

ALLIANCE ALERT

A MONTHLY ELECTRONIC NEWSLETTER BY THE ALLIANCE FOR HEALTHY HOMES

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HUD Allocates Lead & Healthy Homes Stimulus Funds

Just one week after President Obama signed the landmark economic stimulus legislation into law, the U.S. Department of Housing and Urban Development announced recipients of the additional lead and healthy homes funds. As reported in the [previous Alert](#), the House and Senate had both recommended \$100 million of the stimulus for HUD's Office of Healthy Homes and Lead Hazard Control (OHHLHC), although the activities eligible were slightly different. The conference committee assembled to create compromise legislation ultimately choose a third path, broadening the language to appropriate \$100 million to the general account of OHHLHC. This allowed funding of healthy homes grants, in addition to lead hazard grants, while retaining the requirement that HUD first fund applicants that met the threshold score for eligibility but were not awarded a grant in the previous round. This language was a victory for the Alliance and other advocates who encouraged a wider view of healthy housing in the stimulus spending rather than focusing efforts on lead abatement.



With the exception of \$500,000 retained by HUD for oversight and management, HUD released the entire supplemental stimulus money to entities that had scored eligible for a grant in the last round. This included just under \$78 million in lead hazard control grants, a single \$2.6 million lead hazard reduction demonstration grant, \$17 million in healthy homes demonstration grants, and \$1.8 in healthy homes technical studies.

In addition to the direct funding of lead and healthy homes through the OHHLHC grants, the final stimulus bill included support for programs that touch upon healthy housing concerns. Five billion dollars were allocated for weatherization activities, in addition to \$6.3 billion for increasing energy efficiency in federally supported housing. It also included \$2 billion for the neighborhood stabilization program (which can allow for the rehabilitation of foreclosed or vacant properties), \$2.25 billion for the HOME program, and \$1 billion for CDBG. Addition funding supported a Prevention-Wellness Trust and health workforce development, as well as extensive support for job training efforts that could include healthy homes training.

Learn more about HUD's Lead Hazard Reduction/Healthy Homes Recovery Act Program at <http://www.hud.gov/recovery/healthy-homes.cfm>. The full list of those who received OHHLHC awards is available at <http://www.hud.gov/offices/lead/arra.cfm>.

Final EPA Model RRP Course for Renovators Released

In mid-February, the US Environmental Protection Agency released its model renovator training course: “[Lead Safety for Renovation, Repair, and Painting](#).” This course was developed by the EPA, in collaboration with the U.S. Department of Housing and Urban Development (HUD), to train contractors how to work safely in housing with lead-based paint and comply with EPA’s Renovation, Repair, and Painting (RRP) Rule as well as with HUD’s Lead Safe Housing Rule. By April 2010, the RRP rule will require virtually every contractor working in pre-1978 homes to complete an 8-hour course in lead safe work practices to gain certification or face a Federal fine of up to \$37,500 a day.

Based upon the existing joint EPA/HUD curriculum used since 2003, the new model class has been updated to reflect the requirements of the RRP rule, including the new requirement that the class include a minimum of two hours of hands-on activities. In order to create room for the hands-on activities, as well as discussion of the new requirements for RRP, the model curriculum cuts down on the amount of time spent discussing health impacts of lead. The new class also focuses more on prohibited work practices and less on alternative, safer work practices such as working wet.

Training providers wishing to provide certified renovator classes under the RRP rule have the option of using the model course “off the shelf” or developing their own curriculum and having it approved by the EPA. By regulation, the certified renovator training must be a minimum of eight hours, including two hours of hands-on activities, and include content on: background on lead, review of regulations, test kit use, work practices (including containment and cleanup), clearance or cleaning verification, waste disposal, on-the-job training delivery, and record keeping.

Training providers will be able to apply for accreditation from the EPA to teach the new class starting on April 22, 2009. In October 2009, renovation firms may start applying for certifications. By April 2010, all requirements of the rule go into full effect, and thereafter only certified firms and individuals may legally perform the work covered by the regulation.

There is a dire shortage of trainers to meet projected needs. EPA believes that there are only 194 firms currently in the business of providing accredited lead training and estimates 236,000 individuals will need to be trained prior to April 2010. Meeting the expected demand will require hundreds of additional firms to enter the market. Especially needed are trainers who understand local renovation practices and have connections to their contracting community. The Alliance urges non-profit organizations and community housing organizations that are well suited to take on this role to consider becoming accredited training providers.

For more information on the requirements to become an accredited training provider, as well as to learn more about a train-the-trainer class being offered by the Alliance to help those interested in becoming trainers, visit our website at http://afhh.org/res/res_training_RRP_train_the_trainer.htm or contact Patrick MacRoy (pmacroy@afhh.org).

