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## **EPA Flip-Flop Allows Lead-Hiding Technique for Federal Water Compliance Tests**

In a policy move with disturbing national ramifications, the US Environmental Protection Agency (EPA) has officially approved a DC Water and Sewer Authority's (WASA) lead in water testing protocol known as "pre-flushing" that the federal agency originally said "goes against the intent" of federal lead water testing rules and artificially reduces lead measurements at the tap. The EPA quietly authorized this protocol without informing lead poisoning prevention advocates or the public of its action until March 2009, six months after acting. The technique is also being used by other large city utilities, including those in Chicago and Philadelphia, calling into question the soundness of lead in drinking water data in many jurisdictions. EPA's formal approval of pre-flushing in DC has alarming national implications because it may spark its even wider use.

Under the federal lead in water testing law known as the Lead and Copper Rule, or LCR, local utilities must test for lead at consumers' taps to ensure that water being consumed is safe. Corrosion in the distribution system and in the home can result in elevated lead levels, so the LCR requires utilities to collect samples after water has been standing for at least six hours, in order to measure "worst case" lead levels people find when they first turn on the tap in the morning or return home from work. Most jurisdictions leave sample bottles and instructions at selected high-risk homes, and ask residents to fill them when they first get up in the morning. Importantly, samples are supposed to be collected under normal water use conditions, and a 2004 memo regarding proper LCR samples from EPA's acting assistant administrator said, "There is no outer limit on standing time." In other words, residents are allowed to let the water stand for any duration over 6 hours prior to sampling that happens to occur through normal use, which is important because longer stagnation times, up to a point, can result in higher lead in water levels.

Pre-flushing involves running the water at the tap where the sample is to be taken on the eve of compliance sampling, prior to starting stagnation – something most people simply don't do normally. Dr. Marc Edwards, Professor of Civil and Environmental Engineering at Virginia Polytechnic Institute and an expert on drinking water safety, has shown that pre-flushing for between two and 10 minutes sharply reduces water lead levels captured the next morning. In fact, a representative of EPA's Office of Water acknowledged at an October 2008 public meeting that pre-flushing artificially hides lead in water by purging lead rust and solder particles that might otherwise flow from the tap the next time it's opened. Dr. Edwards says that pre-flushing also can reduce the amount of dissolved lead in the sample by putting an artificial cap on standing time.

Last summer, DC advocates discovered that since 2005 DC WASA, had been instructing LCR testers to let the water run at maximum flow for ten minutes the night before collecting the sample. When advocates called this to the attention of EPA last August and **asked the agency to ban the practice**, the initial response was encouraging. Cynthia Dougherty, director of EPA's Office of Water, **wrote on September 12** that pre-flushing "goes against the intent of the [LCR's] monitoring protocol, since it changes the normal water use of the homeowners in the sample." But a few days later, **EPA formally and quietly approved a two-minute pre-flush for DC WASA**. In the meantime, DC WASA was falsely assuring advocates that they were no longer seeking EPA permission to continue a pre-flush of any duration. DC WASA switched from a 10-minute to a two-minute pre-flush instruction for LCR compliance sampling immediately after receiving EPA's approval letter, and is using it currently for its January-June 2009 tests. Dr. Edwards' research indicates that a two-minute pre-flush hides nearly as much lead as a 10-minute pre-flush.

Dougherty justified contradicting her earlier assessment of the pre-flush as not constituting normal water use with a contorted and illogical explanation: A two-minute pre-flush recommendation on the eve of LCR sample collection is justifiable as "normal use" because DC WASA allegedly instructs all its customers to flush their taps for two minutes just before consuming tap water. But, WASA has not issued a general flushing recommendation to avoid lead for several years, and in fact has vigorously proclaimed the absolute safety of DC drinking water since 2005. And, even if a utility did regularly remind all of its customers to flush their taps before consumption, there is a vast difference between such general advice that's usually ignored and a specific written reminder written on an LCR sampling instruction form that's likely to be followed by nearly every resident taking a compliance sample. Also flushing lines prior to beginning stagnation, at least 6 hours before sampling, and flushing just before running water for consumption are not in the least equivalent.

