

# OH HELP!

The Ohio Help End Lead Poisoning Newsletter

**\*SPECIAL WINTER EDITION\***

Issue 5

October – December 2002

Help End Lead Poisoning  
General Membership Meeting

**Date:** Wednesday June 12,  
2002

**Time:** 10:30 – 12:00  
(Board meeting to follow)

**NEW LOCATION:**

Columbus Southside Pride  
Center Settlement House  
(310 Innis Ave. - Columbus,  
Ohio 43207

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## NEWS AROUND THE STATE

### Sub HB 248 - Childhood Lead Poisoning Prevention Legislation

Now that the 2002 elections are over, politicians are heading back to work to deal with legislation. There was a scheduled hearing on Substitute House Bill 248 in the Senate Health, Human Services, and Aging committee on Wednesday November 13, 2002. Due to miscommunication between Rep. Williams and Senator Wachtmann, and the large amount of bills heard in the committee, the hearing was postponed for a week.

Although the bill was heard in the committee, no amendments were adopted at the November 20, 2002 committee meeting. An Aide for Rep. Williams

expects a new version of the Sub. bill to be voted on December 4, 2002 in the Committee. This new version will include amendments that clarify language in the bill.

For a complete listing of members of the Health, Human Services, Aging Committee, visit:  
[http://www.senate.state.oh.us/committees/com\\_health.html](http://www.senate.state.oh.us/committees/com_health.html)

### Building a Bridge: Canton LPPP

*By William Holden  
City of Canton LPPP*

The Canton City Health Department has been active in lead poisoning prevention activities for about 20 years. During the 1980's, the Ohio Department of Health Northeast District Office performed the inspections in homes where

children were medically shown to be lead poisoned.

In 1993, the housing providers in our area, due to the efforts of HUD and EPA as a result of the passage of Title X in 1992, began to look seriously at the lead issues in our community. Canton Community Development purchased a Princeton Gamma Tech XRF instrument for our department to use to test homes for lead based paint. We used this instrument to test homes for them prior to renovation projects as well as testing homes of lead poisoned children. Stark Metropolitan Housing Authority also developed a partnership with the Canton City Health Department to provide XRF testing for their housing renovation projects. In 1995, the Canton Lead Poisoning Prevention Program became my responsibility.

By 1998, we were performing EBL investigations for about 30 units per year, and several other housing providers established contracts with our department for testing and post lead abatement clearance testing. We provide this service at a nominal fee and/or in kind services. The Canton Health Department served to educate local housing providers about the requirements of the rules and inspection protocols.

Currently we offer lead testing and clearance services for Alliance and Massillon City Health Departments, as well as Canton and Massillon Community Development programs, Stark Metropolitan Housing Authority, and Stark County Regional Planning Commission. We are pleased to

be able to maintain these working relationships with other local agencies. Many homes in our community have been made lead safe as a result of these partnerships.

We work to intervene when children are lead poisoned and to reduce the child's blood lead level through education, investigation, and enforcement activities. We are shifting our primary goal from reacting to lead poisoned children, to trying to do primary prevention through education, screening, and increasing the awareness of physicians in our community. About 80% of the housing stock in Canton was built before 1960, which gives us a great potential for lead poisoning in our community. Based on the 2000 census there are about 9,000 children in Canton six years old and younger. We estimate that at any given time there are about 300 lead poisoned children in our community. Our program provides intervention for about 60 children annually. The CDC identifies ten of our eleven zip codes within the city as high-risk zip codes for lead poisoning.

In 2001 we were awarded \$50,000 in grant funds from the Ohio Department of Health. This has been the catalyst that has enabled our lead poisoning prevention team to make a lasting impact in our community. We purchased an ESA 3010-B blood lead analyzer and have established a lead-screening site in our department. Our in house public health lab uses the instrument to analyze blood samples collected in our nursing and WIC clinics. WIC nurse and nursing division have tested over 200 children for lead poisoning via finger stick method, since March 4, 2002.

We offer free screening twice a month, which are open to the public. Lead screens are offered daily in our WIC clinic. We are pleased to note that over 90% of the children being screened at our clinics are between the ages of one and three years old, being screened for the first time. Results of all tests are sent to the child's doctor and the parent, which includes medical management information. We have noticed that pediatricians are taking note of our efforts, and they seem to show a stronger interest in lead poisoning. We hope this interest will be translated into an increase in lead screening in our community. We use the STELLAR program as our lead database, which is updated by Mary Merry, the Public Health Clerk.