The model course is available online at <http://www.epa.gov/lead/pubs/epahudrrmodel.htm>. A Spanish version will be available soon.

Advocates Note Flaws in the Portrayal of Blood Lead Level Trends

The March 2009 issue of [Pediatrics](#) featured research by a team of CDC scientists on trends in blood lead levels and BLL testing based upon national survey data. The study showed few surprises, with a continuing decline in the number of children with a BLL greater than or equal to the CDC’s level of concern, 10µg/dL, but with substantial disparities remaining, especially amongst non-Hispanic black children, who continue to have the highest rate of lead poisoning. [An Associated Press story](#) describing the research and picked-up by newspapers around the country, however, wrongly stated that the study showed racial disparities to be largely nonexistent, and in the view of many advocates generally discounted lead poisoning as an ongoing problem.

In addition to the misstatement in regards to racial disparities, many advocates noted that the AP article failed to report on the percentage of children with levels over 5µg/dL or over 2.5µg/dL. While both the Pediatrics article and the AP story note there is no safe level of lead, the emphasis was clearly placed on reporting the percentage of children exceeding CDC's now sadly outdated level of concern. Using a level of 5, the current level of concern in Vermont, Cleveland, and Chicago, the study showed 7.4% of children exceeding it, with an additional 23.6% of children having a blood lead level between 2.5 and 5.

The Alliance hopes future studies and reporting will do more to highlight the importance of eliminating the remaining racial and socio-economic disparities, as well as the importance of preventing all lead exposures, not just those which occur to children will blood lead levels over 10.

Read a response from Illinois Lead Advocate, Anita Weinberg, in [the Chicago Tribune](#).

House Committee Urges TSCA Reform

The House Energy and Commerce Committee is considering changes to the Toxic Substances Control Act (TSCA), a federal law enacted in 1976 to regulate chemicals produced in or imported into the U.S. The Committee's Subcommittee on Commerce, Trade, and Consumer Protection held a hearing on Feb. 26 about gaps in the statute, how the gaps hinder effective chemical safety policy, and some possible changes to TSCA.

TSCA was intended to provide data on potential health and environmental risks of all chemicals and mixtures and to provide EPA with regulatory tools to protect the public from unreasonable risk of injury to health or the environment. But critics contend that TSCA has not generated data on the health risks for most of the approximately 80,000 chemicals currently in use and some 700 new chemicals introduced into commerce annually. Even though TSCA authorizes EPA to require companies to test their chemical products and generate risk data, rulemakings take years to finalize, cost hundreds of thousands of dollars each, and are subject to routine legal counter-action by companies that do not want to comply.

Moreover, the burden of proof for EPA regulatory action has proved so high that banning a chemical is virtually impossible. For example, asbestos—a known carcinogen that kills 8,000 Americans every year—has not been banned under TSCA because the courts have ruled that EPA did not meet its evidentiary burden of proving that asbestos is an “unreasonable risk” to the public.

At the House hearing, the Government Accountability Office (GAO) and numerous other witnesses called for the U.S. to adopt a system similar to the European Union's Registration, Evaluation and Authorization of Chemicals (REACH). Europe has placed the burden on manufacturers to prove that chemicals used in commerce are safe. Even chemical industry witnesses, while opposing a REACH-like system in the U.S., called for strengthening TSCA significantly to increase public confidence in chemical safety

A record of the House hearing, including links to written testimony from witnesses and a video of the hearing, is available on [the Committee on Energy and Commerce website](#).



Environmental Groups Sue Companies over Failure to Disclose Cleaning Product Ingredients under NY State Law

Non-profit law firm, Earthjustice, has sued Proctor & Gamble, Colgate-Palmolive, and other household cleaner manufacturing giants for refusing to follow a New York state law requiring them to disclose the chemical ingredients in their products and the health risks they pose. The lawsuit was filed on behalf of a coalition of state and national environmental groups including Women's Voices for the Earth, Environmental Advocates of New York, New York Public Interest Research Group, Riverkeeper, Sierra Club, and American Lung Association in New York.

New York state law requires household cleaner companies selling their products in New York to file semi-annual reports with the state listing the chemicals contained in their products and describing any company research on these chemicals' health and environmental effects. But since the law passed in 1976, not a single report has been filed. In the fall of 2008, Earthjustice sent letters to more than a dozen companies asking them to comply with the law. The companies targeted in this lawsuit - Proctor & Gamble, Colgate-Palmolive, Church and Dwight and Reckitt-Benckiser - each ignored or refused this request.

