

4.1.93 Referred from Regular Calendar to Environ.
Comm.
1993

SENATE FILE **333**
BY COMMITTEE ON ENVIRONMENT
AND ENERGY UTILITIES

(SUCCESSOR TO SSB 185)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to lead abatement by establishing a lead
2 inspection and abatement program, and providing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SF333

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1 Section 1. TITLE. This Act shall be known and may be
2 cited as the "Comprehensive Environmental Lead Reduction Act".

3 Sec. 2. FINDINGS AND INTENT.

4 1. The general assembly finds all of the following:

5 a. That childhood lead poisoning is the number one
6 environmental health hazard facing children today and that it
7 exists in both rural and urban areas of the state.
8 b. That environmental exposure to even low levels of lead
9 increases a child's risks of developing permanent learning
10 disabilities, reduced concentration and attentiveness, and
11 behavior problems and that these problems may persist and
12 adversely affect the child's chances for success in school and
13 life.

14 c. That childhood lead poisoning is caused by
15 environmental exposure to lead.

16 d. That the most significant sources of environmental lead
17 are lead-based paint in housing, and house dust and soil
18 contaminated by lead.

19 e. That other sources of lead, such as lead in consumer
20 products, lead in drinking water, and lead in ambient air can
21 contribute to lead poisoning.

22 f. That the causes of childhood lead poisoning are well-
23 understood, and a concerted societal effort could virtually
24 eliminate this disease as a public health problem.

25 g. That thousands of children in the state are poisoned by
26 lead and the majority of these poisoned children are
27 undiagnosed and untreated.

28 h. That childhood lead poisoning is dangerous to the
29 public health, safety, and general welfare and necessitates
30 excessive and disproportionate expenditures of public funds
31 for health care and special education, causing a drain upon
32 public revenue.

33 2. It is the intent of the general assembly that:

34 a. The Iowa department of public health develop and
35 implement, through the utilization of the services of local

1 childhood lead poisoning prevention programs and local health
2 care providers, a state blood lead screening program to
3 identify and refer for medical treatment children affected by
4 lead poisoning, and to provide continued oversight of the
5 treatment of children with high blood levels to ensure that
6 proper care is provided.

7 b. The Iowa department of public health develop a
8 comprehensive environmental lead reduction program to identify
9 and abate environmental lead hazards.

10 c. The Iowa department of public health utilize regional,
11 community-based childhood lead poisoning prevention programs
12 and the services of local health care providers to provide the
13 services necessary.

14 Sec. 3. NEW SECTION. 135.105A COMPREHENSIVE
15 ENVIRONMENTAL LEAD REDUCTION PROGRAM PLAN.

16 1. The department shall establish and administer a
17 comprehensive environmental lead reduction program plan. The
18 plan shall consist of, but is not limited to, all of the
19 following components:

20 a. By July 1, 1994, a comprehensive educational program
21 regarding environmental lead exposures and lead poisoning.
22 The program shall be developed by identifying appropriate
23 groups to provide information to populations at risk of
24 exposure to lead and to prevent childhood lead poisoning or
25 reduce the number of children who are exposed to lead. The
26 department shall assist the appropriate groups identified in
27 determining the most effective means of educating the
28 population served by the group regarding risk of exposure to
29 lead and prevention of childhood lead poisoning. The
30 appropriate groups shall include, but are not limited to,
31 schools and child care centers which may provide notices to
32 the parent or guardian of a child enrolled in the school or
33 the child care center regarding the risk of lead poisoning and
34 the need for blood lead screening.

35 b. By July 1, 1994, a procedural framework to be used in

1 identifying cases of childhood lead poisoning and in providing
2 remediation measures.

3 (1) The procedural framework shall include, but is not
4 limited to, all of the following measures:

5 (a) Any health care practitioner who is required to report
6 pursuant to section 139.35, and who provides primary care to a
7 child between the ages of six months and six years of age
8 shall report the existence and circumstances of each case of
9 lead poisoning diagnosed to the Iowa department of public
10 health or the department's designee.

