

ENVIRONMENTAL LEAD INTERAGENCY COORDINATING COUNCIL

Activities Report for calendar year 2008

Executive Summary

- **Organization of the Interagency Coordinating Council on Environmental Lead**

The Interagency Coordinating Council on Environmental Lead (ICC) was created by R.I.G.L. 23-24.6-6 within the State of Rhode Island Department of Health in order to coordinate the activities of its member agencies with respect to: "(i) environmental lead policy; (ii) the development of educational materials; (iii) drafting regulations which have as their purpose reducing or preventing lead poisoning; and (iv) enforcement of laws, regulations, and ordinances pertaining to lead poisoning and lead poisoning prevention. The members include: five ex officio members: the directors of Health (DOH), Environmental Management (DEM), Human Services (DHS), Housing Resources Commission (HRC) and the Attorney General or their designees as well as a representative of a municipal lead program.

With the passage of the Lead Hazard Mitigation Act in 2002, the HRC was charged with implementation of the Act and with serving as the "lead state agency for lead mitigation, planning education, technical assistance and coordination of state projects and state financial assistance to property owners for lead hazard mitigation" (R.I. G.L. 42-128.1). Much of the work of the ICC has been focused on the implementation of the State Strategic Plan to implement lead hazard mitigation.

Therefore in December 2008, the ICC voted to integrate its membership and tasks into the HRC, Office of Program, Performance and Evaluation (Healthy Housing). All of the members of the ICC had a seat at the Office also. The ICC tasks noted above were the primary work of the Office.

- **Mandates Achieved in 2008**

The HRC has a single staff person assigned to all of the above activities. The HRC efforts have been assisted and enhanced by cooperation with DOH through a Memorandum of Agreement. One of the most significant sources of assistance has been the forwarding of calls from the 222-LEAD hotline, which the HRC has been unable to staff, to the HEALTH Information Line (1-800-942-7434). We have also worked in cooperation with DOH to do outreach to local code officials and to conduct investigations of improper issuance of Certificates of Conformance related to the Lead Hazard Mitigation Act.

- **Mandates Not Achieved in 2008**

The foreclosure crisis has challenged our efforts to increase the supply of rental housing in which lead hazards have been mitigated. The HRC, in cooperation with DOH, will strive to fulfill our

legislative purpose. However, changes in ownership, destruction of abandoned properties, and displacement of tenants from lead safe units have impacted our ability to mitigate lead hazards in 2008. We are hopeful that we can address some of these gaps in 2009 through the funds available for housing rehabilitation and weatherization in the Neighborhood Stabilization Program and the American Recovery and Reinvestment Act. When these improvements are made in a home, lead issues are also addressed.

Other activities not fulfilled due to capacity issues include:

- Increasing public awareness
- Outreach to landlords about responsibilities under the law
- Provision of information to tenants
- Operation of Lead Technical Assistance Center.

While there are gaps in what the ICC has been able to address, the following report does document progress in reducing childhood lead poisoning. The ICC will continue its primary prevention focus toward the goal of total elimination. Along with being safe from lead paint hazards, housing should be clean, dry, ventilated, safe, free of contaminants and maintained. With a broader emphasis on the entire spectrum of healthy housing issues, the state can greatly improve overall housing quality for all Rhode Islanders.

Progress Report

• Information offered to property owners and tenants

By the close of 2008, over 25,000 property owners had taken the 3-hour Lead hazard Awareness Seminar. 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 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:

Assisting property owners to assess their units and to advise them regarding corrective measures in order to bring their units into compliance with lead hazard mitigation requirements. The office functioned as a clearinghouse of information for all housing/lead related issues in the state.

Appropriate training and education materials continued to be distributed to educate landlords and their tenants on the lead hazard mitigation requirements.

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.

- Conducted an annual campaign to outreach Hardware stores in the state to provide "Warning Signs" to be posted to alert consumers on the importance of lead safe work practices when doing home repairs.
- Launched the first online lead database search engine in the state, allowing tenants the opportunity to check if an apartment/dwelling unit is in compliance with the Lead Hazard Mitigation Regulations.
- Collaborated with the Department of Health on data collection and creating a mechanism to allow access to the public to lead and housing data.
- 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.
- More than 500,000 booklets/fact sheets on the Lead Hazard Mitigation Act and lead information have been distributed to landlords and tenants

Certificates of conformance issued

As of the end of 2008, 19,000 rental units have received Certificates of Conformance and 4,000 have received Presumptive Compliance Status.

Trained professionals

As of the end of 2008, 21 individuals and/or agencies are licensed by the Housing Resources Commission (HRC) to offer the 3-hour Lead Hazard Awareness Seminar and the Mitigation Inspector Training throughout the State. HRC currently license and authorize 111 individuals and/or organizations to conduct a variety of regulated lead activities as follows: 90 Lead Mitigation Inspectors, 20 Lead Hazard Awareness Training providers and 1 Mitigation Training provider. By the close of 2008, over 25,000 property owners had taken the three-hour Lead Hazard Awareness Seminar.

