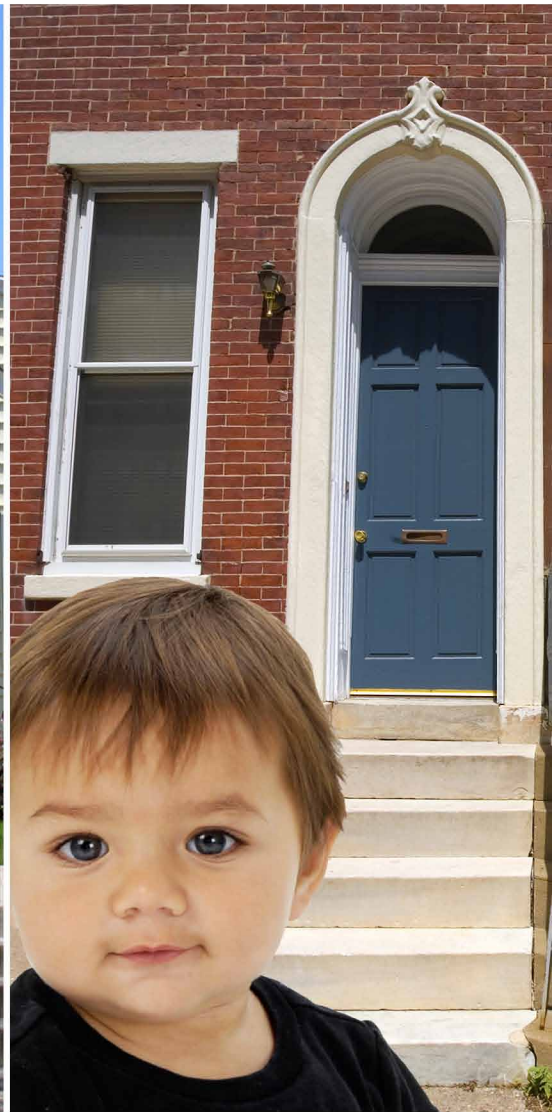
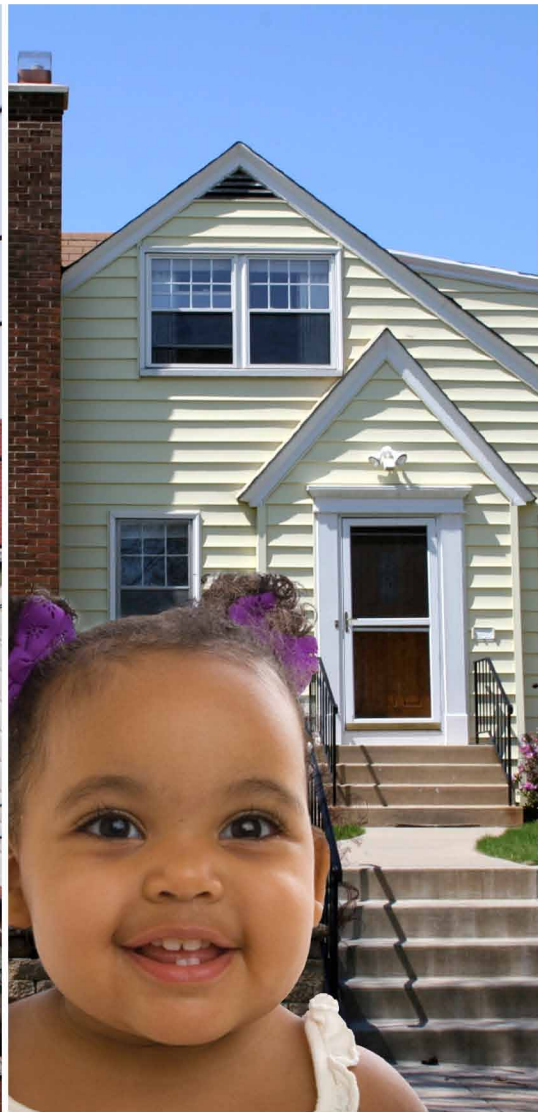




New York State Task Force on the Prevention of Childhood Lead Poisoning

Preliminary Report
2009



Governor David A. Paterson

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Glossary and Abbreviations

ACCLPP	CDC’s Advisory Committee on Childhood Lead Poisoning Prevention
BLL	Blood-Lead Level, a measure of concentration of lead in blood
CDBG	Community Development Block Grant, a source of federal funding for community and economic development and housing rehabilitation for low- and moderate-income families
CDC	US Centers for Disease Control and Prevention
Clearance	Procedures to verify that no lead-based paint chips or dust particles remain after repairs have been completed. A visual clearance involves assessment of the work areas to determine that no paint chips remain. A dust lead clearance test requires analysis of dust samples collected according to federal protocol and analyzed by an EPA-accredited laboratory. Results of the analysis must comply with EPA/HUD hazard standards before the location is considered cleared.
CCF	NYS Council on Children and Families
CLPPPP	NYS Childhood Lead Poisoning Primary Prevention Program
DEC	NYS Department of Environmental Conservation
<i>De minimus</i>	The amount of painted surface to be disturbed during rehabilitation, maintenance, paint stabilization, or hazard reduction activity, below which safe work practices and clearance are not required
DHCR	NYS Division of Housing and Community Renewal
DOB	NYS Division of the Budget
DOH	NYS Department of Health
DOL	NYS Department of Labor
DOS	NYS Department of State
DTF	NYS Department of Taxation and Finance
EBL or EBLL	Elevated Blood-Lead Level (in this report, a BLL over the CDC level of concern of greater than or equal to 10 µg/dL is considered an EBLL)
ESDC	NYS Empire State Development Corporation
EPA	US Environmental Protection Agency
HFA	NYS Housing Finance Agency
HUD	US Department of Housing and Urban Development

HUD Guidelines	Evaluation and Control of Lead-Based Paint Hazards in Housing, HUD-1539-LBP, July 1995
IPMC	International Property Maintenance Code
LBP	Lead-Based Paint
LHD	Local Health Department
LHC	Lead Hazard Control
LPPP	NYS Lead Poisoning Prevention Program
LSWP	Lead-Safe Work Practices
N&D	Notice and Demand, the primary method by which LHDs notify property owners when LBP hazards are identified during an investigation
NYC	New York City
NYS	New York State
NYSERDA	NYS Energy Research and Development Authority
OCFS	NYS Office of Children and Family Services
OPRHP	NYS Office of Parks, Recreation and Historic Preservation
OTDA	NYS Office of Temporary and Disability Assistance
PHL	NYS Public Health Law
RRP	Renovation, Repair, and Painting Rule (40 CFR § 745.80-.91)
US	United States
µg/dL	Micrograms per Deciliter

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I. Executive Summary

In October 2008, Governor David A. Paterson pledged to intensify the State's efforts to address the problem of childhood lead poisoning. The 2009-10 enacted budget included the Governor's proposals to add \$2.5 million more funding for the Childhood Lead Poisoning Prevention Program (CLPPPP), totaling nearly \$16 million over a three-year period, and made the program permanent.

In addition to increasing funding for the CLPPPP, the Governor has taken the following additional actions to address lead poisoning:

- Revised regulations to expand comprehensive follow-up services to children with blood lead levels (BLL) of 15-19 $\mu\text{g}/\text{dL}$;
- Revised and implemented Medicaid regulations for "point-of-care" blood lead testing;
- Enacted legislation to link statewide childhood lead and immunization registries to increase lead testing;
- Implemented data system enhancements to improve timeliness and quality of surveillance data; and
- Created and distributed several key lead poisoning prevention educational materials for parents, health care providers, and the public.

As part of the continuing effort to prevent lead poisoning, on June 2, 2009 Governor Paterson issued Executive Order No. 21 to establish the Governor's Task Force on the Prevention of Childhood Lead Poisoning (the Task Force) (see Appendix A for the Executive Order). As established in the Executive Order, the Task Force is a "body of State officials who are charged with the execution of the State's policies and programs in a variety of areas, for the purpose of ensuring the collaboration of such officials and State agencies in the coordination and maximization of available resources and expertise." The Task Force was charged with issuing a preliminary report to the Governor and to the New York State Advisory Council on Lead Poisoning Prevention (the Advisory Council) on or before November 30, 2009.

Between July 2009 and November 2009, Task Force members met to identify specific primary prevention actions *already undertaken* by State agencies and to recommend other such actions that could be taken immediately. Based on these meetings, the Task Force recommended the following enhancements to current activities, which could be implemented in the near term without additional legislative or budget authority:

Enhancement #1: Connect lead poisoning prevention programs with clean energy and weatherization assistance programs.

Enhancement #2: Enhance procedures for ensuring that family-based child care programs are lead-safe and that consistent protocols are followed for assessing lead hazards in facility-based child care.

Enhancement #3: Increase awareness of lead poisoning among human service providers and other local organizations that work directly with young children at high risk for lead poisoning.

Enhancement #4: Balance housing funding streams to prioritize older homes (built before 1960) and high-risk communities.

Enhancement #5: Develop a targeted education and awareness campaign regarding the importance of blood lead screening and housing inspections for lead hazards.

Enhancement #6: Work with the NYS Office of Court Administration and the Administrative Judges for each of the municipal courts and district courts to fully use their equitable jurisdiction to assure that lead-paint hazards are remediated.

Enhancement #7: Facilitate training of lead-safe work practices (LSWP) by piggy-backing on existing energy services contractor training programs.

Enhancement #8: Amend the Property Maintenance Code of New York State to require LSWP and repair of underlying problems when peeling paint is repaired in dwellings built before 1978, and train code inspectors on the new requirement.

Enhancement #9: Explore strategies for enhancing compliance with existing state and federal lead hazard notification requirements.

The complete results of the Task Force's preliminary activities are described in this report. A final report of its findings and recommendations will be issued to the Governor and to the Advisory Council by November 30, 2010.

II. Background

The Effects of Lead Poisoning

Despite substantial progress, childhood lead poisoning remains a major problem, both in New York State (NYS) and around the nation. Since there is no medical treatment that permanently reverses the neuro-developmental effects of lead exposure, primary prevention (taking action before a child is harmed) is critical to address the problem. Primary prevention marks an important augmentation of the traditional approach of responding to children who have already been poisoned. The most common source of childhood lead poisoning is lead-based paint (LBP) in older homes and the primary exposure pathway is the ingestion of lead-contaminated settled interior dust and bare-contaminated soil.^{i ii} Although banned from use in residential paint and other consumer products in 1978,ⁱⁱⁱ there are still an estimated 38 million pre-1978 dwellings nationwide that contain LBP,^{iv} and an estimated 24 million have deteriorated (chipping, peeling, flaking) LBP and dust and/or soil hazards.^{v vi} More than four million of these dwellings are homes to one or more young children.^{vii}

Although lead poisoning is a preventable disease, it continues to be a major children's environmental health problem in the United States (US).^{viii} Lead exposure can result in neurological damage, including intellectual impairment, developmental delays, learning disabilities, memory loss, hearing problems, attention deficits, hyperactivity, behavioral disorders, and other health problems. Lead is particularly dangerous to children under the age of six due to the rapid growth and development of their nervous systems and their greater lead uptake from the food and water they consume.