DC WASA has had a troubled history regarding lead in drinking water, especially since 2001 when lead levels skyrocketed after a water disinfection chemical was changed. Unknown to the public until January 2004, lead levels remained high, and DC WASA failed to meet the LCR's lead standard, until an anti-corrosion chemical began to be added to the water. DC WASA's use of the pre-flush starting in early 2005, the year that DC WASA supposedly returned to meeting the LCR's lead standard, raises the possibility that their LCR test results – and the accompanying assurances about the safety of DC water -- have been a deception.

The Alliance and other advocates are demanding that EPA put a stop to pre-flushing and other techniques that hide lead in LCR samples and undermine the clear intent of the LCR. We are also working with members of Congress to increase awareness of the problem and reform the LCR. Because EPA does not collect information on the specific protocols used for LCR compliance, it's impossible to know how many other utilities are gaming the system. Local advocates are encouraged to check their utility's LCR sample collection protocol for anything that requires a deviation from how water is normally used. Please email Alliance Staff member Ralph Scott what you find.

## **National Healthy Housing Policy Summit to be Held May 7 in Washington, DC; Register by May 1st!**

The Alliance for Healthy Homes and the National Center for Healthy Housing will be co-hosting a National Healthy Housing Policy Summit May 7 from 8:30 a.m. to 4:00 p.m. at the National Association of Home Builders National Housing Center, 1201 15th St., NW, Washington, DC. The conference will bring together leading organizations and experts in many sectors of the housing, public health, and environmental policy communities to focus on policies, programs, and practices to create healthier housing for America's families. The conference aims to break down walls between disciplines and build new bridges, strengthen relationships, and exchange new ideas.



With an audience that will include Congressional and Obama Administration officials, the Summit will aim to secure concrete commitments from participating organizations and viable National Healthy Housing Action

Plan with practical, concrete steps to produce broad, meaningful changes in housing design, construction, operation, maintenance, and rehabilitation.

The Summit is also co-sponsored by several national partners, including the American Public Health Association, Enterprise Community Partners, LivingCities, NeighborWorks America, the National Association of County and City Health Officials, the National Association of Housing and Redevelopment Officials, the Local Initiatives Support Corporation, and the National Environmental Health Association. The U.S. Centers for Disease Control and Prevention, the Kresge Foundation, and the Robert Wood Johnson Foundation Commission to Build a Healthier America generously provided funding support for the event.

Former U.S. Surgeon General Dr. Joycelyn Elders and U.S. Senator Jack Reed will be featured speakers, and HUD Secretary Shaun Donovan, HHS Secretary Kathleen Sebelius, and several other officials have been invited to participate.

To register, please visit [www.blsm meetings.net/3416](http://www.blsm meetings.net/3416). Note that the deadline for registration has been extended to May 1st. The program for the Summit is available at [www.nchh.org/LinkClick.aspx?fileticket=gxBZrvpQPyc%3d&tabid=137](http://www.nchh.org/LinkClick.aspx?fileticket=gxBZrvpQPyc%3d&tabid=137).

## Materials now Available to Aid Compliance with Renovation, Repair, and Painting Rule

InEPA released several new tools this month in order to aid compliance with the new Renovation, Repair, and Painting (RRP) Rule, which goes into full effect next year.

As of April 22, 2009, training firms may apply for accreditation so that they may train and certify contractors in lead-safe renovation, a requirement of the RRP Rule to work in most pre-1978 houses that contain lead-based paint. [EPA's new web page](#) contains application instructions and information that contractors and training providers need to become approved by EPA.

One document that will be particularly useful is the new [“Steps to Lead-Safe Renovation, Repair and Painting”](#) a.k.a. the “Steps Guide” referenced in Module 8 of EPA’s model curriculum. This document summarizes the requirements of the rule and can be used by certified renovators to help guide the on-the-job training of their non-certified colleagues.

Also released were [Spanish language versions of the model curriculum](#) (both initial course and renovator refresher course).

Finally, EPA released its [RRP cleaning verification card](#), an image of a cleaning cloth to which actual cleaning cloths must be compared during the controversial interior post-renovation cleaning verification process required under the RRP Rule. Some advocates were shocked at the very yellow appearance of the image, likening it to a baby’s wet diaper, and questioned whether it’s an appropriate standard for determining that cleaning had been adequately done.

