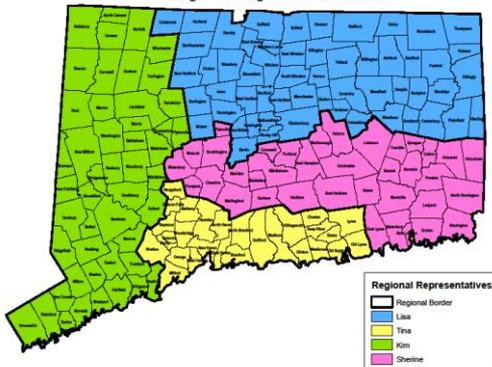


SPECIAL TOPICS

2

Regional Assignments

Lead Poisoning Prevention & Control Program
Regional Assignments - 04/01/2016



4

Freedom of Information (FOI)

CIRCULAR LETTER 2009-23 AND 2009-24

5

Lead Inspections

A lead inspection may be performed in Connecticut for any number of reasons including:

- ▶ a report of a case of lead poisoning
- ▶ a request from an owner
- ▶ a request from a prospective buyer or lending institution
- ▶ a complaint
- ▶ prior to remodeling or a renovation
- ▶ when an older dwelling is found to contain deteriorated paint

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Overview

FOI Requests:

- ▶ What is required of a Local Health (LHD)?
- ▶ What are you allowed to release?
- ▶ Where is confidential information found?

Lead Inspection File

7

- ▶ A lead inspection file **shall** be reviewed prior to its release

Confidentiality

8

- ▶ If confidential information is found in the file, it **must be redacted prior to release**, to ensure that the confidentiality of an individual is not compromised

Confidentiality

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- ▶ A health director's order lists the statutory and regulatory basis for the order:
 - the mere recitation of RCSA § 19a-111-2(c) **will reveal that a child in residence has an elevated blood lead level**

Confidentiality

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- ▶ Orders, which reveal a case of lead poisoning at the dwelling, **should not be released** to the public pursuant to RCSA § 19a-25:
 - Any confidential information **must be redacted** from the letter
 - **NO IDENTIFIABLE information may be released**

Best Practices

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- ▶ Separate filing systems:
 - Child
 - Environmental

Best Practices

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- ▶ A Director of Health is not obligated to indicate or explain why a lead inspection was conducted

FOI Response

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▶ Statutes to reference:

- RCSA 19a-25 – Disclosure of Health Data
- CGS §1-210(b)(4) – Access to Public Records (permits withholding disclosure of records while litigation or claims are pending)

Non-EBLL Cases

CIRCULAR LETTER 2013-67

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Required Primary Prevention:

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- ▶ When the applicability of Lead regulations are triggered:
 - Paint chip is positive for lead
 - Identification of defective lead with child less than 6 in residence:
 - Licensed consultant
 - Other dwellings; EIBLL investigation
- ▶ HUD funded projects ≥ \$25,000
- ▶ Local ordinance
- ▶ Primary prevention funding contract deliverable

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Required Primary Prevention = Non-EBLL Inspection

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New Lead Surveillance System Case type: Non-EBLL

- ▶ A new case type has been created in the Lead Surveillance System
 - Non-EBLL
- ▶ LHDs have the ability to track these environmental case types that result in requiring abatement

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Non-EBLL Inspections

- ▶ 19a-111-3(f) requires a DoH to issue orders for lead abatement when known lead hazards have been identified in the residence of a child under the age of six

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▶ What is a Non-EBLL inspection?

- A property where lead hazards have been identified
- AND**
- A child under the age of 6 resides, that has not had a BLL > 15 venous

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Non-EBLL Inspections

▶ Where are Non-EBLL inspections conducted?

- Child care centers
- Family child care homes
- Child <6 years of age in residence with identified lead hazards
- Other dwellings; EIBLL investigation

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Non-EBLL Inspections: Inspection of 'other child-occupied units'

- ▶ Per 19a-111-3(c)(2) LHD must respond to other child-occupied units within the same building must also be inspected
- ▶ These other units must be inspected within 30 working days

Non-EBLL Inspections: triggers 22

- ▶ There are many routine activities carried out by LHDs that may involve limited paint sampling or XRF testing of specific surfaces

Non-EBLL Inspections: triggers 23

For example:

- a) If a LHD staff tests deteriorated lead-based paint or identifies lead in soil, in the residence of a child under the age of six

- b) If the health department receives a Lead Inspection and Testing Summary Form from a licensed lead consultant

Non-EBLL Inspections: 24

- ▶ Prior to the issuance of orders, the DoH must ensure that the lead inspection is:
 - Comprehensive and includes all structures on the property
 - LHD staff should document all information

Non-EBLL Inspections:

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- ▶ The DoH is also obligated to ensure that the subsequent work is carried out in a timely manner and compliance is achieved

Insurance

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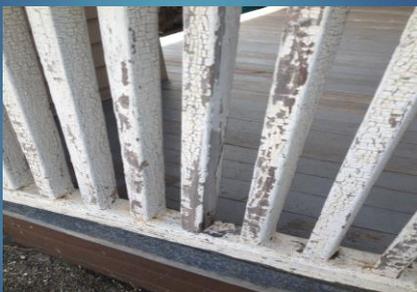
Lead safe???