11 (b) Following the reporting of a case of lead poisoning to
12 the department or the department's designee, the department or
13 the department's designee, shall notify the owner of the
14 dwelling or structure in which the child diagnosed with lead
15 poisoning resides, has recently resided, or frequently visits,
16 of the possible existence of lead hazards and the need to
17 perform an inspection to determine the existence of lead
18 hazards. Following notification, the department or the
19 department's designee may inspect the dwelling or structure
20 for lead hazards.

21 (c) If the owner of the dwelling or structure refuses to
22 allow the voluntary performance of an inspection of the
23 dwelling or structure, the department or the department's
24 designee may file a complaint with the district court of the
25 county in which the dwelling or structure is located, and the
26 court may issue a warrant directing the department or the
27 department's designee to enter the dwelling or structure to
28 perform the inspection.

29 (d) Following inspection, if the dwelling or structure is
30 determined to contain a lead hazard which constitutes a risk
31 of substantial impairment to the health of the residents or
32 visitors, as determined by rule of the department, the
33 department or the department's designee shall provide the
34 owner and the residents of the dwelling with a listing of
35 lead-safe housing available to provide shelter to the

1 residents of the dwelling during the time of abatement.

2 (e) Following a determination that the dwelling contains a
3 lead hazard which constitutes a risk of substantial impairment
4 to the health of the residents or visitors, as determined by
5 rule of the department, the department or the department's
6 designee shall issue a written order to the owner of the
7 dwelling or structure to require the owner to cause the
8 elimination of the lead hazard in a period not to exceed six
9 months, which period may be extended at the discretion of the
10 department or the department's designee.

11 (f) Following completion of the lead abatement procedures,
12 the lead abatement contractor shall report completion of the
13 procedure and elimination of the lead hazard to the department
14 or the department's designee, and the department or the
15 department's designee shall inspect the dwelling or structure
16 to determine if the lead hazard has been eliminated.

17 (g) If a dwelling or structure, for which a written order
18 to eliminate a lead hazard has been issued in accordance with
19 this section, is vacated by the occupant who occupied the
20 dwelling or structure at the time that the written order was
21 issued, the dwelling or structure shall not be occupied by any
22 other person until the abatement has been reported as
23 completed and the department or the department's designee has
24 inspected the dwelling or structure to determine if the lead
25 hazard has been eliminated.

26 (h) The lessor of a dwelling or structure shall not
27 retaliate against a lessee of a dwelling or structure whose
28 occupants have been tested for lead poisoning and shall not
29 prohibit or discourage the occupants of a dwelling or
30 structure from participating in the lead poisoning screening
31 program. An action taken against lessees shall not be
32 considered retaliation if the action occurs more than six
33 months after the occupant's participation in the lead
34 poisoning screening program, if the action is supported by
35 reasonable cause unrelated to the occupant's participation in

1 the lead poisoning screening program, or if the action is
2 demonstrated as having occurred as a result of accident or
3 mistake and is not the intentional act of the lessor.

4 (2) The department shall develop a data management system
5 designed to collect and analyze information regarding
6 childhood lead poisoning, perform primary prevention and
7 screening activities, and investigate the extent of childhood
8 lead poisoning in the state.

9 c. By January 1, 1996, a statewide screening program for
10 children between the ages of six months and six years in age.
11 The department shall seek guidance from the United States
12 department of health and human services and the state hygienic
13 laboratory. The department shall adopt rules, following
14 consultation with public health and medical professionals
15 including, but not limited to, physicians, nurses, and
16 environmental health specialists, establishing the means by
17 which and the intervals at which these children shall be
18 screened. At a minimum the rules shall be consistent with the
19 screening procedures issued by the centers for disease control
20 of the United States department of health and human services.
21 The screening program shall utilize the services of the state
22 hygienic laboratory at the university of Iowa.