Communities that engage in lead poisoning prevention can avoid substantial monetary costs. In the US, lost lifetime earnings from decreases in intelligence quotient (IQ) related to lead exposure is estimated at over \$43 billion. This does not include other social benefits resulting from prevention efforts, such as avoided medical care, special education, crime, stress on parents and children, behavior problems, and many other preventable adverse health effects.^{ix}

A National Perspective on Primary Prevention

Years of federal, state, and local activity have resulted in a decline in the number of children with elevated blood lead levels (EBLLs). From 1994 to 2006, the number dropped by 86 percent, from 890,000 to 120,000 (from 4.4 percent to 0.6 percent of all children).^x Recognition that lead exposure affects IQ even when BLLs are lower than 10 µg/dL reinforces the need for primary prevention. The exposure burden still occurs disproportionately in deteriorated or unsafely renovated pre-1978 homes, with communities of color and low-income families disproportionately impacted.

In 2004, the Centers for Disease Control and Prevention's (CDC) Advisory Committee on Childhood Lead Poisoning Prevention (ACCLPP) called for a more aggressive housing-based primary prevention approach: "To ensure successful elimination of EBLLs in children, programs must not rely solely on screening and secondary prevention, but also focus on preventing lead exposure through the implementation of housing-based primary prevention."^{xi} The US Environmental Protection Agency (EPA) will fully implement its Renovation, Repair, and Painting (RRP) rule by April 2010, requiring contractors who disturb LBP in pre-1978 homes and child-occupied facilities to be certified as renovators and to follow specified work practices to prevent lead contamination.^{xii}

Lead Poisoning in New York State

New York consistently ranks high on key risk factors associated with lead poisoning, including many young children living in poverty, a large immigrant population, and an older, deteriorated housing stock.^{xiii} Although the overall incidence (newly diagnosed cases) of lead poisoning among New York State children under age six steadily declined from 1998 to 2007,^{xiv} thousands of children are still at risk because EBLL rates vary greatly across the state (see Figures 1.1 and 1.2 below).^{xv xvi} About 90 percent of the EBLL cases between 2005 and 2007 were associated with 18 counties and New York City.^{xvii}

2000 U.S. Census Data for Lead Risk Factors in New York State

- Nearly 1.7 million children under age six.
- 476,000 children aged one and two years.
- Third in the nation for families with children under age five living in poverty.
- 23% of the population born outside the U.S.
- Over 3.3 million homes built before 1950.

Figure 1.1. Incidence of BLL \geq 10 μ g/dL 1998 and 2007

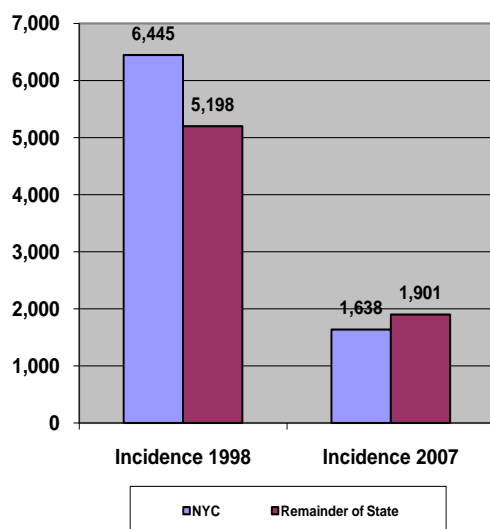
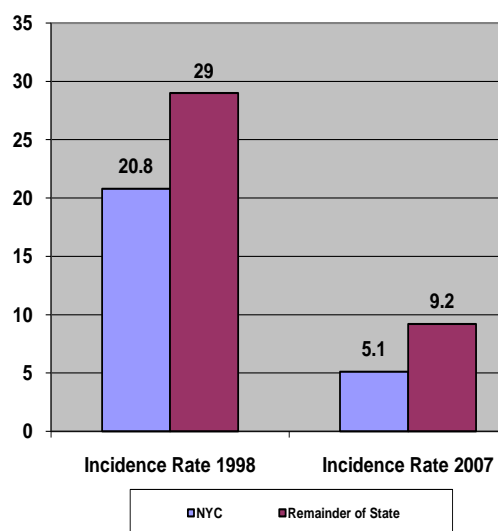


Figure 1.2. Incidence Rate* BLL \geq 10 μ g/dL 1998 and 2007



* Rate per 1,000 children under age six tested.

Additional aggressive action to reduce childhood exposure to lead remains a State public health priority. State and local agencies have redoubled efforts to prevent lead exposure through a primary prevention approach. In addition to the strides that the Governor has made in the prevention of childhood lead poisoning that are described in this report, several localities have adopted primary prevention laws. New York City has adopted and enforces a local ordinance requiring investigation and remediation of LBP hazards in dwellings that house young children.^{xviii} The City of Rochester's lead ordinance applies to all rental units, regardless of child occupancy.^{xix} Other communities rely on a combination of state and local authorities to inspect and require remediation of homes or apartments. Funding for this remediation traditionally

comes from the property owner, federal lead hazard control grants, or other State and federal rehabilitation funds.

New York State Advisory Council on Lead Poisoning Prevention

The Lead Poisoning Prevention Act of 1992 (see NYS Public Health Law, Title X) established the New York State Advisory Council on Lead Poisoning Prevention (Advisory Council) within the Department of Health (DOH). The Advisory Council is chaired by the designee of the Commissioner of Health. Required Council members include the Commissioners or their designees of: the Department of State (DOS); Insurance Department; Office of Temporary and Disability Assistance (OTDA); Office of Children and Family Services (OCFS); Department of Environmental Conservation (DEC); Division of Housing and Community Renewal (DHCR); and the Department of Labor (DOL). In addition, the Advisory Council includes 15 public members appointed by the Governor, with at least one public member representative of each of the following: local government, community groups, labor unions, real estate, industry, parents, educators, local housing authorities, child health advocates, environmental groups, professional medical organizations, and hospitals. In recognition of the importance of participation from other essential partners, DOH has reached out to additional key agencies to assist with Council deliberations as adjunct members. A representative of the New York City Department of Health and Mental Hygiene currently participates as an adjunct member. Section 1370-b of the NYS Public Health Law (PHL) charges the Council with the following roles and duties:

- To develop a comprehensive statewide plan to prevent lead poisoning and to minimize lead exposure;
- To coordinate the activities of its member agencies with respect to environmental lead policy and the statewide plan;
- To recommend adoption of policies with regard to the detection and elimination of lead hazards in the environment;
- To recommend the adoption of policies with regard to the identification and management of children with elevated lead levels;
- To recommend the adoption of policies with regard to education and outreach strategies related to lead exposure, detection and risk reduction;
- To comment on regulations of DOH when the Council deems appropriate;
- To make recommendations to ensure the qualifications of persons performing inspection and abatement of lead through a system of licensure and certification;
- To recommend strategies for funding the lead poisoning prevention program, including, but not limited to, ways to enhance the funding of screening through insurance coverage and other means and ways to financially assist property owners in abating environmental lead, such as tax credits, loan funds and other approaches; and
- To report on or before December 1 of each year to the Governor and the Legislature concerning the development and implementation of the statewide plan and operation of the program, together with recommendations it deems necessary and the most currently available lead surveillance measures.

The Advisory Council meets regularly to discuss issues and strategies relevant to the prevention and elimination of childhood lead poisoning in New York State.

New York State Lead Poisoning Prevention Program

Established by PHL § 1370-a (enacted in 1992 and amended in 2007 and 2009), New York State's Lead Poisoning Prevention Program (LPPP) has played a critical role in addressing childhood lead poisoning for many years. At the state level, DOH is responsible for establishing and coordinating activities to prevent lead poisoning, including requirements for blood lead testing and follow-up of children and pregnant women, establishment and maintenance of a statewide registry of children's blood lead levels, development and implementation of public education and community outreach activities, and coordination with other agencies and programs. DOH also administers grant funding to local health departments (LHDs) to support local lead poisoning prevention programs that include both primary and secondary prevention approaches, such as the following activities:^{xx}

- Public and professional education and community outreach on childhood lead poisoning prevention;
- Activities to increase lead screening and testing of children and pregnant women in accordance with NYS PHL and regulations;
- Assurance of timely and appropriate follow-up actions for all children identified with lead poisoning, including blood lead monitoring, risk reduction education, medical evaluation and treatment as needed, and environmental management, with the specific services depending on the child's blood lead level; and
- Advancing primary prevention strategies to identify and reduce potential lead hazards before children become lead poisoned.

Implementing regulations for testing and follow-up of children and pregnant women, authorized by PHL § 1370-c, were promulgated in 1993. In 2004, the state published its strategic elimination plan,^{xxi} which set forth a comprehensive approach to childhood lead poisoning prevention including:

- Surveillance and data analysis;
- Primary prevention;
- Early identification (screening/testing);
- Case management (follow-up) services for children with EBLLs;
- Targeting high-risk areas and populations; and
- Strategic partnerships.

New York State Childhood Lead Poisoning Primary Prevention Program

In 2007, the State undertook a new primary prevention initiative, with the Governor proposing and the NYS Legislature agreeing to dedicate \$3 million in new State funding. The 2007 legislation added a new subdivision 3 to PHL § 1370-a, creating the New York State Childhood Lead Poisoning Primary Prevention Program (CLPPPP) as a pilot program (Pilot).

Specifically, the amendment required DOH to "identify and designate a zip code in certain counties with significant concentrations of children identified with elevated blood lead levels for purposes of implementing a pilot program to work in cooperation with local health officials to develop a primary prevention plan for each such zip code identified to prevent exposure to lead-based paint." In granting DOH authority to designate zip codes as "areas of high risk," the amended statute permitted DOH as well as LHDs to adopt a proactive approach to reducing children's exposure before harm occurred. This allowed health departments to gain access to

homes for the purposes of education and inspection, even if no child with an EBLL currently resided in the unit and even if the unit was not currently occupied by a child (but one day could be).

The legislation also authorized the NYS Commissioner of Health to provide technical assistance and to enter into agreements or Memoranda of Understanding (MOUs) with local health officials, local building code officials, property owners, and community organizations. In the absence of a comprehensive state-level primary prevention law or local legislation, this authority enabled LHDs to use the “high-risk” zip code designation as the first step to more vigorous primary prevention, while continuing to carry out their ongoing secondary prevention activities. Under the Pilot, grant recipients were also required to create and implement policies, conduct community outreach to address lead exposure, and detect and ensure risk reduction in selected zip codes, with particular focus on children under age six who live in the high-risk housing in the zip code identified. Grantees were also required to identify means to collaborate with other programs, such as weatherization assistance, to accomplish risk reduction.

LHDs in the eight counties (treating the five counties within New York City for these purposes as a single county) with the highest number of annual incident cases of lead poisoning among children under age six received funding in Year One of the Pilot.

