

ALLIANCE FOR HEALTHY HOMES

Protecting Children from Lead and Other Environmental Health Hazards



Innovative SEPs and CHIPs for Inclusion in Lead Hazard Disclosure Settlements

Introduction

HUD and EPA are to be commended for their results-oriented enforcement of the lead hazard disclosure law through Supplemental Environmental Projects (SEPs) and Children's Health Improvement Projects (CHIPs). As of May 2003, consent agreements and decrees have secured more than \$22 million in commitments from landlords to address lead hazards in more than 165,000 units around the country and provided more than \$360,000 for community-based projects to combat childhood lead poisoning.

Traditionally, SEPs have been used by EPA to require defendants to control lead hazards in their properties. (While SEPs are often used to achieve this goal, they are not absolutely necessary. Both HUD and EPA have included lead hazard control requirements in settlements without formally relying on a SEP.) CHIPs have been utilized, primarily by HUD, to fund additional efforts such as health department screening programs and education activities by community-based organizations (CBOs) about lead poisoning prevention. HUD and EPA can maximize the contribution of disclosure enforcement settlements to protecting children in high-risk communities by continuing to pursue SEPs and CHIPs and increasing their emphasis on primary prevention.

This paper identifies a menu of opportunities for maximizing the impact of SEPs and CHIPs in advancing prevention. These ideas were generated by leaders of community-based organizations and staff of state and local agencies working on various aspects of lead poisoning prevention, including making the most of the federal lead hazard disclosure law. While this document surveys a wide range of opportunities that may offer promise in most communities, we urge HUD and EPA enforcement staff to consult with state and local agencies and community-based organizations about specific local needs before negotiating settlements.

Innovative SEPs and CHIPs

The Alliance and a group of local community leaders and agency staff identified a number of possible ways that SEPs and CHIPs can instrumentally advance efforts to protect children at highest risk for lead poisoning.

Training

- ❖ ***Sponsor Free Lead Safe Work Practices (LSWP) Training*** – particularly targeted to affected communities, such as community contractors, maintenance staff, and small landlords.

- ❖ ***Sponsor Lead Sampling Technician Training*** – particularly targeted to community members, housing code inspectors, and state and local agency staff to facilitate initial identification of lead hazards and clearance dust testing after work that disturbs painted surfaces.
- ❖ ***Sponsor Lead Poisoning Prevention Training*** – for prenatal nurses, social workers, health clinic staff, and other agency staff serving affected communities; tenant organizations; and community-based organizations (particularly those serving non-English speaking community members) so they can inform their clients/constituents about the risks of childhood lead poisoning, steps they can take to protect themselves, and how to advocate for policy solutions.
- ❖ ***Sponsor and Participate in Trainings for Property Owners*** – educate other property owners in the community about the importance of controlling lead hazards, lead safe work practices, and their obligations under the federal disclosure law.

Lead Hazard Assessment

- ❖ ***Provide Inspections and Risk Assessments*** – free or low cost for low-income homeowners or small rental property owners in affected communities.
- ❖ ***Provide Free Lab Tests*** – for dust, soil, and paint chip samples; available to low-income homeowners, small rental property owners, agency staff, and CBOs.
- ❖ ***Strengthen Housing Code Enforcement Agencies*** – to support incorporation of lead hazard assessments into code inspections and additional inspectors to periodically inspect high-risk properties.

Strengthening Communities/Community Resources

- ❖ ***Provide Funds for Community-Based Organizations*** – particularly those working on lead poisoning prevention for critical activities including training in LSWP and dust testing, screening high-risk housing for hazards, laboratory costs, lead-safety supplies, and outreach to families at highest risk.
- ❖ ***Fund Neighborhood Lead Centers*** – to pay for staffing and equipment (e.g., HEPA vacs, XRFs, portable screening devices, computers, and software).
- ❖ ***Fund Lead Hazard Control in Daycare Centers and Schools*** – focusing on those located in high-risk communities.
- ❖ ***Create Lead-Safe Housing Registries*** – to help families locate lead-safe housing for their families.

Secondary Prevention

- ❖ ***Provide Safe Housing*** – either by funding safe houses or setting aside one or more units to be used as community safe houses to accommodate families' short term relocation needs.
- ❖ ***Fund Community Lead Clinics*** – to facilitate screening, treatment, and case management for lead-poisoned children, including environmental investigations in their homes.

National Settlements

Traditionally, SEPs and CHIPs are designed to directly benefit the community where the violation occurred. Recently, there have been some national disclosure settlements and there may be more in the future. SEPs and CHIPs that benefit multiple high-risk communities around the country could be included in these settlements.

- ❖ ***Community Environmental Health Resource Center*** – CEHRC, a collaborative project of the Alliance for Healthy Homes and leaders of community-based organizations, provides tools, training, technical assistance, and subgrants to build capacity in communities at highest risk to identify and address hazards before children’s health is harmed. CEHRC could serve as a mechanism for reaching high-risk communities around the country.
- ❖ ***Community Environmental Testing Bank*** – CEHRC is planning on creating this resource to provide free or low-cost laboratory analysis and supplies to assist community-based organizations screen high-risk housing for hazards.

Additional Conditions that Could Be Included in Settlements

There are also a number of conditions that could be included in disclosure settlements to increase their impact. While these conditions would not constitute SEPs or CHIPs per se, they would maximize the benefits to tenants and high-risk communities. Some examples include:

- Training employees in lead-safe work practices (LSWP).
- Hiring community members to do lead hazard control work, repairs, and ongoing maintenance in properties covered by the settlement.
- Providing the results of inspections and risk assessments required by settlements to tenants upon receipt (v. waiting until new lease or lease renewal).
- Repairing other code violations in the course of the lead hazard control work.
- Independent clearance testing after painted surfaces are disturbed and at unit turnover.
- Including safeguards to ensure affordability of units after repairs are completed.
- Setting aside lead-safe units for relocation while work is underway.
- Educating tenants about childhood lead poisoning and the importance of reporting potential lead hazards.