23 The rules shall also require that a parent or guardian be
24 informed, prior to the performance of lead screening
25 procedures on a child, of the parent's or guardian's right to
26 withhold consent to the screening. Unless consent is withheld
27 by the parent or guardian of the child, health care
28 practitioners who provide primary medical care to children
29 between six months and six years of age shall screen these
30 children for lead poisoning in accordance with the screening
31 procedures and at intervals required by rule of the
32 department.

33 d. By January 1, 1994, the department shall submit a
34 report to the general assembly regarding recommendations for a
35 cost-share program or other financial assistance mechanisms to

1 provide funding for the inspection and abatement of lead in
2 the residences of low-income persons.

3 Sec. 4. NEW SECTION. 135.105B LEAD ABATEMENT --
4 INSPECTOR AND LEAD ABATEMENT CONTRACTOR TRAINING AND
5 CERTIFICATION ESTABLISHED.

6 By January 1, 1994, the department shall establish a
7 program in conjunction with community colleges and the Iowa
8 cooperative extension service in agriculture and home
9 economics for the training and certification of lead abatement
10 inspectors and lead abatement contractors. The department
11 shall maintain a listing, available to the public and to local
12 health departments, of lead inspectors and lead abatement
13 contractors who have successfully completed the training
14 program and who have been certified by the department. The
15 department shall adopt rules regarding training and
16 certification requirements and shall establish fees in amounts
17 sufficient to defray the costs of the training and
18 certification program. The rules shall also prohibit a
19 certified lead inspector from certification as a lead
20 abatement contractor.

21 Sec. 5. NEW SECTION. 135.105C DEVELOPMENT OF STANDARDS
22 FOR LEAD INSPECTION AND ABATEMENT.

23 1. The department shall develop standards by January 1,
24 1994, regarding inspection for lead paint and lead hazards and
25 for abatement of lead hazards, including lead paint and lead
26 hazards found in privately owned homes and rental property.
27 The department shall consult with federal, state, and local
28 governments and agencies in developing the standards.

29 2. The methods developed for lead inspections and
30 abatement shall include the following:

31 a. That lead inspections performed are adequate to detect
32 the presence of lead paint and lead hazards. The methods
33 shall provide for the use of laboratories, if necessary,
34 approved by the department, in connection with any lead
35 inspection which relies on the use of a laboratory to detect

1 the presence of lead in samples of substances from a premises.

2 b. Techniques approved by the department to eliminate or
3 prevent lead hazards, taking into account reliability,
4 effectiveness, and affordability. The standards shall include
5 provisions for the protection of personal health and safety,
6 hazard awareness, proper cleanup procedures, and other
7 measures necessary to protect residents and workers.

8 3. The methods developed for inspections shall include
9 procedures for follow-up inspections and recordkeeping to
10 ensure that abatement is completed.

11 Sec. 6. NEW SECTION. 135.105D REQUIREMENTS -- PROHI-
12 BITIONS -- PENALTY.

13 1. A person shall not train lead inspectors or lead
14 abatement contractors unless the person is trained and
15 certified in accordance with the rules established for
16 training and certification by the department.

17 2. A lead abatement inspector shall perform inspections
18 and a lead abatement contractor shall perform lead abatement
19 practices only in compliance with the standards established by
20 the department.

21 3. A person shall not perform lead abatement for
22 compensation unless the person is certified as a lead
23 abatement contractor and a person shall not perform lead
24 inspections for compensation unless the person is certified as
25 a lead inspector.

26 4. Beginning January 1, 1994, or six months after the
27 development of standards and adoption of rules by the
28 department pursuant to sections 135.105B and 135.105C,
29 whichever is later, a person who violates this section is
30 guilty of a serious misdemeanor.

31 Sec. 7. Section 135.11, subsection 6, Code 1993, is
32 amended to read as follows:

33 6. Exercise general supervision over the administration of
34 the housing law and give aid to the local authorities in the
35 enforcement of the same law, and it the department shall

1 institute in the name of the state such legal proceedings as
2 may be necessary in the enforcement of ~~said~~ the law. The
3 department may adopt and enforce rules regarding lead
4 abatement both in the provisions of the minimum housing Code
5 considered for adoption by cities pursuant to section 364.17
6 and in all other areas of the state where adoption of the
7 minimum housing Code is not required.

