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# *New Hampshire's Enforcement Efforts at Lead-Safe Properties and Beyond*

October 9, 2009

New Hampshire Department of Health & Human Services  
Division of Public Health Services  
Childhood Lead Poisoning Prevention Program



# Review of NH's Childhood Lead Poisoning Prevention Statute

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RSA 130-A Lead Paint Poisoning Prevention and Control, established in 1993.

- Most recently amended in 2009 with Senate Bill 114 and House Bill 226
- NH Administrative Rules He-P1600-Rules promulgated based on statute



# It's the House

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- ◆ Housing built before 1950 poses the greatest risk due to:
  - Condition/Remodeling of housing
  - Higher concentration of lead in paint
- ◆ More than 30% of NH's housing was built before 1950
- ◆ About 60% of NH's homes contain some lead based paint



# Lead Exposure Hazards

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Lead exposure hazards are defined by RSA 130-A:1:

- Peeling, loose, flaking, chipping paint
- Friction, abrasion or impact surfaces
- Chewable surfaces\*
- Bare lead-contaminated soil

\*even if not chipping or peeling. Protrude more than a half inch and located more than 6 inches but less than 4 feet from floor/ground.



# Chipping, Peeling Paint





# Friction/Impact Surfaces





# Chewable Surfaces

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Window sills, and other horizontal surfaces protruding at least 1/2" (Intact or not)



# Bare, Lead-contaminated Soil







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# RSA Highlights



# Investigative Inspections

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- ◆ An investigative inspection is performed to identify lead exposure hazards after a child has a confirmed blood lead elevation  $\geq 10 \mu\text{g/dL}$ .
- ◆ Inspections may result in Letters of Recommendation on owner-occupied properties or rental properties, Orders of Lead Hazard Reduction on rental properties or child care facilities, or no findings of lead hazards.



# RSA 130-A Highlights

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- ◆ The Commissioner shall issue a Letter of Recommendation when:
  - An inspection finds lead exposure hazards present in the dwelling unit, common areas, exterior and/or in the bare soil; **AND**
  - The child  $\leq 6$  years old has a reported venous blood lead level (BLL)  $\geq 10 \mu\text{g/dL}$ ; **AND**
  - The child resides in an owner-occupied property, or spends a minimum of 10 hours a week at a residence.



## RSA 130-A Highlights (cont.)

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- ◆ The Commissioner shall issue an Order of Lead Hazard Reduction when:
  - A child  $\leq 6$  years old has a venous BLL  $\geq 10$   $\mu\text{g/dL}$ ; AND
  - An inspection finds lead exposure hazards present in the dwelling unit, common areas, exterior and/or in the bare soil; AND
  - The child resides in a rental property; OR
  - The child spends a minimum of 10 hours a week at a child care facility.



## RSA 130-A Highlights (cont.)

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- ◆ When lead exposure hazards are identified in the unit where the child with the elevated BLL resides, the Commissioner shall inspect all other dwelling units of that property for the purpose of identifying lead based substances.
- ◆ When lead exposure hazards are found in these “subsidiary” units, the Commissioner shall issue Orders of Lead Hazard Reduction.



## RSA 130-A Highlights (cont.)

- ◆ Commissioner has authority to enforce by:
  - Imposing administrative fines on any person violating any provision of the law (capped at \$2,000 per offense).
  - Requesting injunctive relief to force action to be taken.
  - Requesting misdemeanor charges.



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# Current Enforcement



# Orders Of Lead Hazard Reduction\_

## As of September 30, 2006:

Total Orders Not In Compliance	229
Total Orders In Compliance	163

## As of June 30, 2009:

Total Orders Not In Compliance	36
Total Orders In Compliance	346
Out of the 346 Orders in compliance, 289 are closed	





# Fines\_

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**January 1, 2008 - June 30, 2009:**

Total Fines Issued	66
Total Fine Amount Issued	\$84,650
Total Fine Amount Received	\$54,132



# Injunctive Relief\_

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**As of June 30, 2009:**

Superior Court current cases -26 in compliance with Court Orders -13 going through the process	39
Cases ripe for review (not yet filed)	5



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# Enforcement

Where do we go from here?



# EPA RRP Rule\_

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In April 2008, the EPA issued the Renovation, Repair, and Painting (RRP) Rule requiring the use of lead-safe practices during renovations in target housing and child-occupied facilities, and other actions aimed at preventing lead poisoning.



# EPA RRP Rule\_

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In June 2009, the EPA awarded the NH Childhood Lead Program funds to research the feasibility and sustainability of New Hampshire being an authorized EPA RRP Program state.



# EPA RRP Rule\_

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Authorization to administer the RRP Program would include:

- Training renovators in the use of lead safe work practices;
- Certifying renovators and firms;
- Accrediting providers of renovation training;
- Requiring specific work practice standards for renovations.



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# Questions & Comments

Childhood Lead Poisoning Prevention Program

1-800-897-LEAD (within NH)

603-271-4507