DOH provided each LHD with information on the zip codes with the highest incidence of lead poisoning within each county, specifically the zip codes in the top tenth percentile in 2005 for annual incident number of cases with EBLLs of 10 µg/dL or greater. DOH first sorted the data by county and zip code, then identified all zip codes containing 10 or more children with EBLLs, and finally rank-ordered counties by incidence

Governor’s Accomplishments Related to Childhood Lead Poisoning Prevention:

- Increased funding for CLPPPP from \$5.2M (2008) to \$7.7M (2009).
- Revised regulations to expand comprehensive follow-up services to children with BLLs of 15-19 µg/dL.
- Revised and implemented Medicaid regulations for “point-of-care” blood lead testing.
- Enacted legislation to link statewide childhood lead and immunization registries to increase lead testing.
- Implemented data system enhancements to improve timeliness and quality of surveillance data.
- Created and distributed several key lead poisoning prevention educational materials for parents, health care providers, and the public.

of children with EBLLs within all high-risk zip codes. Collectively, these eight counties accounted for 79 percent of all known 2005 EBLL cases. Each county received a base award, which was then increased in proportion to its annual incidence of lead poisoning cases up to a cap of \$500,000.

In 2008, the Governor proposed and the NYS Legislature committed to an additional \$2.5 million dollars for the CLPPPP, bringing the total funded amount for Year Two to approximately \$5 million. This increased the funding allocated to the eight renewing grantees, and provided funds for four new grantees: Broome, Chautauqua, Dutchess, and Schenectady Counties. In 2009, based on the promising results of the Pilot, Governor Paterson successfully sought to make the CLPPPP permanent under an amendment to PHL § 1370-a(3) and funding was further increased to \$7.7 million. With the addition of three new grantees in 2009-10 (Niagara, Rensselaer, and Ulster Counties), 15 grantees will implement a housing-based primary

prevention initiative, potentially reaching up to 200,000 housing units in the next three years. Under PHL § 1370-a, as revised in 2009 and implemented by DOH, grantees are under contract with DOH to conduct the following activities:

1. Use the “area of high risk” designation and the Notice and Demand (N&D) process or equivalent enforcement mechanism, as appropriate, to complete remediation work in targeted areas;
2. Identify communities of concern that had a high prevalence of actual or presumed LBP hazards, based on lead surveillance data, prior case histories, demographic information, age and condition of housing, and other factors;
3. Refer children under six who had not received required lead screenings to their primary care providers and/or LHD lead poisoning prevention program for follow-up;
4. Develop a housing inspection program that includes:
 - a. Prioritization of dwellings within target areas for inspections;
 - b. Inspection of high-risk dwellings for potential lead hazards;
 - c. Correction of identified lead hazards using effective LSWP;
 - d. Appropriate oversight of remediation work; and
 - e. Clearance by certified inspectors;
5. Develop formal partnerships, including formal agreements or MOUs, with other county and municipal agencies and programs. Prospective partners include code enforcement offices, local social services departments, local housing agencies, HUD Lead Hazard Control grantees, and existing lead poisoning prevention community groups;
6. Develop new or use existing enforcement policies and activities to assure safe and effective remediation of identified lead hazards;
7. Coordinate available financial and technical resources to assist property owners with remediation;
8. Develop and implement LSWP training for property owners, contractors, and residents, and promote development and use of a certified workforce for lead remediation activities; and
9. Collect and report data to DOH to evaluate the progress and effectiveness of the CLPPPP.

Since its inception on October 1, 2007, the CLPPPP has visited a cumulative total of 5,510 units and cleared 775 of all identified interior or exterior LBP hazards. Of the 4,968 units reported as having had investigations, 3,938 were built before 1960 and 4,165 were rental properties. At a minimum, 2,747 children under the age of six benefited from home visits or investigations, and over 1,500 were referred for BLL testing as a result of the home visit.

Considering just the first three quarters of the second year of implementation (October 1, 2008 to June 30, 2009), the CLPPPP made dramatic progress and exceeded expectations for several benchmarks. Grantees’ accomplishments included:

- Met or exceeded Year Two benchmarks for outreach, units investigated, and number of individuals trained in LSWP;
- Reached over six million individuals through news stories or paid advertisements, and reached over 41,000 through health fairs, letters, flyers, displays, and other forms of direct contact;

- Conducted investigations or followed up to ensure remediation in homes with 1,914 children aged six and under—those most vulnerable to neuro-developmental damage—and referred 541 children for blood lead testing from homes with identified hazards; and
- Produced 459 lead-safe units, with many more in the pipeline.

Several best practices have emerged from the CLPPPP and the evaluation conducted thereof that have informed the Task Force’s recommendations for state-level program enhancements.

- Onondaga County has an agreement with OCFS and OTDA covering foster care, child protective services and rent-subsidy programs to place children age seven or under in lead-safe homes. Code Enforcement has modified its inspection form for properties that require a security deposit from the local Department of Social Services (LDSS) to indicate interior/exterior chipping or peeling paint. This information allows the LDSS to refer these units to the primary prevention grantee for a lead inspection.
- Onondaga County secured continuing education credits for code enforcement officers who attend LSWP training. This approval has been extended state-wide.
- Oneida County worked with the City of Utica’s Fire Department to identify Section 8 units that were not registered in the City’s Rental Occupancy Program. Oneida also works with landlords, tenants, and organizations that place resettled families. The program contracted with the Multicultural Association of Medical Interpreters to call refugee tenants to increase awareness and publicize the CLPPPP’s offer of home inspections.
- Working in partnership with GroWest, a community development and weatherization agency, Oneida offered window replacement training to property owners. The training demonstrates how to properly measure and install windows and then offers discounts on windows to property owners who attended the training.
- Albany County began to explore ways to partner with a community-based agency (Project Strive) that placed foster children and families in Section 8 housing. Onondaga County secured an agreement with the LDSS to hold security deposits until the units had been investigated for LBP hazards.
- New York City (NYC) arranged for public service announcements in all five NY MetroParent newsletters, subway, sanitation trucks, hardware stores, and in check-cashing stores. It also expanded the number of hardware stores enrolled in its Healthy Hardware Stores initiative that receive information about lead poisoning prevention and resources for remediation.
- Seven counties (Albany, Broome, Monroe, Oneida, Onondaga, Schenectady, and Westchester) have developed, or are considering methods to establish, lead-safe housing registries. Lead-safe housing registries enable renters and purchasers to identify units that are free of lead-based paint hazards.
- NYC uses its authority under Local Law 1 to refer properties that have not met remediation requirements to the City’s Emergency Repair Program. NYC’s Department of Housing Preservation and Development makes the repairs through its contractors and its Department of Finance bills the owner for the cost of repairs. If the owner fails to pay the bill within 60 days, the Department of Finance places a lien on the property.
- Albany County’s Department of Law drafted a letter for non-compliant landlords emphasizing that possible criminal prosecution will occur if hazards are not remediated. Erie and Westchester Counties have also included more directive language in their follow-up

letters to landlords with lead-paint violations, and both increased the number of cases sent to hearings.

- CLPPPP grantees reported modest success with securing foundation funding, including grants for equipment, software, and evaluation. The Community Foundation of Greater Buffalo has pledged to help Erie County identify new sources of private remediation funding in future years. Excellus BlueCross BlueShield provided a grant for High Efficiency Particulate Air (HEPA) vacuums to Oneida for Year Two, and the program will apply for additional funding in Year Three. The Greater Rochester Health Foundation has funded a one-stop shopping approach to packaging funding (federal, state, and private) for individual properties, using a local community action agency as the site for this service.

III. Task Force Activities

Executive Order No. 21 charged the Task Force with “identifying primary prevention actions that are currently being undertaken by state agencies, and reviewing any and all evaluations issued with respect to the Childhood Lead Poisoning Primary Prevention Program overseen by the Department of Health.”

The Task Force met monthly, beginning in July 2009, to review current agency programs and make recommendations for enhancements. The Task Force members heard presentations on childhood lead poisoning and current programs administered by DOH, including the state-funded CLPPPP. It also heard presentations about initiatives from other states and localities.

In response to a survey, each Task Force member agency submitted its program/responsibilities related to lead poisoning prevention, including applicable laws and regulations. See Appendix B for a summary of the results. Agencies detailed programs that addressed the following items:

1. Programs designated to prevent childhood lead poisoning or environmental lead exposures including occupational exposures, including outreach, awareness and education activities;
2. Partnerships/agreements with local government (county, city, village, town) regarding (a) child focused/based services, including day care and the location or placement of families into housing, or (b) LBP safety;
3. Residential housing inspections and safety standards (housing codes, property transfers, rental conditions, responsibilities of real estate professionals—sales, inspections, conditions of subsidies/loans);
4. Subsidizing of (a) the purchase or rental of residential housing, and (b) the rehabilitation and maintenance of residential housing; and
5. Incentives/financial assistance to maintain/renovate residential housing (direct money, insurance or tax reductions or credits).

After reviewing current programs and responsibilities, the Task Force created four work groups to explore possible program enhancements. Ultimately, the workgroups on funding and lead-safe housing compliance/enforcement were combined into one workgroup. Appendix C includes a summary of the workgroups and their charges.

IV. Recommended Enhancements

Executive Order (EO) No. 21 required that the preliminary report focus on an assessment of current programs and recommend other changes that could be taken immediately. In addition to conducting the required assessment, the Task Force developed several enhancements that could be implemented in the near term without new legislative or budgetary authority. The following section summarizes enhancements recommended by the Task Force, including the goals for each and initial strategies for implementation. The recommendations are organized by the elements of EO No. 21.

A. How to maximize state resources for the purpose of state and local primary prevention activities aimed at eliminating childhood lead poisoning and the need to partner with county and local governments in primary prevention efforts [EO No. 21, 7(a) and (b)]

Problem Statement: Agency-specific definitions of eligible populations, service areas, or priorities for services often serve as barriers to program integration and coordination. For example, current housing repair programs are not uniformly available to the high-risk communities designated by LHDs under the state-funded primary prevention programs. Similarly, funding for weatherization (energy retrofits) is rarely combined with lead hazard control work. Maximizing available state resources for primary prevention requires agency collaboration, pooling of resources, and coordinated service delivery.

Enhancement #1: Connect lead poisoning prevention programs with clean energy and weatherization assistance programs.

Strategies:

- Facilitate collaboration between weatherization and energy efficiency service providers and DOH-funded CLPPPP grantees.
- Encourage CLPPPP grantees to offer lead inspections for multifamily properties with four or more units already approved for weatherization or energy efficiency.
- Explore opportunities to incorporate window replacement in homes that are being weatherized or are part of whole house energy efficiency if they are pre-1960 and have single-paned windows.

Lead Agencies: NYSERDA, DHCR, DOH

Enhancement #2: Enhance procedures for ensuring that family-based child care programs are lead-safe and that consistent protocols are followed for assessing lead hazards in facility-based child care.

Strategy:

- Review lead assessment and referral protocols for facility and family child care, and recommend enhancements to current procedures.