Kathy Paris, our Health Educator, is a PLANET trainer and has held a PLANET training for eight pediatricians at Aultman Hospital last April. She is active in presenting lead poisoning prevention presentations to groups in the community, and has partnered with Goodwill Industries, Head Start, AARP chapters, and neighborhood groups. She is working to get day care centers, and educators on board, and increase awareness among the medical community. She has created brochures specifically for churches about the lead prevention program. Two newspaper articles featuring pictures of our lead clinic have been published this past year. We want to hold off-site lead screening events in neighborhoods in 2003.

To help reach Canton's one-year-old population, we have created a letter, which is

generated through our local birth records and is sent to parents of one-year-old children. The letter encourages parents to get their children tested and increases awareness about lead poisoning. We have sent about 1300 letters since November 2001. About 90% of these letters are reaching the intended audience. Included with the letters is information about our free lead screening clinics and a lead poisoning prevention brochure.

We now have a group of about 15 local licensed lead abatement contractors who are available to perform lead abatement in owner occupied and rental housing in our community. Stark Metropolitan Housing Authority has worked with us by making lead safe housing available to families who need it, through their owned properties. We provide lead safe cleaning kits to families of lead poisoned children, and offer free use of a HEPA vac to residents in Canton to help with lead specific cleaning. Lead poisoning prevention literature is available to all, and is given out at all events.

We have also been successful with enforcement actions against property owners who do not comply with lead hazard abatement orders issued as a result of our investigations. We have taken property owners to municipal court on criminal charges of failing to obey a public health order (a minor misdemeanor), and we are pleased to say that we have not lost a case. Our Board of Health has been very supportive of our lead program, as have the city prosecutor and other court officials. Mark Adams, our Community Services Supervisor,

has done a great job with enforcement.

For 2002 - 2003 we have received an additional \$50,000 in CDC funds from the Ohio Department of Health to expand our efforts in lead poisoning awareness prevention. Our lead program can be compared to the building of a bridge. Once the foundation is in place as ours is, we are adding components to the bridge, one part at a time, as materials and time become available. We have not yet completed our bridge, but our community is aware of our efforts and this awareness has brought more workers to the site, who have the vision of one day crossing a completed bridge to a lead safe Canton and a lead safe Ohio.

There are many challenges ahead as we attempt to develop primary prevention activities and to increase the participation of the private sector. We believe that for the future, both an increase in private and public funding and more staffing in the local health departments is necessary to complete the bridge. We also need to do more to educate the public about the long-term economic costs associated with lead poisoning of our children. Funding will be a tough challenge for the future because of the current economic conditions causing havoc in state and local budgets, ours included. We plan to be a player in eliminating lead poisoning both now and in the future.

## HUD Grantees

On October 28, 2002, and Urban Development Secretary Mel Martinez announced that \$94.7 million in grants designed to remove lead-based paint hazards as well as other health and safety hazards from low-income housing. The grants will also support research and pilot programs addressing such home health risks as allergens (which cause asthma), carbon monoxide and other dangers.

Martinez's announcement marks the tenth anniversary of landmark legislation intended to protect children from potentially deadly lead exposure. The *Residential Lead-Based Paint Hazard Reduction Act* recognized modern scientific understanding that contaminated dust from lead-based paint is primarily responsible for poisoning children. Over the past decade, millions of children have been protected from dangerous lead as a result of the programs authorized by that legislation. Today, the Department estimates that 26 million fewer homes have lead-based paint compared to 1990 when the program began.

In Ohio, The City of Akron, City of Cincinnati, City of Columbus, Mahoning County, Montgomery County, and the City of Newark all received Lead Hazard Control Grants. The University of Cincinnati received two Health Homes grants totaling nearly \$350,000.



Help End Lead Poisoning

## **Lead Safe Columbus: Lead Hazard Control Grant**

Lead Safe Columbus will utilize \$2,157,343 for 120 units to implement their mission: "Generating lead-safe affordable housing and preventing lead poisoning of children and adults in Columbus neighborhoods." This is Columbus' third round of funding since 1995. Lead Safe Columbus will continue to cultivate an existing network of partners who will further generate additional lead safe housing units and remain active in the lead education efforts within targeted communities. As a result of previous lead hazard control efforts, the City has found that window and exterior siding are the greatest sources of lead hazards. As a result, per unit costs have been greatly reduced by targeting these high-risk surfaces for treatment.