For more information on the RRP Rule, refer to the [March issue of the Alliance Alert](#), or visit EPA’s website at <http://www.epa.gov/lead/pubs/renovation.htm>.



## Cincinnati City Counsel Questions Lead Enforcement Delays

More than 50 properties in Cincinnati - many of them houses where children live - are contaminated with poisonous lead paint, even though the Cincinnati Health Department has known of them for more than a decade. The department's failure to act means some families continue to move into potentially dangerous homes and apartments without receiving warnings or safety instructions from health inspectors.

A recent [Cincinnati Enquirer review](#) of city health records found that 55 of the 268 properties with lead hazards have been on the city's books since before 1999. Yet the properties have not been cleaned and the owners have not been prosecuted. City officials are now asking why the health department has not done more and demanding more aggressive action to force owners to clean up.

Cincinnati City Councilwoman Roxanne Qualls took up the call for action, and drew up her own plan, based on input from the Alliance for Healthy Homes, for how the city should clean up properties with lead hazards. Qualls' three-tier program to systematically address housing that could have lead hazards is based on the Alliance's publication "[Lead-Safe Housing Policy Guidance](#)".

The policy recognizes that a city such as Cincinnati has intact lead paint in much of its housing stock that needs to be maintained in good condition. This housing is "Tier One." Tier Two is a subset of the housing stock more likely to have lead paint hazards because of building code violations or other risk factors. Tier Three comprises extremely high risk homes, such as where children have been exposed to lead or where there is significant landlord non-compliance.

Qualls' plan calls for:

- An outside evaluation of the problem and what's been done to address it. The evaluator will make recommendations for improvement.
- A review of what other cities are doing.
- A law that lets the city inspect properties where lead hazards are suspected. Currently, the health department can enter a property only if there is a child with an elevated lead level.
- Allowing city inspectors to issue tickets for lead hazards, which will then allow for an administrative hearing. This process is already used for building code violations.

Cincinnati Health Commissioner Noble Maseru outlined a plan last week that requires landlords, home sellers and day-care owners to prove their property is lead-safe. And he pledged the department will begin to post warning signs on some properties and will soon begin clearing its backlog of cases for which cleanup orders have been disregarded.

## Major Air Freshener Makers Disclose More Ingredients

In March, the six largest makers of home air fresheners disclosed nearly all the ingredients that comprise 0.1% or more of any of their air freshener products and how much of each ingredient was used in their products in 2007 within "binned" ranges of pounds. This disclosure occurred after Sierra Club agreed to withdraw a freedom of information request seeking more information from the U.S. Environmental Protection Agency (EPA) about air freshener ingredients.

The Consumer Specialty Products Association (CSPA) released a public list of 98 "non-fragrance" ingredients (including 25 whose names are redacted) and the Fragrance Materials Association (FMA) provided a public list of 636 "fragrance ingredients" (including five whose names are withheld) and posted it on the association's website at [www.fmafragrance.org/sub\\_pages/airfreshener\\_binnedlist.html](http://www.fmafragrance.org/sub_pages/airfreshener_binnedlist.html).

In 2008, CSPA and FMA provided this information to EPA in response to an agency request after the Alliance

for Healthy Homes, the National Center for Healthy Housing, Sierra Club and Natural Resources Defense Council raised concerns in a 2007 petition about air freshener ingredients believed to cause health problems (see [Oct 2007 Alert Article](#)). But public versions of these initial ingredient lists were even more heavily redacted and information about annual volume of use for fragrance ingredients was entirely withheld from the public.

The new ingredient lists still have important gaps. They cover just ingredients present in six companies' air fresheners that are used in concentrations greater than 0.1%, and some ingredients remain withheld because of company confidentiality concerns. In fact, one secret non-fragrance ingredient is used in amounts between 100,000 and 500,000 pounds per year in air fresheners and two others are used in amounts between 10,000 and 100,000 pounds annually. However this disclosure provides health advocates with a good basis for discussions with industry and government regulators about reducing the use of ingredients that may cause adverse health effects such as lung irritation or damage, asthma attacks, cancer, hormonal changes, birth defects, or brain damage. Advocates and researchers are studying the disclosure lists for chemicals of concern.