Lead Agencies: OCFS, DOH

B. The feasibility of measures to ensure that public housing and housing supported by state assistance are free of lead-based paint hazards prior to occupancy by a child under six years of age [EO No. 21, 7(c)]

Problem Statement: Federal law requires that federally assisted properties meet Housing Quality Standards, including the absence of chipping and peeling paint. Resources to enforce these requirements at the local levels are limited. Some communities lack sufficient inspectors to assess the housing on a routine basis, properties can be abandoned rather than remediated, and few communities have a lead-safe housing registry that empowers residents to “vote with their feet” for safe housing. Many LDSSs coordinate with local code enforcement agencies to ensure that homes where children are placed have received a Certificate of Occupancy (COO).

Enhancement #3: Increase awareness of lead poisoning among human service providers and other local organizations that work directly with young children at high risk for lead poisoning.

Strategies:

- Explore the feasibility of implementing best practices from the CLPPPP to increase the lead safety of affordable housing.
- Coordinate with city and local governments to ensure that visual assessments for chipping and peeling paint are part of the code inspection/certificate of occupancy process for housing units for families of children under six years of age.

As a result of the initial work of the Task Force, during the Fall of 2009, a letter went from OCFS to 19,000 licensed and registered child care providers with information for both child care providers and families about lead poisoning prevention, including specific responsibilities of child care providers (see Appendix D).

Lead Agencies: OTDA, OCFS, DOS, DOH

C. How to ensure that housing renovations performed with public funding include lead-based paint hazard remediation and potential sources of funding or revenue, including, but not limited to, federal grants to help fund state and local primary prevention activities aimed at eliminating childhood lead poisoning [EO No. 21, 7(d) and (k)]

Problem Statement: Federal Lead Hazard Control grant programs account for less than 10 percent of all available federal funding for housing repairs. Many LHDs are not active participants in community development planning and primary prevention of lead poisoning has not historically been a key priority of local housing agencies. Few CLPPPP grantees have successfully attracted sources of federal housing support, such as Community Development Block Grant (CDBG), HUD’s HOME Investment Partnerships Program, and weatherization funds, even with the implementation of the federal economic stimulus program in spring 2009. Nonprofit community development corporations and faith-based organizations also have a role in identifying strategies to assist low-income owners for remediation, such as forgivable loans, access to discounts through bulk purchases, etc.

Enhancement #4: Balance housing funding streams to prioritize older homes (built before 1960) and high-risk communities.

Strategies:

- Utilize existing State resources to expand/promote Historic Tax Credits (these exist for historical homes – 20 percent of the qualified renovation). Consider increasing the credits if lead abatement activities are performed (e.g. windows, trim, porches, and door replacement). Coordinate with the State Historical Preservation Association to address concerns about “like replacements.” Consider partnership with local window manufacturers to provide “like replacements.”
- Explore DHCR’s Capital Project Programs and Local Program Administrator (LPA) programs included in its annual competitive Unified Funding Process, as well as other state funded housing programs, for opportunities to prioritize and incentivize lead inspections and lead hazard control for FY 2011.
- Explore advancing funds to Section 236 housing projects to address lead-based paint abatement as an “emergency need” under Section 32 of the standard UDC mortgage.

Lead Agencies: DHCR, ESDC, NYS OPRHP, OTDA, HFA

D. The need for an education and awareness campaign targeted to parents and guardians and health care practitioners about the importance of screening and testing children for lead poisoning pursuant to the regulations of the Department of Health; and how to educate owners, lessors and tenants of residential real property as to the importance of allowing access to authorized inspectors for purposes of identifying the presence of conditions conducive to lead poisoning [EO No. 21, 7(e) and (f)]

Problem Statement: New York State has required universal blood lead testing of all children at or around the ages of one and two years, regardless of location or income. Many health care providers fail to meet these standards, including for the Medicaid-eligible children for whom they automatically receive reimbursement as part of their Early Periodic Screening, Diagnosis and Treatment capitation payment. Several factors account for the failure to test, including (1) a belief that only poor or minority children in urban areas are at risk; (2) lack of awareness on the part of parents and providers that BLLs below the current CDC level of concern pose a risk to health and development; and (3) barriers to compliance if testing cannot occur in the health care provider’s office. Case management of children with identified EBLLs requires that local health department environmental inspectors, or their agents, issue a notice to property owners that specifies where lead-based paint hazards are found and what specific actions are needed before the notice is rescinded. Refusal to allow entry for the purposes of lead inspections comes from tenant and landlord misconceptions. Tenants may fear that rents will increase or they will be evicted if the owner is forced to make repairs after inspections. Tenants who are immigrants or who have had negative experiences with the law in the past may be fearful of any contacts with government agencies, even those that might be able to provide services. Landlords may overestimate the costs of making repairs required by an inspection, or resist inspection unless there is a clear requirement in the law.

Enhancement #5: Develop a targeted education and awareness campaign regarding the importance of blood lead testing and housing inspections for lead hazards.

Strategies:

- Identify core lead poisoning prevention messages, including messages related to both personal preventive behaviors, professional requirements and skills, and protection from retaliation and right-to-know messages for tenants/consumers (e.g. lead hazard disclosure).
- Consider full range of target audiences including parents, health and human service providers, contractors, home inspectors, property owners/landlords, tenants, local government officials, and others.
- Identify existing state and federal educational materials and training curricula.
- Assess need for any new materials, and develop plans for creating materials as needed.
- Identify and implement specific ways that state agencies and their local counterparts can reach key target audiences with educational messages and materials, with an emphasis on reaching highest need populations.
- Assess need for additional outreach/mass media strategies, and explore existing resources for developing and implementing a media campaign.

Lead Agencies: OCFS, OTDA, DOH, DOS, DHCR

E. How to effectively increase enforcement efforts requiring owners and lessors of residential real property to comply with governmental demands for alleviation of conditions conducive to lead poisoning [EO No. 21, 7(g)]

Problem Statement: There are often long delays between the time that a local code enforcement agency cites a property for chipping and peeling paint and that unit being brought into compliance by the property owner. Owners may delay compliance with or ignore these notices while others lack the skills and resources to comply. Most jurisdictions have little recourse if a property owner refuses to make the required repairs, since lead violation cases may receive lower priority among a myriad of other administrative or criminal violations heard by city courts. Housing courts vary in format and in resources across the state. Only two jurisdictions (Buffalo and New York City) have a formal “Housing Court.” Other jurisdictions, such as Syracuse, have designated a separate calendar to hear housing cases in their city courts. Most jurisdictions, however, do not have a specialized court or specially trained judges, although the American Bar Association and others have recommended “specialized courts” for many years.

Enhancement #6: Work with the NYS Office of Court Administration and the Administrative Judges for each of the municipal courts and district courts to fully use their equitable jurisdiction to assure that lead-paint hazards are remediated.

Strategies:

- Explore the feasibility of providing specific training for municipal judges to use the 2005 amendments to the Uniform City Court Act and the Uniform District Court Act, which gave them special enforcement powers to more effectively deal with housing code violations.
- Encourage municipalities that rely upon administrative tribunals (rather than their city

courts) to identify cases, such as those involving recalcitrant or recidivist property owners or emergency situations, and to separate those cases for direct judicial enforcement under a local law or under the authority of Executive Law §382, which permits direct judicial enforcement of the State Uniform Fire Prevention and Building Code by city officials or other aggrieved parties (which would include the building tenants).

- Educate local prosecutors, law departments, hearing officers, and judges about lead poisoning and the state and federal lead-based paint requirements.

Lead Agency: DOS

F. How to encourage and/or mandate the use of lead-safe work practices in the renovation and maintenance of pre-1978 housing by real property owners and by persons and entities engaged in the construction industry [EO No. 21, 7(h)]

Problem Statement: EPA's RRP Rule, which takes effect in April 2010, requires that landlords, property managers, and any professional contractors performing renovation, repair, or painting work in pre-1978 housing receive specific training, use prescribed LSWP, and refrain from using prohibited practices such as dry-scraping or sanding, use of power tools without HEPA filtration, and open-flame burning. Although LSWP have been required when using federal housing rehabilitation funding, communities and contractors are often misinformed about how the requirements apply to other work. Do-it-yourselfers can inadvertently expose children to high degrees of lead dust by failing to contain work areas, use LSWP, and clean up appropriately. NYS has adopted the International Property Maintenance Code (IPMC) that specifies that property code inspectors should cite and require cases of chipping and peeling paint to be remediated. However, at present the IPMC does not specify that LSWP must be followed when repairing chipping and peeling paint. Unsafe work practices could exacerbate an already dangerous situation.

Enhancement #7: Facilitate training of LSWP by piggy-backing on existing energy services contractor training programs.

Strategies:

- Make EPA certified lead renovator training available to weatherization and energy service contractors.
- Take advantage of training programs funded by the American Reinvestment and Recovery Act to incorporate lead hazard awareness, remediation, and handling into state training initiatives.
- Explore opportunities with the NYS Department of Labor (DOL) for scholarships to cover the cost of obtaining EPA lead renovator certification.
 - Work with existing state employment organizations to link workers to lead hazard awareness, remediation, and handling training.
 - Include lead hazard awareness and lead remediation as part of the state's energy sector strategy being developed by the State Energy Sector Partnership (SESP). The SESP was established in response to DOL's application for \$6 million in funding under the US Department of Labor's SESP and Training grant (SGA/DFA PY-08-20).^{xxii}

- Explore ways in which the State can offer incentives to increase the priority for communities to offer the EPA certified lead renovator training.
- Explore opportunities for lead hazard awareness and handling training by awardees under DOL's Emerging and Transitional Worker Training grants.

Lead Agencies: NYSEDA, DHCR, DOL

Enhancement #8: Amend the Property Maintenance Code of NYS to require LSWP and repair of underlying problems when peeling paint is repaired in dwellings built before 1978, and train code inspectors on the new requirement.

Strategies:

- Request DOS and the Fire Prevention and Building Codes Council to amend the Uniform Fire Prevention and Building Code.

Lead Agency: DOS

G. Whether an assessment for lead-based paint hazards, including chipping or peeling paint, should be required in connection with the sale and/or lease of residential real property and the need to examine the status of compliance with existing state and federal lead paint hazard notification requirements for tenants and new homeowners upon the purchase or lease of residential real property [EO No. 21, 7(i) and (j)]

Problem Statement: Although federal law requires owners to disclose any known LBP or LBP hazards at the sale or lease of a home built before 1978, the law stops short of requiring a LBP inspection. In practice, most sellers and landlords simply indicate on the forms that they have no knowledge of LBP. NYS currently relies on EPA to enforce all the federal LBP standards. EPA's enforcement of this requirement is outstripped by the number of cases referred to it.

Enhancement #9: Explore strategies for enhancing compliance with existing state and federal lead hazard notification requirements.

Strategies:

- Increase awareness among attorneys, realtors, home inspectors, and others about the Real Property Law and federal Lead Disclosure Law.
- Explore whether the State should independently require lead disclosure.