- **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 2008, \$360,253 was committed to make 89 units lead safe. Since 1999, the State Lead Hazard Reduction Program has committed \$17,019,097 million making 1,493 units lead-safe. Overall, the State Lead Hazard Reduction Program is making a significant impact on improving the condition of residential properties 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.

The number of units that were made lead safe during 2008 from other local programs is as follows:

Woonsocket	100 units
East Providence	11
Warwick	30
Providence	34

- **Additional Outreach activities and funding**

The Healthy Kids Collaborative (HKC) is a state-wide lead safety initiative in Rhode Island, funded by DuPont, and conducted as a partnership between the Children's Health Forum and Rhode Island Attorney General Patrick Lynch with the input and guidance of a commission of community leaders.

In December 2007, the Healthy Kids Collaborative announced approximately \$1.2 million in funding over two years for outreach and education grants to six community-based organizations across the state, including Blackstone Valley Community Action Program, Childhood Lead Action Project, East Bay Community Action Program, Thundermist Community Health Center, St Joseph's Health Services, and West Bay Community Action Project. Grantees began implementing their programs in February 2008 (marking the beginning of their fiscal year) after finalizing work plans and funding agreements. The funding year ended on January 31, 2009 and year-end reporting will be completed in March.

Four of the grantees have instituted a statewide case management program providing assistance to 137 families with children whose blood lead levels fall between 10-14 mcg/dL during the first

three quarters. One grantee is providing case management services for any family with a child with a lead level of 5 mcg/dL or greater. Additional programs include partnerships with community organizations to ensure the availability of information on lead safety programs statewide. A variety of literature has been distributed through a number of venues including homebuyer classes, landlord classes, health fairs, home visits to at-risk residences, and outreach to pregnant and parenting teens. Grantees have also expanded the availability of free three hour lead classes for property owners seeking a Certificate of Conformance. During the first three quarters 145 participants attended one of 24 classes.

On August 18, Rhode Island Attorney General Patrick Lynch and the Children's Health Forum and HKC announced a request for proposals had been issued for a lead safe remediation program that would bring up to 600 Rhode Island housing units in targeted communities to the current federal and state standards for lead safety. On December 17, Attorney General Lynch, the Children's Health Forum, and HKC announced that CLEARCorps USA had been selected to perform the lead remediation work and will receive an award of \$6.7 million. CLEARCorps USA will be working in partnership with CLEARCorps Rhode Island, West Elmwood Housing Development Corporation, Realty Endeavors for Affordable Community Housing (REACH), Childhood Lead Action Project, and Blackstone Valley Community Action Program to implement the program.

- **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 2008 the Department continues to experience 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 approximately 240 insurers have filed reports with this Department for business written as of calendar year 2008. Of these replies, approximately 15,737 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, 2008, 103 residential rental property owners obtained stand-alone lead liability policies offered through the FAIR Plan. While the number of notices increased from 15404 in 2007 to 15737 in 2008, the number of stand alone lead liability policies decreased by 11 during that same period. The average premium for a stand alone lead liability policy issued by the FAIR Plan in RI during 2008 was \$326. There were 16 lead liability claims reported by insurers during 2008, with 1 settlement reported. Total lead liability claim payments were reported in the amount of \$165, 070 for 2008.

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 2008, the incidence of lead poisoning in the core cities was 1.8%, compared to 0.5% in the remaining cities and towns. The incidence rate for the entire state is 1.1%, or 330 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). 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.

2008 INCIDENCE OF LEAD POISONING BY CITY AND TOWN

City/Town	# Children with BLL \geq 10 μ g/dL for the First Time	Total # Children Screened with No Previous Confirmed Elevated BLL	Incidence
Barrington	0	565	0.0%
Bristol	6	598	1.0%
Burrillville	3	375	0.8%
Central Falls	15	1,064	1.4%
Charlestown	0	143	0.0%
Coventry	2	700	0.3%
Cranston	21	1,786	1.2%
Cumberland	4	837	0.5%
East Greenwich	0	303	0.0%
East Providence	10	1,507	0.7%
Exeter	1	97	1.0%
Foster	0	104	0.0%
Glocester	0	131	0.0%
Hopkinton	1	195	0.5%
Jamestown	0	85	0.0%
Johnston	2	585	0.3%
Lincoln	1	443	0.2%
Little Compton	0	76	0.0%
Middletown	0	445	0.0%
Narragansett	0	169	0.0%
New Shoreham	0	21	0.0%
Newport	6	690	0.9%
North Kingstown	2	553	0.4%
North Providence	5	617	0.8%
North Smithfield	0	180	0.0%
Pawtucket	41	2,816	1.5%
Portsmouth	1	400	0.3%
Providence	175	7,269	2.4%
Richmond	1	123	0.8%
Scituate	2	208	1.0%
Smithfield	0	322	0.0%
South Kingstown	0	601	0.0%
Tiverton	1	417	0.2%
Warren	1	340	0.3%
Warwick	4	1,643	0.2%
West Greenwich	0	87	0.0%
West Warwick	3	778	0.4%
Westerly	5	560	0.9%
Woonsocket	17	1,499	1.1%
Unknown RI City/Town	0	2	0.0%
Statewide	330	29,334	1.1%

City specific incidence for previous years can be found on the web at www.health.ri.gov/lead