



Commonwealth of Massachusetts

Executive Office of Health and Human Services
Department of Public Health

Presentation to the Public Health Council

Lead Poisoning Prevention and Control

105 CMR 460.000

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Overview

- Introduction of the Issue**
- Brief Review of Initial Proposed Changes to Regulations**
 - › Lead Poisoning and Blood Lead Level of Concern
 - › Screening and Confirmation Testing
 - › Inspection and Deleading Requirements
- Discussion of Comments Received and Proposed Actions**
- Next Steps**
- Questions**



I. Introduction

- ❑ The Massachusetts Lead Law or “Lead Law” (MGL c. 111, §§ 189A-199B) was enacted in 1971 and is a comprehensive state law for lead poisoning prevention.
- ❑ The Lead Law requires any dwelling unit where a child under six years of age resides to be in compliance, regardless of a child’s blood lead level or whether the property is owner occupied.
- ❑ The 1971 statute established the Childhood Lead Poisoning Prevention Program (CLPPP) and authorized regulations.
- ❑ CLPPP Regulations set:
 - Definitions;
 - Mandatory screening and reporting requirements;
 - Requirements to abate lead hazards;
 - Training and licensing requirements for inspectors, deleaders, and those doing abatement work;
 - Inspection and enforcement procedures



A Public Health Concern

- ❑ **The prevalence of children with elevated BLLs has dramatically decreased, but has recently plateaued.**
 - ✓ Lead contaminated dust and soil from deteriorated lead paint are the primary sources of lead exposure for Massachusetts children.
 - ✓ Massachusetts has the fourth oldest housing stock nationally (71% built before 1978) with only about 10% of homes being reported as inspected and/or delead.

 - ❑ **2016 data indicate that 3500 children may have BLLs that would require case management according to the CDC (≥ 5 $\mu\text{g}/\text{dL}$)**
 - ✓ 651 of these children had BLLs ≥ 10 $\mu\text{g}/\text{dL}$, meeting the proposed new MA definition of lead poisoning
 - ✓ 2350 children had BLLs of 5-9 $\mu\text{g}/\text{dL}$, meeting the definition of the proposed Blood Lead Level of Concern.
 - An additional 499 children are estimated to have had BLLs in this range but lacked confirmatory venous testing.
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Updates – Statewide Prevalence and Number of Children with Blood Lead Levels ≥ 10 $\mu\text{g}/\text{dL}$ (9-48 months)





II. Initial Proposed Amendments to Regulations

CLPPP proposed the following amendments to the Public Health Council on July 13, 2016:

- Define Lead Poisoning at 10 µg/dL or greater venous test result
 - The existing regulation defines lead poisoning as 25 µg/dL or greater venous test result
 - Establish a “Blood Lead Level of Concern” at 5-9 µg/dL, consistent with the CDC
 - The existing regulation defines a “Lead Level in Excess of a Level Considered Dangerous to a Child’s Immediate Health” between 15-24 µg/dL
 - Require venous confirmation for capillary test values of 5 µg/dL or greater
 - Require proof of screening for entry into daycare and pre-K programs
 - Definition of Accessible Mouthable Surfaces revised to remove outside corners of walls, window and door casings, chair rails, balusters, and latticework from the deleading requirements
 - Defer to ASTM standards for encapsulant material and use approval process
 - Streamline language regarding the inspection procedures and abatement
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III. Public Comment and Governor's Advisory Committee

- DPH held public hearings and accepted public comments on the proposed amendments.
- DPH met with the Governor's Advisory Committee for the Lead Poisoning Prevention Program on June 12, 2017.
- The following individuals and organizations submitted comments on the proposed amendments:

Magellan Diagnostics	MA Association of Community Development Corporations (MACDC)	City of Peabody Department of Human Services	MA Public Health Association, Rebekah Gerwitz
Clean Water Action	Small Property Owner's Association	Masslandlords.net	Cygnets Painting
Partners for a Healthier Community, Inc.	Boston Public Health Commission	Richard Reibstein	EnviroPlan, LLC
Alpine Environmental	Inclusive Communities Advisory Group	Harvard Environmental Services, Gary Kellner	Leonard and Mary Campbell
U.S. EPA			



IV. Comments Received and Proposed Actions – General Comments

As a result of the comments received during the public comment period, CLPPP recommends further revisions to 105 CMR 460.000, which will achieve the following:

- Restore sections related to inspection and deleading requirements in order to ensure that these requirements are legally binding and enforceable

- Clarify and streamline proposed or existing language

- Update the definition of a Dangerous level of Lead from 600 parts per million to 90 parts per million in paints or coatings for sale, consistent with federal standards



IV. Comments Received and Proposed Actions – Blood Lead Levels

- Initial Proposal
 - Lower the definition of lead poisoning from a blood lead level of ≥ 25 $\mu\text{g}/\text{dL}$ to a blood lead level of ≥ 10 $\mu\text{g}/\text{dL}$

- Comments Received
 - While the CLPPP received multiple comments from various stakeholder groups in support of lowering the definition of lead poisoning to 10 $\mu\text{g}/\text{dL}$, the Program did receive comment to lower the definition of lead poisoning to 5 $\mu\text{g}/\text{dL}$

- CLPPP Response
 - This comment was not adopted as the Blood Lead Level of Concern from 5 - 9 $\mu\text{g}/\text{dL}$ proposed by CLPPP will allow for lead education and voluntary inspections/enforcement consistent with CDC recommendations



IV. Comments Received and Proposed Actions – Deleading Requirements

- Initial Proposal
 - Definition of Accessible Mouthable Surfaces revised to reduce the number of surfaces that require deleading
 - ✓ Removed outside corners of walls, window and door casings, chair rails, balusters, and latticework

- Comments Received
 - While the CLPPP received multiple comments from various stakeholder groups in support of reducing the overall number of surfaces requiring deleading, CLPPP received comments that deleading be required for surfaces that abrade and have the potential to create leaded dust

- CLPPP Response
 - The CLPPP included a definition for “Friction Surfaces”, which includes doors, door jambs, and stair treads
 - This is comparable to U.S. Housing and Urban Development guidelines



Next Steps

- Following final approval, this regulation will be amended, with an implementation date of December 1, 2017.
 - ✓ This will enable CLPPP to train the lead-related work force prior to the effective date
- Communication to MA clinicians and laboratories about lowering of blood lead levels and venous re-screening requirements
- Communication with key stakeholders including property owners, housing assistance programs, HUD grantees.