Lead Agency: DOS

V. Conclusion and Next Steps

During its first six months, the Governor's Task Force on the Prevention of Childhood Lead Poisoning conducted a comprehensive assessment of existing state programs that either directly or indirectly address childhood lead poisoning prevention. Drawing from the lessons of DOH's CLPPPP and experiences in other jurisdictions, the Task Force identified enhancements that could yield early successes. Finally, the Task Force identified several strategies for further exploration, which are listed below:

- Increase public and agency awareness of additional routes of exposure (i.e. toys, jewelry, lunchboxes, batteries, electronics, etc.) by working with the NYS Consumer Protection Board to ensure a comprehensive and expeditious response system to consumer items found to contain unacceptable levels of lead, including expediting bans on sales and expediting health alerts;
- Identify, monitor, and publicize progress in reducing childhood lead poisoning in high-risk areas by tracking and mapping EBL data by census tract and using the data to target housing funds to high-risk areas;
- Explore partnerships with other organizations, such as the NYS Bar Association and the NYS Legal Aid Society, to increase awareness among tenants and help protect their rights;
- Explore options to prevent retaliatory eviction of tenants in association with required lead inspections or remediation by amending PHL § 1370-a and ensuring that Real Property Law § 223-b references lead-related violations in all classes of dwellings;
- Close disclosure loophole for foreclosed properties by amending Real Property Laws to cover foreclosure transactions;
- Amend real property laws to mirror federal disclosure rules for all sales and rental properties; and
- Explore a statewide requirement for visual assessments and referrals of family-based child care programs, including visual assessment and lead-safe maintenance requirements as part of the permitting process.

In the coming months, the Task Force will continue to meet to review progress toward the implementation of the recommended enhancements, and to examine these additional strategies.

Appendix A - Executive Order No. 21

EXECUTIVE ORDER

NO 21: ESTABLISHING THE GOVERNOR'S TASK FORCE ON THE PREVENTION OF CHILDHOOD LEAD POISONING

WHEREAS, it is an objective of the State of New York to eliminate childhood lead poisoning, which can have devastating and irreversible effects on growth and development; and

WHEREAS, several thousand new cases of childhood lead poisoning are diagnosed each year and an unknown number of other cases are undiagnosed, making childhood lead poisoning a serious public health issue; and

WHEREAS, it is vital not only to provide timely and appropriate treatment for children with lead poisoning, but also to increase screening and testing rates to ensure that children with lead poisoning are identified in a timely fashion; and

WHEREAS, it is also critical to prevent children from becoming lead poisoned in the first instance by avoiding their exposure to sources of lead poisoning to the extent possible; and

WHEREAS, exposure to lead-based paint and lead-based paint dust in housing built before 1978 is the primary source of lead poisoning in children; and

WHEREAS, childhood lead poisoning disproportionately affects low-income and minority children, making it an issue of environmental justice as well as one of public health; and

WHEREAS, the State's efforts to eradicate childhood lead poisoning necessitate the establishment of a body of State officials who are charged with the execution of the State's policies and programs in a variety of areas, for the purpose of ensuring the collaboration of such officials and State agencies in the coordination and maximization of available resources and expertise; and

WHEREAS, the performance of the duties of the New York State Advisory Council on Lead Poisoning Prevention established pursuant to Public Health Law § 1370-b, which include the development of a comprehensive statewide plan to prevent lead poisoning, would be informed and complemented by the activities of such body of State officials;

NOW, THEREFORE, I, David A. Paterson, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and laws of the State of New York, do hereby order as follows:

1. There is hereby established the Governor's Task Force on the Prevention of Childhood Lead Poisoning (Task Force).
2. The Task Force shall consist of the following members: the First Deputy Secretary to the Governor, who shall serve as the Chair of the Task Force; the Governor's Deputy Secretary for Health and Human Services, who shall serve as Vice-Chair of the Task Force; the Governor's Deputy Secretary for the Environment; the Governor's Deputy Secretary for Economic Development and Housing; the Governor's Deputy Secretary for Labor and Financial Regulation; the Governor's Deputy Secretary for Energy; the Counsel to the Governor; the Commissioner of Health; the Commissioner of Housing and Community Renewal; the Chief Executive Officer of the Housing Finance Agency; the Secretary of State; the

Commissioner of Environmental Conservation; the Commissioner of Temporary and Disability Assistance; the Commissioner of Children and Family Services; the Executive Director of the Council on Children and Families; the Director of the Budget; the Superintendent of Insurance; the Commissioner of Taxation and Finance; the Commissioner of Labor; the Commissioner of Economic Development; and the President of the New York State Energy Research and Development Authority. Additional State officials may be added as members of the Task Force at the discretion of the Governor.

3. Each member of the Task Force may designate a staff member to represent him or her and participate in the Task Force on his or her behalf. A majority of the members of the Task Force shall constitute a quorum and all recommendations of the Task Force shall require approval of a majority of the total members of the Task Force. The Task Force shall meet as often as is necessary and under circumstances as are appropriate to fulfilling its duties under this section.

4. The Task Force shall identify primary prevention actions that are currently being undertaken by State agencies. In addition, the Task Force shall review any and all evaluations issued with respect to the Childhood Lead Poisoning Primary Prevention Program overseen by the Department of Health.

5. The Task Force shall also consult with the New York State Advisory Council on Lead Poisoning Prevention as necessary, and shall also seek the guidance and expertise of stakeholders, including, but not limited to, advocacy organizations engaged in efforts to end childhood lead poisoning, scientific and academic institutions, professional medical associations, and local governments.

6. In carrying out its functions, the Task Force shall seek to target lead poisoning prevention efforts first to those communities identified by the Department of Health as having significant concentrations of children identified with elevated blood lead levels, and then continuing these efforts across the State.

7. The Task Force shall make findings and recommendations for the development and implementation of a coordinated strategy to reduce childhood exposure to lead. The recommendations shall include specific action steps and projected timelines where possible. In making its recommendations, the Task Force shall consider, among other relevant matters, the following:

a. how to maximize available State resources for the purpose of State and local primary prevention activities aimed at eliminating childhood lead poisoning;

b. the need to partner with county and local governments in primary prevention efforts;

c. the feasibility of measures to ensure that public housing and housing supported by State assistance are free of lead-based paint hazards prior to occupancy by a child under six years of age;

d. how to ensure that housing renovations performed with public funding include lead-based paint hazard remediation;

e. the need for an education and awareness campaign targeted to parents and guardians and health care practitioners about the importance of screening and testing children for lead poisoning pursuant to the regulations of the Department of Health;

f. how to educate the owners, lessors and, tenants of residential real property as to the importance of allowing access to authorized inspectors for purposes of identifying the presence of conditions conducive to lead poisoning;

g. how to effectively increase enforcement efforts requiring owners and lessors of residential real property to comply with governmental demands for alleviation of conditions conducive to lead poisoning;

h. how to encourage and/or mandate the use of LSWP in the renovation and maintenance of pre-1978 housing by real property owners and by persons and entities engaged in the construction industry;

i. whether an assessment of lead-based paint hazards, including chipping or peeling paint, should be required in connection with the sale and/or lease of residential real property;

j. the need to examine the status of compliance with existing state and federal lead paint hazard notification requirements for tenants and new homeowners upon the purchase or lease of residential real property; and

k. potential sources of funding or revenue, including, but not limited to, federal grants to help fund State and local primary prevention activities aimed at eliminating childhood lead poisoning.

8. The Task Force shall issue a preliminary report to the Governor and to the New York State Advisory Council on Lead Poisoning Prevention on or before November 30, 2009, identifying specific primary prevention actions already undertaken by State agencies and recommending other such actions that can be taken immediately. The Task Force shall issue a final report of its findings and recommendations to the Governor and to the New York State Advisory Council on Lead Poisoning Prevention on or before November 30, 2010. The Task Force shall terminate its work and be relieved of all responsibilities and duties hereunder with the submission of its final report.

9. Every agency, department, office, division or public authority of this State shall cooperate with the Task Force and furnish such information and assistance as the Task Force determines is reasonably necessary to accomplish its purpose.

GIVEN under my hand and the Privy Seal of the State in the City of Albany this second day of June in the year two thousand nine.

David A. Paterson
Governor

Lawrence Schwartz
Secretary to the Governor

Appendix B – Agency Programs Related to Lead Poisoning Prevention

NYS Council on Children and Families

Program Name	Website or Brochure	List Regulations or Laws	Program Description
The Early Childhood Advisory Council (ECAC)			ECAC is formed under the Children’s Cabinet (which the Council staffs) and is comprised of representatives of early care and education, health care, child welfare, and mental health programs, advocacy organization, parents, foundations, higher education, unions, state agencies, and others involved in the provision of comprehensive services to young children and their families. Is responsible for implementing the NYS Early Childhood Comprehensive Systems Services Plan, developed in partnership with the DOH. Included in the Plan is a strategy to eliminate childhood lead poisoning in New York State.
The Head Start Collaboration Project	www.nhsa.org/services/partnerships/lead_poisoning_prevention		Housed at the ECAC, this project provides connectivity with all Head Start programs in the State. The National Association of Head Start provides information to programs on lead poisoning prevention and strategies for implementation. The Council maintains distribution lists for Head Start programs and can easily communicate with them. The Council would like to include the lead poisoning surveillance data in the Kids Count Book and also on the Kids Well-being Indicators Clearinghouse.

NYS Department of Environmental Conservation

Program Name	Website or Brochure	List Regulations or Laws	Program Description
Division of Solid and Hazardous Materials	www.dec.ny.gov/chemical/8819.html	§ 27-0719. Battery management and disposal.	Ensures that lead-bearing hazardous waste (such as items with lead-based paint, lead acid batteries, lead in used electronics and lead shot from firing ranges) are managed in accordance with the state's hazardous waste regulations. Provides resources about local battery recycling and disposal for single use and rechargeable batteries.
Division of Solid and Hazardous Materials	www.dec.ny.gov/public/43706.html	§ 27-1701. Lead-acid battery recycling.	Informs consumers that it is illegal to throw a car battery in the trash, to take dead batteries to a retail store, distributor, or battery recycling facility. By law, retailers must accept used batteries from customers.
Division of Solid and Hazardous Materials	www.dec.ny.gov/chemical/8810.html	§ 27-2303. Regulation of vehicle dismantling facilities.	The state law mandates vehicle dismantling requirements for end-of-life vehicles.
Division of Solid and Hazardous Materials	www.dec.ny.gov/chemical/8824.html	§ 37-0201, 0205, 0207, 0211. Lead in packaging.	States the specific requirements and restrictions on the use of four toxic heavy metals when used in packaging. The metals restricted include: lead, mercury, cadmium and hexavalent chromium. This Hazardous Packaging Law was adopted from model legislation originally developed by the Coalition of Northeast Governors (CONEG) and was designed to reduce the use of these four metals in packaging.
Division of Solid and Hazardous Materials	http://public.leginfo.state.ny.us/menugetf.cgi?COMMONQUERY=LAWS	§ 33-1301. Ban on lead arsenate.	States that it is an unlawful act for any person to distribute, sell, offer for sale or use within NY or deliver for transportation or transport in intrastate commerce or between points within this state pesticides containing lead arsenate.