Other services will include:

- Household cleaning supplies to community residents along with lead educational material, with a special emphasis on immigrant populations;
- Education to public and private health care providers who work with residents in targeted areas;
- Free blood screening through Columbus Health Department;
- Training of hazard control personnel such as contractors and workers;

Matching funds of \$1,046,200 have also been committed to the Lead Safe Columbus program.

Don't forget to send your updated contact information, membership dues, and contributions to Ira Horowitz at the Help End Lead Poisoning Office:

**35 East Gay Street  
Columbus, Ohio 43215  
(614) 461-6392  
fax: (614) 461-1011  
no\_lead2002@hotmail.com**

## **NEWS AROUND THE NATION**

### **Possible Increase In HUD Grant Funding**

On July 25, 2002, the Senate Appropriations Committee recommended that a total of \$201 million be set aside for lead hazard diminution, which is a \$75 million increase to the President's budget proposal.

This \$75 million will be put into a new fund for an "urban lead hazard reduction program." This fund will be evenly divided among 25 major urban areas that submit an acceptable plan to HUD that demonstrates sufficient capacity for remediation of lead hazards in properties occupied by very-low income families. The HUD secretary would determine the 25 urban areas that are in need of a grant based on (1) number of pre-1940 housing stock, (2) significant paint deterioration, and (3) number of documented cases of lead-poisoned children.

Each city deemed worthy of a grant would receive \$3 million to reduce lead hazards in their communities. At least 80% of funds must be used for abatement and interim control of lead-based paint hazards. Furthermore, the program targets abatement to units that serve low-income families.

A question that still remains is which urban cities will be eligible for these grants and be determined to be the most in need for extra lead hazard control grants. The City of Cleveland, with more than one in four children lead poisoned, is certainly in contention for one of these grants. Cincinnati, Columbus, and Toledo would also be considered for these grants.

Congress has postponed all final decisions on fiscal year 2003 appropriations until January. With the Senate as well as the House now under Republican control as a result of the elections, Congress passed a "continuing resolution" to keep government agencies running into January. This means that one of the first orders of business for the new Congress when it convenes in January will be making the final decision on spending for all federal agencies and programs for fiscal year 2003.

The AECLP is urging lead advocates to send or resend emails in early January to show support for this increase in funding and new program. There are two Representatives from Ohio on the committee - Rep. David Hobson (R - 7<sup>th</sup> OH) and Rep. Marcy Kaptur (D - 9<sup>th</sup> OH).



## **Rhode Island Lawsuit Ends in a Mistrial**

Phase one of the landmark Rhode Island lawsuit hit a bump on October 29, 2002 when Superior Court Judge Michael A. Silverstein declared a mistrial. The six-member jury sent a note to the judge shortly after 2 p.m. that it could not reach a unanimous decision on whether the paints constituted a public nuisance.

The judge said he expect that there will be a new trail; however, the state's Attorney General Sheldon Whitehouse, will be leaving office when his term ends in December. Leaving the decision to take this back to court up to his successor.

Jurors heard seven weeks of testimonies before deliberating for four days. The Jury was left with the responsibility of deciding if lead-based paint was a public nuisance. The 6 person Jury felt it unnecessary to deliberate any longer, as no one was going to be changing their mind.

Within minutes of this announcement, paint companies stock soared through the roof. Sherwin-Williams stock shares went up 14% in less than 20 minutes of the case being declared a mistrial. At 2:50pm, their stock stood at \$25.04; 20 minutes later it shot up to \$28.55. As Wall Street closed Monday, Sherwin-Williams stock was at \$27.68, up \$3.12 or 12.7% from the beginning of the day. This \$3.12 jump corresponds to a \$470 million gain for the company's market value in one day.

## **HELP END LEAD POISONING (HELP) BOARD OF TRUSTEES**

Jo Anne St. Clair, *President*  
Eleanor Pearlman, *Vice President*  
Shelley Cooper, *Secretary*  
James Callen, *Treasurer*

Patricia Barnes  
Stuart Greenberg  
Suzanne Gomochak  
Eugene King  
Tom Rotte

Ira Horowitz, *Coordinator*

## **Lead Poisoning Advisory Panel Weighed Down By Lead Industry's Friends**

For the first time ever, the Secretary of Health and Human Services, Tommy Thompson, has overruled the nominations of the CDC staff for membership on the CDC Advisory Committee on Childhood Lead Poisoning Prevention (ACCLPP). Instead, Secretary Thompson has named his own appointees, including several people with close lead industry connections.

