by exterior painting contractors of compliance with DEM Air Pollution Control Regulation # 24 (Removal of Lead Based Paint from Exterior Surfaces), and with the federal Lead Pre-Renovation Education Rule, and related activities. Activities for 2007 include:

- Continued working with the US EPA New England Lead program, under an Exterior Painter Compliance Assistance grant
- A staff member attended the National Lead & Healthy Homes Grantees Conference in Orlando, Florida, and presented three (3) consultation workshops as part of the program, concentrating on Rhode Island's Exterior Lead Paint Removal Certification Program and Lead regulations, and the Lead Pre-Renovation Education Rule
- Set up DEM OTCA's Lead program display and participated in the Lead Safety Tour held on October 20, 2007
- Conducted four (4) compliance audits of jobs being performed by participating exterior painting contractors
- Continued collaborating with external stakeholders, such as the RI Department of Health and the RI Housing Resources Commission, including participating in the Healthy Homes Collaborative
- Distributed outreach materials throughout the year, including Exterior Lead Paint Removal Certification Workbooks and Checklist Packages, Exterior Lead Paint Removal Program Fact Sheets, Lead Pre-Renovation Education Rule documents such as the pamphlet "Protect Your Family from Lead in Your Home", the Lead PRE poster, and the Lead-Based Paint Renovation Education Rule handbook for contractors, property managers and maintenance personnel, and Lead Poisoning Prevention Resource Guides
- Handled telephone and email requests for information throughout the year, including information about the certification program, DEM Air Pollution Control Regulation # 24, other exterior renovations involving Lead such as siding and window repair and replacement, disposal inquiries, lead-safe work methods, the Lead Pre-Renovation Education Rule, and the RI Lead Hazard Mitigation Law
- Made minor revisions to the Exterior Lead Paint Removal Certification Workbook and Certification Checklist Package, for use in the second round of certification by exterior painting contractors during 2007

- As of December 31, 2007, after implementing the second round of certification, forty (40) exterior painters contractors were participating in the program, and had certified to compliance with the applicable regulations
- Maintained current information and made additions on the Rhode Island Exterior Lead Paint Removal Program webpage on the DEM website, found at <http://www.dem.ri.gov/programs/benviron/assist/extlead/index.htm>

*Enforcement of DEM Air Pollution Control Regulation # 24* is administered by the Office of Compliance & Inspection (OC&I), with involvement of the Office of Air Resources with some specific requirements in the regulation. For the calendar year 2007, enforcement actions included:

- 126 Lead Paint Related Complaints Received by OC&I
- 126 Lead Paint Related Investigations
- 126 Lead Paint Complaints Addressed
- 22 Investigations Where Violations Were Found
- 20 Lead Paint Reinspections
- 22 Informal Enforcement Actions
- 20 Sites Verified Clean

#### 9. Lead poisoned children

Although all Rhode Island cities and towns have experienced a dramatic decline in incidence over the last ten years, cases of lead poisoning continue to be concentrated in the core cities. In 2007, the incidence of lead poisoning in the core cities was 2.1%, compared to less than 1% in the remaining cities and towns. The incidence rate for the entire state is 1.3%, or 388 children under six years of age who were tested for the first time with a blood lead level equal or greater than 10 mcg/dL (see appendix in section III). Rhode Island must continue to focus its efforts on increasing the availability of lead-safe housing, particularly in the core cities, in order to reach elimination.

### III. APPENDIX. 2007 INCIDENCE OF LEAD POISONING BY CITY AND TOWN

City/Town	# Children With BLL >= 10 mcg/dL for the First Time	Total # Children Screened With No Previous Confirmed Elevated BLL	Incidence
Barrington	0	712	0.0%
Bristol	0	633	0.0%
Burrillville	4	383	1.0%
Central Falls	24	1,039	2.3%
Charlestown	1	166	0.6%
Coventry	3	749	0.4%
Cranston	16	1,886	0.8%
Cumberland	2	855	0.2%
East Greenwich	0	305	0.0%
East Providence	10	1,558	0.6%
Exeter	1	115	0.9%
Foster	0	109	0.0%
Glocester	3	168	1.8%
Hopkinton	0	190	0.0%
Jamestown	1	88	1.1%
Johnston	5	599	0.8%
Lincoln	2	461	0.4%
Little Compton	0	112	0.0%
Middletown	1	565	0.2%
Narragansett	1	207	0.5%
New Shoreham	0	15	0.0%
Newport	6	816	0.7%
North Kingstown	2	691	0.3%
North Providence	3	644	0.5%
North Smithfield	3	202	1.5%
Pawtucket	48	2,780	1.7%
Portsmouth	1	505	0.2%
Providence	198	7,357	2.7%
Richmond	0	154	0.0%
Scituate	1	235	0.4%
Smithfield	3	362	0.8%
South Kingstown	4	649	0.6%
Tiverton	1	459	0.2%
Warren	3	338	0.9%
Warwick	15	1,812	0.8%
West Greenwich	0	113	0.0%
West Warwick	6	812	0.7%
Westerly	5	549	0.9%
Woonsocket	15	1,588	0.9%
Unknown RI City/Town	0	8	0.0%
<b>Statewide</b>	<b>388</b>	<b>30,981</b>	<b>1.3%</b>

Incidence for previous years can be found on the web at [www.health.ri.gov/lead](http://www.health.ri.gov/lead). RI's core cities are highlighted.