Program Name	Website or Brochure	List Regulations or Laws	Program Description
Division of Environmental Remediation	www.dec.ny.gov/regs/15507.html	NYCRR, Chapter IV, Part 375, Subpart 375-6: Remedial Program Soil Cleanup Objectives.	Applies to the development and implementation of the remedial programs for soil and other media. This section states the soil cleanup objectives related to health, ecological, and groundwater protection.
Division of Fish, Wildlife and Marine Resources	www.dec.ny.gov/outdoor/48420.html	Lead in Venison.	Provides information on how the type of ammunition used to harvest game is a key factor to the degree of bullet fragmentation and the amount of lead fragments found in meat. Program has suggestions on how to eliminate or reduce the potential risk of consuming lead fragments for hunters as well as meat processors.
Division of Fish, Wildlife and Marine Resources	www.dec.ny.gov/outdoor/7908.html	§ 11-0308. Sale of small lead fishing sinkers prohibited.	New York State banned the sale of lead sinkers weighing less than half of an ounce. Alternatives to lead now available in sinkers and jigs currently include steel, bismuth, tin, tungsten, alloys of these metals, and metal/plastic or metal/ceramic combinations.
Division of Public Affairs and Education	www.dec.ny.gov/education/55257.html	Lead-Foot Louie, brochure on lead hazards.	New York State has curriculum and programs for primary and secondary teachers on environmental issues like lead.
Division of Public Affairs and Education	www.dec.ny.gov/education/55327.html	Teaching children about air pollution.	New York State links to other programs which have curriculum and programs for primary and secondary teachers on environmental issues like lead.

NYS Department of Health

Program Name	Website or Brochure	List Regulations or Laws	Program Description
Lead Poisoning Prevention Program (LPPP)	www.health.state.ny.us/environmental/lead	PHL Section 1370-1376 Regulations 10 NYCRR Part 67	Comprehensive statewide program that includes: laboratory reporting, surveillance and data analysis; implementation of blood lead screening and testing requirements for children and pregnant women; follow-up response of children identified with elevated blood lead levels; education and outreach activities. Administer state funding to support local LPPP in all county health departments and NYC Department of Health and Mental Hygiene. Support a statewide network of Regional Lead Resource Centers based in academic medical centers. Coordinate with a number of other programs and agencies that serve high-risk populations.
Childhood Lead Poisoning Primary Prevention Program (CLPPPP)		PHL Section 1370a subdivision 3	Housing-based lead poisoning prevention program administered in targeted, high incidence counties.
Healthy Neighborhoods Program administered in targeted locations. Provides door-to-door, in-home environmental assessments, education, and interventions for lead poisoning, fire safety, indoor air, and asthma.	www.health.state.ny.us/diseases/asthma/environmental_and_occupational_health.htm	None	Uses numerous existing topical educational brochures. Provides in-home assessments and interventions for asthma, tobacco cessation, indoor air quality, lead, and fire safety in 13 counties throughout New York State. Interventions may include, among others, asthma trigger education; dust, mold, and pest control measures; distribution of pillow and mattress covers; smoking control and cessation education.

NYS Department of Labor

Program Name	Website or Brochure	List Regulations or Laws	Program Description
Public Employee Safety & Health	www.labor.state.ny.us www.labor.state.ny.us/workprotection/safetyhealth/PDFs/PESH/current%2027.pdf	Labor Law Article 2, Section 27(a); 29CFR 1910.1025; 29CFR 1926.26	Created in 1980 under the PESH Act to provide occupational safety and health protection to all public sector employees at the state and local level. PESH enforces all safety and health standards promulgated under the United States Occupational Safety and Health Act (OSHA). Public sector employers include state, county, town, village governments, public authorities, school districts, paid and volunteer fire departments. PESH responds to fatalities or multiple hospitalizations of public employees, complaints from public employees or their representatives, and also conducts programmed inspections of public employer work sites, and provides technical assistance during times of a statewide emergency.
On-Site Consultation	www.labor.state.ny.us/workprotection/safetyhealth/DOSH_ONSITE_CONSULTATION.shtm	29CFR 1910.1025; 29CFR 1926.26	Free business resource of the New York State Department of Labor Division of Safety and Health. Can help employers reduce workplace accidents; lessen Workers' Compensation costs; assist with implementing safety and health programs; and help comply with OSHA regulations. The services offered include on-site consultation surveys for the identification of potential safety hazards as well as industrial hygiene surveys for determining air contaminant and noise exposure levels.

NYS Department of State

Program Name	Website or Brochure	List Regulations or Laws	Program Description
Brownfield Opportunity Areas	www.dec.ny.gov/chemical/8447.html	GML, Art. 18-C, Sec. 970-r	Provides financial and technical assistance to municipalities and community-based organizations. Funding can be used to complete revitalization plans and implementation strategies for areas affected by the presence of brownfield sites, as well as site assessments for strategic sites.
Division of Licensing Services	Property Disclosure Form on DOS Website http://www.dos.state.ny.us/lcns/realestate/pdfs/1736.pdf www.dos.state.ny.us/LCNS/lawbooks/re-law.html	Article 14 of the Real Property Law – Real Estate License Law Article 12A of the Real Property Law – Real Estate License Law	New York State law requires real estate licensees who are acting as agents of buyers and sellers of property to advise the potential buyers and sellers with whom they work of the nature of their agency relationship and the rights and obligations it creates. The law requires each agent assisting in the transaction to present the buyer a lead-based paint disclosure form.
Division of Licensing Services	www.dos.state.ny.us/lcns/professions/homeinspector/homeinspector.htm	Article 12B of the Real Property Law – Home Inspection Professional Licensing	One is required to be licensed as a home inspector to perform home inspections. Home inspection is defined as the process by which a home inspector observes and provides a written report of the systems and components of residential buildings.
Division of Licensing Services	www.dos.state.ny.us/LCNS/lawbooks/re-appraisers.html	Article 6-e – Executive Law- State Certified and Licensed Real Estate Appraisers License Law	This article applies to the profession of real estate appraisers and the use of the titles "State certified real estate appraiser" and "State licensed real estate appraiser."
Property Maintenance Code of New York State	http://www.dos.state.ny.us/code/part1226.htm	Title 19 (NYCRR) Part 1226	Provides the requirements of the publication entitled "Property Maintenance Code of New York State," published by International Code Council, Inc. (July

Program Name	Website or Brochure	List Regulations or Laws	Program Description
			2007) affect or relate to light; ventilation; space; heating; sanitation; protection from the elements; life safety; safety from fire and other hazards; safe and sanitary maintenance; the responsibility of owners, operators and occupants; and the occupancy of existing structures and premises. All existing residential structures, all existing nonresidential structures, all existing premises, all equipment and facilities, all owners, operators and occupants of existing structures and premises, and the occupancy of all existing structures and premises, shall comply with the requirements of said publication.

NYS Department of Taxation & Finance

Program Name	Website or Brochure	List Regulations or Laws	Program Description
Tax Credit for Rehabilitation of Historic Homes	www.nysparks.com/shpo/tax-credit-programs/documents/NYSITCResidentialTaxCredit.pdf , www.tax.state.ny.us/pdf/2007/inc/it237i_2007.pdf	Article 22, Section 606 (pp), NYS Tax Law, (PIT)	Taxpayers may claim a tax credit for the rehabilitation of historic homes located in New York State. The amount of the credit is equal to 20 percent of qualified rehabilitation expenditures made by the taxpayer with respect to a qualified historic home and is limited to \$25,000 per qualified residence.
		Article 22, Section 606 (oo), NYS Tax Law (PIT)	Taxpayers may claim a tax credit for the rehabilitation of depreciable historic properties located in New York State. The amount of the credit is equal to 30 percent of the credit amount allowed under subsection (c)(3) of section 47 of the federal Internal Revenue Code (IRC) for the same taxable year. The credit is capped at \$100,000 for a qualified residence and any state credit taken must be

Program Name	Website or Brochure	List Regulations or Laws	Program Description
			recaptured if the federal credit upon which it is based is recaptured by the taxpayer.
		Article 9-A, Section 210(40), NYS Tax Law (Corp Tax)	Taxpayers may claim a tax credit for the rehabilitation of depreciable historic properties located in New York State equal to 30 percent of the credit amount allowed under subsection (c)(3) of section 47 of the federal Internal Revenue Code for the same taxable year. The credit is capped at \$100,000 and must be recaptured if the federal credit upon which it is based is recaptured by the taxpayer. The credit may be applied against the fixed dollar minimum and alternative minimum tax bases to reduce liability to zero.

NYS Division of Housing and Community Renewal

Program Name	Website or Brochure	List Regulations or Laws	Program Description
New York State HOME Program	http://nysdhcr.gov/Programs/ http://nysdhcr.gov/Programs/NYSHome/	24 CFR Part 35	Uses federal HOME Investment Partnership Program funds to expand the supply of decent, safe, and affordable housing within the State. Funds a variety of activities through partnerships with counties, towns, cities, villages, private developers, and community-based non-profit housing organizations. The program provides funds to acquire, rehabilitate, or construct housing, or assist low-income home-buyers and renters.
New York State Community Development Block Grant	http://nysdhcr.gov/Programs/ http://nysocr.org/default.asp	24 CFR Part 35	Provides financial assistance to eligible cities, towns, and villages with populations under 50,000 and counties with an area population under 200,000 to develop viable communities by

Program Name	Website or Brochure	List Regulations or Laws	Program Description
			<p>providing decent, affordable housing, and suitable living environments, as well as expanding economic opportunities, principally for persons of low and moderate income. The State must ensure that no less than 70% of its CDBG funds are used for activities that benefit low- and moderate-income persons. Supported activities and projects include those that: benefit low- and moderate-income families; create job opportunities for low- and moderate-income persons; prevent or eliminate slums and blight; or address a community development need that poses a serious and imminent threat to the community's health or welfare.</p>
Public Housing	http://nysdhcr.gov/Programs/ http://nysdhcr.gov/Programs/PublicHousing/	24 CFR Part 35	<p>Since 1939, the State has financed the construction of 66,123 apartments for low-income families in 143 housing developments owned and operated by 42 municipal housing authorities. The housing developments, financed by \$960 million in general obligation bond authorizations, are supported by an annual State subsidy. The State has assisted housing authorities in upgrading their developments through the Federal Public Housing Acquisition Program and the State's Public Housing Modernization Program.</p>
Weatherization Assistance Program	http://nysdhcr.gov/Programs/ http://nysdhcr.gov/Programs/WeatherizationAssistance/ www.waptac.org/sp.asp?id=6878	WPN 09-6 (augments WPN 08-6 and builds on WPN 02-6)	<p>Assists income-eligible families and individuals by reducing their heating/cooling costs and improving the safety of their homes through energy efficiency measures. Both single family and multifamily buildings are assisted. Effective: January 7, 2009 - To provide clarification and additional information to grantees as they implement WPN 08-6, Interim Lead-Safe Weatherization (LSW) Guidance. This guidance</p>

Program Name	Website or Brochure	List Regulations or Laws	Program Description
			augments, but does not replace, WPN 08-6 and builds on the foundation provided in Weatherization Program Notice (WPN) 02-6, weatherization activities and federal lead-based paint regulations.
New York Main Street Program – rehabilitation of buildings constructed prior to 1978 (for residential use)	http://nysdhcr.gov/Programs/ http://nymainstreet.org	HUD Guidelines	Provides financial and technical resources to preserve and revitalize mixed-use (commercial/civic and residential) main street/downtown business districts, while attending to historic preservation and investments that will prolong the useful life of Main Street buildings, such as energy conservation, accessibility modifications, health and safety improvements (including lead hazard control), building code compliance, and interior modifications.
Access to Home Program – rehabilitation of buildings constructed prior to 1978	http://nysdhcr.gov/Programs/	HUD Guidelines	Provides financial assistance to property owners to make dwelling units accessible for low- and moderate-income persons with disabilities. Grants will be made to municipalities and eligible not-for-profit entities and that have substantial experience in adapting or retrofitting homes for persons with disabilities. Homeowners and renters may qualify for loan assistance through the municipality or not-for-profit entity under the following criteria: the occupant is physically disabled or has substantial difficulty with an activity of daily living because of aging; the dwelling unit is a permanent residence; and total household income does not exceed 80 percent of area median income, or 120 percent of area median income if a veteran.

