

## **LEAD POISONING PREVENTION (SJR 380, 2005)<sup>1</sup>**

### **2006 SUPPLEMENTAL EXECUTIVE SUMMARY**

The Joint Subcommittee's 2005 work session identified three issues that were amenable to legislative action: (i) guaranteeing that the Virginia Department of Health could meet all 10 of the Centers for Disease Control and Prevention's (CDC) 10 essential elements; (ii) ensuring the exchange of information between the various departments needed to implement one federal grant and to enhance Virginia's competitive position for federal funding in 2006; and (iii) continuing the study in order to assist the agencies in every appropriate way with obtaining funding and reaching the goal of eliminating childhood lead poisoning.

The Joint Subcommittee noted that Virginia lacked two of the 10 CDC's essential elements---regulatory authority to require abatement of lead hazards in housing units containing children with elevated blood lead levels and statutory protection for clients from retaliatory eviction or discrimination related to disclosure of lead hazards or lead poisoning.

Upon the advice of the state agencies participating in lead poisoning prevention activities, the Joint Subcommittee determined to seek continuation of its study for two years in order to assist the agencies in all appropriate ways in seeking federal and other funding and that, if regulatory solutions relating to the two lacking essential elements could not be developed during a December 2005 conference involving the stakeholders, two bills to provide the lacking essential elements would be introduced.

The agencies examined their regulatory authority to determine if the two essential elements could be developed without legislation. However, a regulatory resolution could not be developed in time. Therefore, SB 450 was introduced to provide the regulatory authority to require abatement of lead hazards in housing where children live and prevent retaliation related to lead hazard or lead poisoning disclosures. The bill, as passed, prohibits termination of the rental agreement or any other action in retaliation against a tenant after written notification of (i) a lead hazard in the dwelling unit or (ii) that a child of the tenant, who is an authorized occupant in the dwelling unit, has an elevated blood lead level. The landlord is also required to maintain the painted surfaces of the dwelling unit in compliance with the International Property Maintenance Code of the Uniform Statewide Building Code. Maintenance of the painted surfaces will be enforceable under the Uniform Statewide Building Code and failure to so maintain the painted surfaces will entitle the tenant to terminate the rental agreement.

Senate Joint Resolution 107 requested the Departments of Health, Housing and Community Development, and Labor and Industry to execute a memorandum of agreement relating to the prevention of childhood lead poisoning to facilitate the

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<sup>1</sup> See Senate Document 7 (2006) for a composite account of the Joint Subcommittee's work from its inception in 1993 through 2004.

exchange of information under the new \$3 million federal grant that was awarded to the Department of Housing and Community Development and to enhance the competitive position of the Virginia Department of Health in the 2006 grant cycle. This resolution was determined to be unnecessary upon the development and execution of the memorandum of agreement in February 2006. Thus, SJR 107 was struck at the request of the patron (Senator Lambert, Chairman of the Joint Subcommittee).

Senate Joint Resolution 103, the vehicle for the requested two-year continuation, was approved. The Joint Subcommittee is directed to: (i) monitor the development of the reference database of statewide health-related data to determine its usefulness in containing health care costs and improving health care outcomes, including among children who may be exposed to lead risks or may have elevated blood lead levels; (ii) seek the enactment of the two essential lead program elements needed by the Department of Health to be competitive in the 2006 federal grant process<sup>2</sup>; and (iii) continue to assist the agencies of the Commonwealth to obtain funding for activities to protect Virginia's children from lead risks.

The Joint Subcommittee has also submitted a supplemental 2006 report, detailing its 2005 work and 2006 legislation.



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<sup>2</sup> See the discussion of Senate Bill 450.