The rejected nominations include Dr. Michael Weitzman, Pediatrician in Chief at Rochester General Hospital; Dr. Bruce Lanphear, Sloan Professor of Children's Environmental Health at the University of Cincinnati; and Dr. Susan Klitzman, Associate Professor of Urban Public Health at Hunter College.

Historically the ACCLPP has provided science-based advice to inform CDC's policies to prevent lead poisoning and it

has been instrumental in setting federal lead poisoning screening and prevention policies. The committee has always included subject-matter experts, researchers, and public health practitioners.

Secretary Thompson's appointees include several people who work directly for the lead industry.

Dr. William Banner is a witness for the lead industry in the Rhode Island trial against lead paint manufacturers. In his deposition, he testified that blood lead levels between 70 and 100 do not pose a risk to children's health.

Dr. Joyce Tsuji is a consultant whose corporate clients include ASARCO, DuPont, and King & Spaulding, a law firm representing several lead companies. She testified for industry in a class action lawsuit disputing the need for medical monitoring in the vicinity of a lead smelter.

Dr. Kimberly Thompson is affiliated with the Harvard Center for Risk Analysis whose funders include two defendants in the Rhode Island case and 22 other companies that have released lead in the environment.

Rep. Edward Markey, Rep. Eddie Bernice-Johnson, and Rep. Waxman have written to Secretary Thompson opposing the unprecedented effort to stack the scientific advisory board with candidates with financial ties to the lead industry. Several scientists joined the Representatives in a news conference on October 8 to emphasize the importance of independent scientific advisors.

Here is a link to additional information about this controversy:  
[www.ems.org/releases/markey\\_lead.html](http://www.ems.org/releases/markey_lead.html)

## Massachusetts Lead Poisoning Prevention

Massachusetts enacted one of the nation's first state lead poisoning prevention laws in 1971. Since 1971, Massachusetts's property owners have been required to permanently control specified lead-based paint hazards in any housing unit in which a child under the age of six resides.

The 1971 law provided for enforcement of this duty by both a newly created state Childhood Lead Poisoning Prevention Program within the Department of Public Health and by local boards of health. In addition, the law enlisted the help of the tort system for enforcement by providing that property owners would be "strictly liable" for damages resulting from failure to make a child's apartment lead-safe, even if they did not know a lead hazard was present

The law was revised in 1987 in three ways. First, the amendments sought to improve the quality and safety of abatement work by requiring use of trained and licensed contractors, relocation of occupants during abatement, and daily and final clean-up in units undergoing abatement. Second, the amendments were designed to substantially increase the number of units brought into compliance by providing financial assistance (a

\$1,000 state income tax credit and a grant/loan program) and mandating that prospective purchasers of residential premises receive notice about the lead law and have the opportunity to get an inspection. Finally, the amendments embraced the principle of universal blood lead screening, mandating that physicians screen children and that health insurers cover screening costs.

In 1993, the law was further amended. Compliance costs were lowered by allowing owners to use interim controls for up to two years before permanently containing or abating lead-based paint hazards. Other cost-reducing provisions allowed the use of encapsulants and eased safety precautions when children would not be endangered. Owners were provided with a larger \$1,500/unit state income tax credit and a new state fund was set up to provide funds for lead hazard control. Finally, owners who obtain certification from a licensed inspector that interim controls or abatement have been performed are no longer held strictly liable and insurers are required to provide coverage for any negligence claims (short of gross or willful negligence) that may be brought against such owners.

According to the CDC, approximately 1300 children in Boston are identified annually with blood lead levels high enough to adversely affect cognitive development and behavior. While the overall prevalence of such cases declined substantially in the 1990s, continued use of blood lead data for surveillance purposes will be essential in Boston and other jurisdictions to focus resources on high-risk

neighborhoods and to achieve the health objective. For more information visit:  
<http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5017a3.htm>

Information gathered from the National Center for Healthy Housing and Environmental Media Services.



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### Editor's Notes

If you have any news or information that you would like to see in this newsletter or questions/comments about the newsletter please contact Ira Horowitz at 614-461-6392 or via email at [no\\_lead2002@hotmail.com](mailto:no_lead2002@hotmail.com)