Program Name	Website or Brochure	List Regulations or Laws	Program Description
Residential Emergency Services to Offer (Home) Repairs to the Elderly – rehabilitation of buildings constructed prior to 1978	http://nysdhcr.gov/Programs/ http://nysdhcr.gov/Programs/RESTORE/	HUD Guidelines	The Housing Trust Fund Corporation receives a legislative appropriation to administer the Residential Emergency Services to Offer (Home) Repairs to the Elderly (RESTORE) Program. RESTORE funds may be used to pay for the cost of emergency repairs to eliminate hazardous conditions in homes owned by the elderly when the homeowners cannot afford to make the repairs in a timely fashion.
Capital Programs – rehabilitation of buildings constructed prior to 1978	http://nysdhcr.gov/Programs/	HUD Guidelines	Housing assisted with HOME funds must meet Federal Housing Quality Standards, detailed in the OCD Design Handbook. Newly constructed or substantially rehabilitated HOME projects must meet all applicable local codes, rehabilitation standards, and zoning ordinances.

NYS Empire State Development Corporation (ESDC)

Program Name	Website or Brochure	List Regulations or Laws	Program Description
Restore NY	www.empire.state.ny.us/restoreNY/default.asp		Provides grants to municipalities for the demolition or rehabilitation of vacant and obsolete residential structures. Award calculations allow cost premiums for the abatement of lead and asbestos in projects where those hazards are present.
ESDC housing portfolio		Section 236 of the National Housing Act, as amended Article II of the Private Housing Finance Law.	ESDC is the mortgagee of 62 housing projects, 57 of which are federally subsidized under Section 236 of the National Housing Act. ESDC may advance funds to address emergency needs of the projects if the owners are financially unable to do so. Such emergency needs might include lead paint abatement.

NYS Energy Research & Development Authority

Program Name	Website or Brochure	List Regulations or Laws	Program Description
Home Performance with ENERGY STAR® EmPower New York SM Multifamily Performance Program.	www.getenergysmart.org www.getenergysmart.org/SingleFamilyHomes/ExistingBuilding/HomeOwner.aspx www.getenergysmart.org/MultiFamilyHomes/ExistingBuilding/Renter.aspx www.getenergysmart.org/MultiFamilyHomes/ExistingBuilding/BuildingOwner.aspx www.getenergysmart.org/Training.aspx	Require compliance with NYS/local laws regarding lead abatement during renovations, including any licensing requirements.	<p>Energy efficiency programs that include attention to health and safety issues (all statewide except LIPA/NYPA customers). Lead issues may be encountered during cost-effective replacement of windows or other energy-related renovations.</p> <p>Programs to help homeowners and renters reduce their energy costs; help multifamily building owners provide energy-efficient apartments for their tenants; reduce the impact homes have on the environment; and provide training to contractors on how to provide quality energy efficiency services to their neighbors.</p>

NYS Housing Finance Agency

Program Name	Website or Brochure	List Regulations or Laws	Program Description
All Affordable Program – rehabilitation	www.nyhomes.org , www.nyhomes.org/index.aspx?page=196	24 CFR Part 35	Financing for new construction, preservation and rehabilitation of affordable multifamily rental housing. To qualify for a new development project, all units must be made affordable to households earning no more than 60% of the area median income; for preservation, only a majority of the units.

Mitchell Lama Rehabilitation and Preservation (RAP) Program	www.nyhomes.org , www.nyhomes.org/index.aspx?page=491	24 CFR Part 35	Offers flexible, low-cost financing to lower debt service payments for Mitchell Lama owners in exchange for keeping rents affordable for an additional 40 years. RAP loans are financed from a number of sources, including tax-exempt private activity bonds; federal Low-Income Housing Tax Credits; tax-exempt 501(c)(3) bonds for eligible nonprofit organizations; taxable bonds; and HFA's available resources. Repairs and capital improvements include fixing components in need of immediate repair or replacement; replacing obsolete infrastructure; upgrading facilities to meet applicable new federal, state or local housing or building codes; and improving their energy efficiency.
Taxable Mortgage Initiative (TMI) Program	www.nyhomes.org , www.nyhomes.org/index.aspx?page=201	24 CFR Part 35	Reduces the time, cost, and complexity of taxable first mortgage debt financing by eliminating the need to issue taxable bonds to finance affordable housing because the HFA originates a mortgage and note which are assigned to an acceptable construction lender. The TMI is designed to provide affordable housing opportunities to persons of low, moderate, and middle income.
Neighborhood Stabilization Program (NSP1)	www.nyhomes.org www.nyhomes.org/index.aspx?page=803	24 CFR Part 35	Offers subsidies to local municipalities and nonprofit housing providers to buy and redevelop foreclosed and abandoned homes and vacant properties. Once renovated or newly constructed, the homes will then be sold or rented to low-, moderate-, and middle-income households, with mandated long-term affordability. The program, funded with federal and state funds, targets communities most severely affected by the foreclosure and subprime crisis.

NYS Office of Children and Family Services, Division of Child Care Services

Program Name	Website or Brochure	List Regulations or Laws	Program Description
Division of Child Care Services	www.ocfs.state.ny.us/main/childcare/infoforproviders.asp www.ocfs.state.ny.us/main/childcare/infoforparents.asp www.ocfs.state.ny.us/main/childcare/daycare_regs.asp www.ocfs.state.ny.us/main/childcare/childcare_forms.asp	Title 18 of the New York State Codes of Rules and Regulations§: 317.5(a) 414.2(a)(6), .3(g), .4(i),.5(a) 416.2(a)(13),.3(f), .5(a),.11(i), 417.2(a)(10),.3(f), .5(a),.11(i), 418-1.2(a)(6), 1.3(h), 1.4(j), 1.5(a), 1.11(i)	Training for child care providers regarding environmental hazards is offered through OCFS sponsored videoconferences on an intermittent basis. During routine inspections OCFS licensors and registrars hand out DOH and OTDA (multi-language) lead informational brochures. Peeling or damaged paint or plaster must be repaired promptly. Concrete floors used by the children must be covered with appropriate material. The director or a designated qualified staff member must conduct monthly inspections of the premises to observe possible fire or safety hazards. Any such hazard must be corrected immediately. A record of all inspections and all corrections must be maintained at the program. Suitable precautions must be taken to eliminate all conditions in areas accessible to children that pose a safety or health hazard. The provider must try to obtain a copy of a lead screening certificate for each child under the age of six years. If the parent does not have one, the provider may not exclude the child from child day care, but must give the parent information on lead poisoning and prevention, and refer the parent to their health care provider or the county health department for a blood lead test.
Division of Child Care Services	www.ocfs.state.ny.us/main/childcare/daycare_regs.asp www.ocfs.state.ny.us/main/	413.3(d)(1)	Works with the local DOH when a child attending a day care program is identified with an EBLLL. If the source of the lead is the day care program, the program is suspended until the source of the lead is

Program Name	Website or Brochure	List Regulations or Laws	Program Description
	hildcare/looking.asp		remediated. A license or registration will be temporarily suspended or limited in its terms without a hearing upon written notification to the holder of the license or registration by the Office of a finding that the public health or a child's safety or welfare is in imminent danger. Health and Safety grants were available to offset the expense of repairs when lead was found in the day care program. Currently no funds are available.
Division of Child Care Services Division of Child Welfare and Community Services (CWCS)	Environmental Hazards Guidance OCFS-LDSS-7040 (attached) and can be found on the website at: www.ocfs.state.ny.us/main/childcare/childcare_forms.asp .	418-1.2(a)(6), 1.3(h), 1.4(j), 1.5(a), 414.2(a)(6),.3(g), .4(i),.5(a), 416.2(a)(13),.3(f), .5(a) 417.2(a)(10),.3(f), .5(a) 442.15(a)(13), 447.2(b)(4)(iv)(m), 448.3(d)(10)(i)(m) 449.4(b)(4)(v)(l)	Fire Safety Specialists, licensors and registrars inspect family-based child care programs, centers, and school-age programs for peeling or cracking paint and plaster before a license or registration is given and again as needed or required thereafter. Fire and Safety Specialist inspect institutions, agency boarding homes, group homes and supervised independent living units as part of the licensing and monitoring of voluntary authorized agency programs. Inspectors look for lead paint hazards or paint conditions conducive to lead poisoning.

NYS Office of Temporary and Disability Assistance

Program Name	Website or Brochure (yes or no)	List Regulations or Laws	Program Description
Lead-Based Paint Training for Immigrants	n/a	n/a	This lead safety training is targeted to immigrant and non-English-speaking day laborer populations who staff the “front line” of repair and rehab work. It is funded by the EPA, and consistent with its guidance.
Homelessness Prevention and Rapid Rehousing Program (HPRP); Housing Opportunities for Persons with AIDS (HOPWA); Emergency Shelter Grant program	www.hud.gov	Section 1017 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X of the Housing and Community Development Act of 1992, Public Law 102-550)	These three HUD programs, like all HUD housing programs, require compliance with HUD mandates regarding inspection for lead-based paint hazards. HPRP is a program funded under ARRA that, among other things, provides short- and medium-term rental subsidies to homeless households and those at risk of becoming homeless. HOPWA provides short- and long-term housing subsidies to persons living with HIV/AIDS. The Emergency Shelter Grant program provides funding for construction and rehabilitation of emergency shelters, among other activities.