Also in March, S.C. Johnson, the maker of Glade scented candles and air freshener sprays, announced that it would phase out the use of all phthalates and fully disclose all ingredients for its entire product line by January 2012. The company started providing disclosures for certain products immediately, and all ingredient information will ultimately be available on product labels, via a 1-800 number, and on the company's web site ([www.whatsinsidescjohanson.com](http://www.whatsinsidescjohanson.com)).

CSPA, FMA and some of their member companies are continuing to meet with the Alliance and Sierra Club about broadening ingredient disclosure to more companies and to household products beyond air fresheners, including cleaning products, antimicrobials, polishes, and floor maintenance products, and making ingredient disclosure more meaningful and accessible to consumers.

## **Imported Drywall Being Investigated by Several States**

Some of the very communities that have been hit hardest by the collapse of the housing market and skyrocketing foreclosure rates are now facing a new problem: Chinese drywall leaking corrosive chemicals into homes and endangering health.

Studies have concluded that at least some drywall imported from China during the homebuilding boom years of 2004 and 2005 was made with waste materials from scrubbers on coal-fired power plants. The defective drywall smells like rotten eggs and emits sulfur compounds that corrode air conditioning coils and damages other metals inside the home, including pitting faucets, blackening silver jewelry and eating away at copper wires inside electrical outlets.

Residents in homes with the drywall have complained of a variety of health symptoms, including nosebleeds, respiratory problems, headaches, nausea and skin itching that disappears when residents leave their homes and come back when they return. The first complaints started filtering into counties and state health departments in late July and August 2008.

So far, the problem is particularly pronounced in the Southeast, an area with a high concentration of new construction and where the damp climate appears to cause the gypsum in the building material to degrade more quickly. In Florida alone, experts estimate more than 35,000 homes may contain the product, and the state health department in Louisiana has also received hundreds of complaints in just a few weeks.

On April 3, 2009 Florida Governor Crist sent a letter to EPA Administrator Lisa Jackson and ATSDR Director Besser requesting assistance from the US EPA and CDC to implement chemical testing in homes that are experiencing severe copper corrosion associated with Chinese made drywall. The Governor conveyed initial findings from the Florida Department of Health State Toxicologist and Indoor Air Programs Coordinator confirming the presence of strontium sulfide and elemental sulfur in drywall from China. Tests also confirmed

that drywall from problem homes generated hydrogen sulfide, carbonyl sulfide, and carbon disulfide when exposed to high relative humidity or heat. Indoor air samples are still needed to determine occupant exposure to the corrosive gasses.

The Consumer Product Safety Commission is investigating, as are health departments in Virginia, Louisiana, North Carolina, Florida and Washington State.

## **EPA Holds National Bed Bug Summit; Attendees Offer Recommendations**

On April 14 and 15th, EPA held a National Bed Bug summit in Arlington, Virginia in order to share information on the expanding effect of bed bugs on housing and other sectors.

The goals of the summit were to provide a venue to communicate with others in the community affected by the growing bed bug problem; identify ideas and options for bed bug prevention, control, management, and strategies for outreach and education; and for participating stakeholders to develop recommendations for action. Summit attendees were divided into ten workgroups in order to develop recommendations on major bed bug issues. These recommendations are summarized on the EPA's website at <http://www.epa.gov/oppfead1/cb/ppdc/bedbug-summit/index.html>.

More information on bed bugs, please see Cornell University's [Guidelines for Prevention and Management of Bed Bugs in Shelters and Group Living Facilities](#).

## **Commission to Build a Healthier America Outlines Key Healthy Homes Proposals**

On April 1, 2009, the Robert Wood Johnson Commission to Build a Healthier America released a report titled [Beyond Health Care: New Directions to a Healthier America](#).

The report highlights key ways in which homes and communities have enormous impacts on our health. Living in unhealthy homes and communities can severely limit choices and resources. Healthy environments – including safe, well-kept housing and neighborhoods – encourage healthy behaviors and make it easier to adopt and maintain them. To improve health the Commission recommends 10 ways to improve where we live, learn, work and play, including [two recommendations specific to healthy homes and neighborhoods](#):

- \* Developing a “health impact rating” for housing and infrastructure projects that reflects the projected effects on community health and provides incentives for projects that earn the rating.
- \* Create healthy community demonstrations to evaluate the effects of a full complement of health-promoting policies and programs.