This case could have national implications, as it is just one example of the larger push for ingredient disclosure. The Alliance, along with the Natural Resources Defense Council (NRDC) and Sierra Club, have campaigned against EPA to require the government to mandate that air freshener manufacturers disclose the results of safety assessments and properly label their products with full ingredient lists. For more information on Earthjustice's suit, see their [press release](#). For more information about the air freshener disclosure fight, see the [December Alert article](#).

Ohio Drops Lawsuit Against Lead Paint Manufacturers

Last After a two year fight, Ohio Attorney General Richard Cordray dropped a lawsuit against lead paint manufacturers accused of violating the state's public nuisance law and committing fraud by manufacturing and selling lead paint. Money from the manufacturers would have been used to clean up lead paint and treat children who have been poisoned by it. The lawsuit was filed in 2007 by former Ohio Attorney General Marc Dann. Cordray concluded this February that the state wasn't likely to win.

The dropped suit comes months after a disappointing decision by the Rhode Island Supreme Court to overturn the landmark verdict finding paint companies liable for creating a public nuisance in Rhode Island. In 2006, a six-member jury found that Sherwin-Williams, NL Industries, and Millenium Holdings (owners of Glidden) were responsible for creating a public nuisance when they intentionally manufactured, marketed, and sold a product they knew to pose public health hazards. The state's victory represented the first time that a state or local government prevailed against the lead paint industry following the conclusion of a trial. However, the industry appealed the jury's verdict to the Rhode Island Supreme Court, who ultimately overturned the decision in July 2008. In Rhode Island's case, the court said the state failed to prove that the presence of lead paint was a public nuisance and that the lawsuit should have been dismissed.

Attorney General Cordray's decision to drop the case is a blow to many of Ohio's cities, including Cincinnati, who have filed their own lawsuits against paint manufacturers. Although the decision does not directly affect those cases, some city officials may be inclined to follow the AG's example.

In the fight to improve conditions of substandard housing, legal remedies are sometimes necessary to hold corporations or individuals accountable for wrong-doing. The Alliance joins advocates across the country in continuing to hold the lead industry accountable for the costs of cleaning up the problem it created.

Belmont Enacts First US Municipal Ban on Smoking in Multi-Family Housing



Apartment residents of Belmont, California will breathe a little easier starting this year, now that one of the nation's strictest anti-smoking laws has gone into effect. The City Council passed a law in October 2007, banning smoking anywhere in the city except in detached homes and yards, streets, and some sidewalks, and designated outside smoking areas. According to city officials, the law was propelled by an organized group of residents (mostly retirees) who were fed up with the irritations of tobacco smoke coming from their neighbors' apartments.

Several other cities have passed bans on smoking in privately owned apartment buildings, but Belmont has enacted an even stricter law, prohibiting smoking in any apartment that shares a floor or ceiling with another, including condominiums.

The law took effect on Jan. 9, 2009, after a 14-month grace period that allowed apartment buildings time to comply with the new rules and tenants who objected to the changes to move. The law is controversial to some who never thought they would be prohibited from smoking in their own homes, however it is hailed as a triumph for residents who long suffered exposures to indoor air pollutants and second hand smoke in multi-family apartment buildings. Violation of the law could result in \$100 fines. To read more about the smoking ban, see an article in the [International Herald Tribune](#).

ALLIANCE NEWS

The Alliance would like to acknowledge with deep sadness the passing of pediatric toxicologist Michael Shannon, who was the former head of emergency medicine at Children's Hospital in Boston. Dr. Shannon had tremendous concern for lead poisoned children and will be missed greatly among friends and advocates. The notice of Dr. Shannon's passing in the [Boston Globe](#) details just a few of his renowned accomplishments.

Looking for CEHRC?

The separate website for the Alliance's Community Environmental Health Resource Center (CEHRC), www.cehrc.org, now brings viewers to the Alliance home page. Frequently used material from CEHRC.org is **still available**. Over the next few months, we will be working to better integrate the materials that were on CEHRC.org into the other sections of afhh.org. Please e-mail us if there is something from the former CEHRC.org you need but cannot locate.

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

EPA is holding a National Bed Bug Summit, April 14 through April 15, 2009, on the topic of bed bug resurgence in the United States. The meeting will be held in the EPA East Building at 12th and Constitution Ave., NW, Washington, DC from 9 a.m. to 6 p.m. on the first day, and from 9 a.m. to noon on the last day. Read the [Notice of Public Meeting](#) in the Federal Registrar. The agenda will be posted on the EPA website in advance of the meeting.

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 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.

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.

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>.

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.

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](#).