Appendix C - Task Force Work Groups

Workgroup	Members	Executive Order Items	Charge
1.) Awareness and Education Chair: Lola Brabham Harder, Assistant Secretary for Health, Medicaid & Oversight	DOH, DOS, OTDA, OCFS, Council C&F, DOL, DHCR	#7 (a), (e), (f), (g), (h), (i), (j)	Focus on initiatives and existing State agency programs that can result in greater awareness and education of their staff, partners, clients, regulated parties, parents, landlords, and homeowners regarding efforts to prevent childhood lead poisoning.
2.) Partnerships Chair: Peter Iwanowicz, Assistant Secretary for the Environment	State, Environmental Conservation, OTDA, OCFS, DHCR	#7 (a), (b), (c), (g), (i)	Identify initiatives and existing State agency programs and activities that partner with local government regarding: (1) child focused based services including location or placement of families into housing, (2) housing programs that require lead paint safety compliance either per code or condition of grant/regulatory program, or (3) environmental justice compliance.
3.) Lead Safe Housing Compliance Activity Chair: Tony Giardina, Assistant Secretary for Economic Development & Housing	Health, State, DHCR, HFA, NYSERDA	#7 (a), (c), (d), (f), (g), (h), (i), (j)	Identify State agency programs and activities that would or could monitor, assess, inspect, assure that residential housing built before 1978 is maintained in a lead-based paint safe condition. These programs would involve regulated parties, local government officials (especially code enforcement) home inspectors, real estate professionals, landlords, lenders/mortgage holders, and insurance company incentives.
4) Funding/Incentives (to maintain/improve paint conditions) Chair: Bob Hennigan/Dan Sheppard, Unit Chief, DOB	Budget, Insurance, Tax & Finance, ED, NYSERDA, DOS	#7 (a), (d), (k)	Identify State programs and activities that could or will establish financial incentives to maintain or renovate residential housing to make it lead-based paint safe. These can be grants, loans, tax credits, insurance reduction, rental assistance conditions, or conditions of certain renovation funding/loans.

Appendix D – Letter from NYS OCFS to Child Care Providers



September 2009

Dear Provider:

Greetings from the Office of Children and Family Services, Division of Child Care Services! Important information, brochures and changes happening in the field of child care are included in this mailing. Please read the information carefully. Questions can be directed to your licensor or registrar.



Lead Poisoning in Children

Why is information about lead important to child care providers and parents? Lead was used in many materials and products before the risk to young children was known. Although laws now prevent lead from being used in many products, there can still be lead hazards in and around many homes and businesses. Lead can get into the air, water, food, soil, and even dust, and then can be breathed, mouthed or swallowed leading to serious health problems, especially for young children. Included in this mailing are two brochures: ***What Child Care Providers Need to Know about Lead*** and a parent's guide to ***What Your Child's Blood Lead Test Means***. Both brochures offer information on how to protect children from lead poisoning. Keep the provider brochure for yourself and share the other with parents. You can request additional lead brochures on-line at: www.health.state.ny.us/forms/order_forms/lead.pdf or by writing or faxing:

NYS Department of Health Fax: (518) 465-0432
Distribution Center
21 Simmons Lane
Menands, NY 12204



Sanitizing Solution Mix

The attached guidance replaces any former guidance on this issue. We apologize for any inconvenience. The arrows inserted on the document point to the changes that were made and approved by the NYS Department of Health.



Changes Made to the State Central Register Data Base Check

The State Central Register recently updated its Data Base Check form (LDSS-3370). The new form has a revision date of 04/2009. You can find and print the new form on the Division’s website at: www.ocfs.state.ny.us/main/Forms or you may order the revised form by calling the print warehouse at: (518)473-0971. Please destroy copies of the old form.



Filing Forged, False or Altered Documents is a

Child care provider fraud is the deliberate submission or filing of forged, false or altered documents to OCFS, its agents, the Child and Adult Care Food Program (CACFP), local Department of Social Services or any other governmental agency. Most providers are extremely vigilant about making sure that their documentation is valid. However, Office of Children and Family Services has experiencing an increase in day care fraud cases. Examples of child care provider fraud include: altered fingerprint records, forged medical statements, invalid training certificates, submission of OCFS fingerprint cards for non-child care staff, falsified child attendance records and subsidy fraud.

Fraud is a serious violation of the trust OCFS extends to its provider community. As such, all suspected cases of fraud will be investigated by the appropriate authority and may be referred to the OCFS Bureau of Day Care Enforcement for further action, the District Attorney’s office local Departments of Social Services and the Food program, as appropriate.



Emergency Flip Chart: A Guide to Being

Coming Soon to the Child Care Website

OCFS is developing an *Emergency Flip Chart* to help guide providers through a variety of emergency situations. This chart will be available on our website soon and is designed to be downloaded and/or printed. Please check the “What’s New” section of the Child Care website for updates at: www.ocfs.state.ny.us/main/childcare/default.asp .

I hope this update has been helpful. Have a safe and enjoyable school year and thank you for all you do for the children and families of New York State.

Sincerely,

Janice M. Molnar, Ph.D.
Deputy Commissioner
Division of Child Care Services

Enclosures

End Notes

ⁱ 73 *Federal Register*. 21692, 21694, April 22, 2008. (Preamble to EPA’s final Renovation, Repair and Painting Rule [RRP Rule]). This preamble provides an excellent summary of current knowledge regarding lead poisoning.

ⁱⁱ Lanphear BP, Matte TD, Rogers J, Clickner RP, Dietz B, Bornschein RL, Succop P, Mahaffey KR, Dixon S, Galke W, Rabinowitz, Farfel M, Rohde C, Schwartz J, Ashley PJ, and Jacobs DE. “The Contribution of Lead-Contaminated House Dust and Residential Soil to Children’s Blood Lead Levels: A Pooled Analysis of 12 Epidemiologic Studies,” *Environmental Research*, 1998, 79:51-68.

ⁱⁱⁱ 16 C.F.R. § 1303.

^{iv} 73 *Federal Register*. 21692, 21790, *supra* note 3.

^v U.S. Centers for Disease Control and Prevention (CDC). *What is the Problem?*, *supra* note 1.

^{vi} Jacobs DE, Clickner RL, Zhou JL, Viet SM, Marker DA, Rogers JW, Zeldin DC, Broene P, and W. Friedman. “The Prevalence of Lead-based Paint Hazards in U.S. Housing,” *Environmental Health Perspectives*, September 13, 2002, 110:A599-A606.

^{vii} *Ibid.*

^{viii} Centers for Disease and Prevention. <http://www.cdc.gov/nceh/lead/> EPA, *America’s Children and the Environment*, 2007. [Measure B1: Concentrations of lead in blood of children ages 5 and under.](http://www.epa.gov/economics/children/body_burdens/b1-graph) http://www.epa.gov/economics/children/body_burdens/b1-graph. CDC defines an elevated blood-lead level to be equal to or more than 10 micrograms per deciliter (>10µg/dL). www.cdc.gov/nceh/lead/surv/stats.htm. There is no safe exposure level.

^{ix} Landrigan PJ, Schechter CB, *et al.* “Environmental Pollutants and Disease in American Children: Estimates of Morbidity, Mortality, and Costs for Lead Poisoning, Asthma, Cancer, and Developmental Disabilities,” *Environmental Health Perspectives*, 2002, Vol. 110, No. 7, 721-728. <http://ehpnet1.niehs.nih.gov/docs/2002/110p721-728landrigan/abstract.html> or www.ehponline.org/docs/2002/110p721-728landrigan/abstract.html.

^x www.epa.gov/envirohealth/children/body_burdens/b1-graph.htm.

^{xi} U.S. Centers for Disease Control and Prevention (CDC). *Preventing Lead Exposure in Young Children: A Housing-Based Approach to Primary Prevention of Lead Poisoning*, October 2004. See <http://www.cdc.gov/nceh/lead/publications/Primary%20Prevention%20Document.pdf>.

^{xii} 40 CFR.745.80-.91 <http://www.epa.gov/lead/pubs/renovation.htm>.

^{xiii} New York State Department of Health. *Eliminating Childhood Lead Poisoning in New York State by 2010*, “III. Environmental Scan.” See: <http://www.health.state.ny.us/environmental/lead/exposure/childhood/finalplanstate.htm>.

^{xiv} New York State Department of Health. *Eliminating Childhood Lead Poisoning in New York State: 2004-200 Surveillance Report*, New York State Department of Health. *Eliminating Childhood Lead Poisoning in New York State: 2004-2005 Surveillance Report*, Table 3: High Incidence ZIP Codes by

County, 2005.

http://www.health.state.ny.us/environmental/lead/exposure/childhood/surveillance_report/2004-2005/.

^{xv} New York State Department of Health. *Eliminating Childhood Lead Poisoning in New York State: 2006-2007 Surveillance Report*, Figure 3: Incidence of Blood Lead Levels \geq 10 mcg/dL Among Children Under Age Six Years; 1998 to 2007 Blood Lead Test Data, New York State Excluding New York City; and Figure 6: Prevalence of Blood Lead Levels \geq 10 mcg/dL Among Children Under Age Six Years; 1998 to 2007 Blood Lead Test Data, New York State Excluding New York City.

http://www.health.state.ny.us/environmental/lead/exposure/childhood/surveillance_report/2006-2007/.

^{xvi} New York State Department of Health. *Eliminating Childhood Lead Poisoning in New York State: 2004-2007 Surveillance Report*, New York State Department of Health. *Eliminating Childhood Lead Poisoning in New York State: 2004-2005 Surveillance Report*, Table 3: High Incidence ZIP Codes by County, 2005.

http://www.health.state.ny.us/environmental/lead/exposure/childhood/surveillance_report/2004-2005/.

^{xvii} Carroll, TJ and Slade S. “Lead Poisoning Prevention: A Comprehensive Public Health Response to an Environmental Problem”, presentation at the September 17, 2007 *Public Health Live* broadcast from the School of Public Health, University of Albany. The last previously-published geographic data on high incidence zip codes can be found at New York State Department of Health. *Eliminating Childhood Lead Poisoning in New York State: 2004-2005 Surveillance Report*, Table 3. High Incidence ZIP Codes by County, 2005.

http://www.health.state.ny.us/environmental/lead/exposure/childhood/surveillance_report/2004-2005/section_2/table_3.htm.

^{xviii} New York City’s “Local Law #1 of 2004 –The New York City Childhood Lead Poisoning Prevention Act” and “NYC Health Code.”

^{xix} City of Rochester’s “Lead-Based Paint Poisoning Prevention Act.”

^{xx} *Eliminating Childhood Lead Poisoning in New York State by 2010*, www.health.state.ny.us/environmental/lead/exposure/childhood/finalplanstate.htm and *New York City Plan to Eliminate Childhood Lead Poisoning*, www.nyc.gov/html/doh/downloads/pdf/lead/lead-plan.pdf.

^{xxi} www.health.state.ny.us/environmental/lead/exposure/childhood/finalplantoc.htm

^{xxii} Award announcements are anticipated in January 2010. The grant funds are targeted at energy efficiency (building performance/weatherization) and renewable energy (solar, wind, geothermal). Lead and asbestos hazards must be addressed when retrofitting older residences with energy efficiency measures. Therefore, many weatherization training programs are encouraged to teach lead and asbestos awareness.