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Lead Free?

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What does insurance require?

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- ▶ We receive calls regularly from pre-78 rental unit property owners, typically multi-family units
- ▶ They call us asking "can you test"?
- ▶ We advise them to ask for the following:
 - In writing what their insurance company would like for them to have.....

What does insurance require?

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Lead safe certificate (visual inspection performed by a lead consultant)

Vs.

Lead-free certificate (comprehensive testing performed by a lead consultant where no lead hazards or lead-based paint are identified)

Notes:

1. Lead FREE in pre-78 is rare
2. Lead testing may require that a LHD issue an order to abate

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DPH XRF Loaner Program

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XRF Training

- ▶ Prior to using or transporting an XRF an individual must be trained and DPH must have a copy of a training certificate from the manufacturer.
- ▶ This training is now web based:

<http://www.protecinstrument.com/http/mybrainsharkcom/radiation-safety-training-protec-instrument-corporation-376349632/>
- ▶ Email Lisa Bushnell at lisa.bushnell@ct.gov for additional information

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XRF data downloads

- ▶ We have received reports that LHDs have had difficulties with downloading data after obtaining the software from the Protec website
- ▶ Our suggestion is to download the software using the disk provided in the XRF carrying case

Current XRF Inventory

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▶ DPH has 7 XRF instruments on long term loan in the following LHDs across the state:

- Fairfield
- Hartford
- Meriden
- Naugatuck Valley
- New Haven
- Stamford
- West Hartford Bloomfield

Current XRF Inventory

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DPH currently has 3 XRF instruments in our Hartford office available for short term loan.

New XRF Technology

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HEURESIS CORPORATION
DRIVEN BY A PASSION FOR INNOVATION

Heuresis Pb200i XRF Lead Paint Analyzer

- * Smallest, lightest-weight ever XRF instrument
- * Highest-ever performance lead paint analyzer
- * Rugged, ergonomic, easy to operate
- * Android™ smartphone features
- * Color touchscreen display
- * Active shock sensing
- * Wi-Fi, Bluetooth™
- * Built-in camera
- * GPS

Heuresis Pb200i size comparison, pictured to scale, with RMD PROTEC Instruments LPA-1 and Thermo Scientific Niton™ XLP 300

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Heuresis Pb200i size comparison, pictured to scale, with RMD PROTEC Instruments LPA-1 and Thermo Scientific Niton™ XLP 300

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Features

- ▶ Light weight - 1.3 pounds
- ▶ 2.4 inch color screen
- ▶ Digital data entry on touch screen
- ▶ Wi-Fi & Bluetooth capable for data downloading
- ▶ GPS
- ▶ 5 megapixel camera in handle
- ▶ Stores up to 1 million shots without pictures
- ▶ Stores up to 65,000 shots with pictures
- ▶ Supports multiple users with passwords & log in

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Waste Disposal from Lead Abatement Projects





What would you do?

43

- ▶ If a resident showed you the previous pictures?

Solid Waste

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- ▶ Waste from Lead Abatement is treated as solid waste and must:
 - be carefully packaged
 - coordinated in advance

Minimizes risk of contamination due to dust and debris, etc.

Review approved lead abatement plan

45

- ▶ Who was responsible for waste being generate?
- ▶ Where is waste being disposed of?

What you should know

46

- ▶ A homeowner can dispose of up to 10 cubic yards of waste from a Lead abatement project
- ▶ DEEP recommends that each homeowner contacts their town for proper guidance on disposal

If Homeowner is responsible for disposal

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- ▶ How can waste be disposed of?
 - Curb side – the day of waste collection or in advance?
 - Landfill – must I bring it to a landfill? How?
 - Waste should not be left at the curb any longer than needed

2. Residential Lead Removal Work Done by Contractors

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The previous section describing the household hazardous waste exemption might at first seem to apply if a contractor performs the work for a homeowner, since the waste is still coming from a "household." However, as indicated in a clarifying memorandum by EPA Headquarters on November 20, 1987, the household hazardous waste exemption does not apply when contractors are hired to perform the work (see copy of memo in Appendix 3). This is essentially because the contractor is a "co-generator" of the waste who is not subject to the exemption. As a result, a contractor performing lead removal work at a residential site must comply with the applicable hazardous waste requirements for any hazardous wastes which the contractor manages on the homeowner's behalf.

In some cases the homeowners may agree to assume responsibility for the hazardous waste generated. It is acceptable in such situations for the contractor to leave the waste with the homeowner; however, DEP recommends against such practices unless the following conditions are met:

- a. the homeowner agrees in writing to accept the material;
- b. the homeowner is informed of the amount and nature of the material being left behind; and
- c. the homeowner has provisions for legally and safely storing the waste, and a viable outlet for disposing of it in the near future (such as a local household hazardous waste collection day—for more information, see subparagraph 1. above regarding disposal of wastes by "do-it-yourselfers").

Under no circumstances may a contractor leave waste materials behind at a work site without the homeowner's knowledge and informed consent.

Encourage

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- ▶ Written documentation from both:
 - Lead abatement contractor (**ask to see a copy of it**)
 - The homeowner:
 - Agrees to accept the materials
 - Is informed about the amount and nature of the waste
 - Has a place to safely store the waste until it's disposed of