8 Sec. 8. Section 135.100, Code 1993, is amended by adding
9 the following new subsections:

10 NEW SUBSECTION. 1A. "Lead abatement" means any action
11 designed to reduce exposure to lead in a residence or tenancy
12 and may include, but is not limited to, relocation of
13 occupants; repair, enclosure, encapsulation, or removal of
14 lead-based paint or lead-contaminated dust, soil, or drinking
15 water; and cleanup measures or ongoing maintenance measures.
16 "Lead abatement" does not include repainting with nonlead-
17 based paint without removal, replacement, or covering of the
18 underlying lead-based paint.

19 NEW SUBSECTION. 1B. "Lead abatement contractor" means a
20 person who is certified to perform lead abatement.

21 NEW SUBSECTION. 1C. "Lead hazard" means a condition that
22 causes increased blood lead levels or a source, including but
23 not limited to paint, dust, air, soil, or water that provides
24 exposure to lead that has been demonstrated to increase blood
25 lead levels.

26 NEW SUBSECTION. 3. "Occupant" means a person occupying a
27 dwelling or structure or a visitor to the dwelling or
28 structure.

29 NEW SUBSECTION. 4. "Primary prevention" means measures
30 taken to prevent exposure to lead which results in disease.

31 NEW SUBSECTION. 5. "Retaliation" means harassment, breach
32 of the covenant of quiet enjoyment, termination of the
33 tenancy, or discontinuation of utilities or other services.

34 Sec. 9. Section 135.103, Code 1993, is amended to read as
35 follows:

1 135.103 GRANT PROGRAM.

2 The department shall implement a lead abatement grant
3 program which provides matching funds to local boards of
4 health or cities for the program development and
5 implementation of childhood lead poisoning prevention programs
6 after standards and requirements for the local program are
7 developed. The state shall provide funds to approved programs
8 on the basis of three dollars for each one dollar designated
9 by the local board of health or city for the program for the
10 first two years of a program, and funds on the basis of one
11 dollar for each one dollar designated by the local board of
12 health or city for the program for the third and subsequent
13 years of the program if such funding is determined necessary
14 by the department for such subsequent years.

15 Sec. 10. Section 135.104, subsection 3, Code 1993, is
16 amended to read as follows:

17 3. A screening program for children, with emphasis on
18 children less than five six years of age.

19 Sec. 11. Section 135.104, Code 1993, is amended by adding
20 the following new subsection:

21 NEW SUBSECTION. 9. A plan to contract with other counties
22 to provide childhood lead poisoning prevention program
23 services.

24 Sec. 12. LEAD ABATEMENT GRANT PROGRAM -- EVALUATION.

25 1. The Iowa department of public health shall establish a
26 pilot project through a community action agency located in a
27 community with an active childhood lead poisoning prevention
28 program for the development and implementation of a program
29 which provides grants to low-income persons or landlords for
30 the abatement of lead in the residences or tenancies of
31 eligible participants. Community action agencies shall submit
32 grant proposals to the Iowa department of public health by
33 January 1, 1994, and the department shall select a grant
34 recipient by February 1, 1994.

35 2. The Iowa department of public health shall develop the

1 criteria for grant applications and shall make grant
2 applications available to community action agencies upon
3 request.

4 3. The Iowa department of public health shall evaluate the
5 effectiveness of the pilot project by reviewing the effect on
6 the low-income population served by the community action
7 agency selected through a survey of participants in the grant
8 program or through evaluation of the childhood lead poisoning
9 prevention program in the community.

10 Sec. 13. DEPARTMENTAL LEAD HAZARD INSPECTIONS --
11 AUTHORIZATION.

12 1. Beginning July 1, 1993, and ending June 30, 1994,
13 following the reporting of a case of the lead poisoning of a
14 child to the department, and following notification of the
15 owner of the dwelling or structure in which the child
16 diagnosed with lead poisoning resides, has recently resided,
17 or frequently visits, of the need to perform an inspection to
18 determine the existence of lead hazards, the department may
19 inspect the dwelling or structure for lead hazards, if such
20 inspections may be performed within current staffing and
21 budgetary limitations.