The report argues that the health of Americans will not improve unless individuals do more to incorporate health into all aspects of their everyday lives.

## **Building Safety Week is May 3-9**

Show your support for the 29th annual Building Safety Week: Where You Live, Work & Play. The International Code Council Foundation created Building Safety Week to expand awareness of the importance of a safe and sustainable built environment and critical role of building codes and code officials. For more details such as campaign kit materials and informational brochures, visit the ICC website at <http://www.iccsafe.org/safety/BSW/> or <http://www.buildingsafetyweek.org/>.

# ALLIANCE NEWS

Thanks to a generous grant from the W.K. Kellogg Foundation, the Alliance is pleased to be launching a new effort to assist disadvantaged contractors and ensure lead safe homes in Mississippi.

The Alliance will partner with organizations based in and tied to high-risk communities in Mississippi in order to provide intensive training and technical assistance enabling them to become EPA-accredited trainers in lead-safe renovation. In turn, our partners will provide low cost training statewide, with a particular emphasis on contractors employing economically disadvantaged persons and those working in distressed areas. This grant comes at a critical time as EPA's Renovation, Repair, and Painting rule takes full effect in April 2010, and communities all over the country are in need of training.

*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!*

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## Upcoming Events

A national conference on "Approaches to Managing Mold in Buildings" will be held April 27-29, 2009, in Orlando, FL. Sponsored by the University of Tulsa, the conference will cover the "latest research and applied outcomes to use in field practice from key national and international experts." For more information, visit [www.utulsa.edu/iaqprogram](http://www.utulsa.edu/iaqprogram) or call 918-631-3088.

The 2009 National Lead Poisoning Prevention and Healthy Homes Conference will occur April 28-May 1, 2009, in Orlando, FL. The conference will 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).

The 2009 ACI Home Performance Conference will be in Kansas City, MO from April 27, 2009 to May 1, 2009 at the Hyatt Regency Crown Center. Details and registration available at [http://www.affordablecomfort.org/event/aci\\_home\\_performance\\_conference\\_2009](http://www.affordablecomfort.org/event/aci_home_performance_conference_2009).

Join NeighborWorks America in Phoenix, AZ, May 4-6th 2009. Two days of green practice-oriented clinics on May 4 and 5 will be combined with a one-day green symposium, "**Greening Your Roadmap to Succeed in a Changing Landscape**" on May 6. This is your opportunity to hear how your peers in community development are adopting green concepts and delivering valuable returns. For more information or to register, please visit the [Phoenix Training Institute website](#).

Join premier experts and future leaders at the Communities in Action for Asthma-Friendly Environments National Forum on June 4-5, 2009, in Washington, D.C. Don't miss this chance to learn how to improve program quality and impact, build a sustainable asthma care enterprise, and expand the scope of your services to improve the health and quality of life of everyone with asthma in your community. Register today at <https://www.epaasthmaforum.com>.

The National Environmental Health Association's Annual Educational Conference will be from June 21-24th, 2009 in Atlanta, GA. For more information or to register for the AEC, visit [www.neha.org/AEC/2009/index.html](http://www.neha.org/AEC/2009/index.html).

Save the date for the symposium entitled "Promoting Environmental and Policy Change to Support Healthy Aging," to be held Sept. 15-16, 2009, in Chapel Hill, NC. This symposium is a third in a series funded by CDC's Healthy Aging Program. More information on this symposium can be found at [www.prc-han.org](http://www.prc-han.org).

The 2009 National Environmental Public Health Conference: **Healthy People in a Healthy Environment** seeks to promote the nation's environmental health capacity by enhancing the expertise of environmental health professionals - including public health and healthcare professionals, academic researchers, representatives from communities and organizations, as well as advocacy and business groups with a primary interest in environmental public health. The conference will be held October 25-28 in Atlanta, GA. Abstracts are due May 8; **submit an abstract electronically**.