22 2. If the owner of the dwelling or structure refuses to
23 allow the voluntary performance of an inspection of the
24 dwelling or structure, the department or the department's
25 designee may file a complaint with the district court of the
26 county in which the dwelling or structure is located, and the
27 court may issue a warrant directing the department or the
28 department's designee to enter the dwelling or structure to
29 perform the inspection.

30 3. Following a determination that the dwelling contains a
31 lead hazard which constitutes a risk of substantial impairment
32 to the health of the residents or visitors, as determined by
33 rule of the department, the department or the department's
34 designee shall issue a written order to the owner of the
35 dwelling or structure to require the owner to cause the

1 elimination of the lead hazard in a period not to exceed
2 thirty days, which period may be extended at the discretion of
3 the department or the department's designee.

4 4. Following completion of the lead abatement procedures,
5 the lead abatement contractor shall report completion of the
6 procedure and elimination of the lead hazard to the department
7 or the department's designee, and the department or the
8 department's designee shall inspect the dwelling or structure
9 to determine if the lead hazard has been eliminated.

10 5. If a dwelling or structure, for which a written order
11 to eliminate a lead hazard has been issued in accordance with
12 this section, is vacated by the occupant who occupied the
13 dwelling or structure at the time that the written order was
14 issued, the dwelling or structure shall not be occupied by any
15 other person until the abatement has been reported as
16 completed and the department or the department's designee has
17 inspected the dwelling or structure to determine if the lead
18 hazard has been eliminated.

19 6. The lessor of a dwelling or structure shall not
20 retaliate against a lessee of a dwelling or structure whose
21 occupants have been tested for lead poisoning and shall not
22 prohibit or discourage the occupants of a dwelling or
23 structure from participating in the lead poisoning screening
24 program. An action taken against lessees shall not be
25 considered retaliation if the action occurs more than six
26 months after the occupant's participation in the lead
27 poisoning screening program, if the action is supported by
28 reasonable cause unrelated to the occupant's participation in
29 the lead poisoning screening program, or if the action is
30 demonstrated as having occurred as a result of accident or
31 mistake and is not the intentional act of the lessor.

32 7. As used in this section, "occupant" means a person
33 occupying a dwelling or structure or a visitor to the dwelling
34 or structure and "retaliation" means harassment, breach of the
35 covenant of quiet enjoyment, termination of the tenancy, or

1 discontinuation of utilities or other services.

2 Sec. 14. LEAD ABATEMENT PROGRAM -- FUNDING

3 RECOMMENDATIONS. The Iowa department of public health shall
4 submit budget requests and recommendations for a funding
5 source, sufficient to fund this Act to the general assembly by
6 January 1, 1994.

7 Sec. 15. IMPLEMENTATION -- FUNDING CONTINGENCY.

8 Implementation of this Act is contingent upon receipt of
9 federal funding as determined by the Iowa department of public
10 health.

11 EXPLANATION

12 This bill provides for the establishment of a lead
13 abatement program to be phased in which includes a
14 comprehensive educational program, a comprehensive case
15 management program, a screening program for children from six
16 months to six years of age, and a recommendation from the Iowa
17 department of public health for financing lead abatement in
18 the residences of low-income persons. The bill also provides
19 for lead abatement inspection and lead abatement contracting
20 certification, the development of standards for lead
21 inspection and abatement, and provides a penalty for a
22 violation of required training and certification of lead
23 abatement inspectors and contractors who perform services for
24 compensation. The bill also provides for the establishment of
25 a pilot project which would make funds available to a
26 community action agency for the distribution of grants to low-
27 income persons for lead abatement in the residence of low-
28 income persons. The Iowa department of public health is
29 required to make a recommendation for funding of the lead
30 abatement program to the general assembly by January 1, 1994,
31 and implementation of the bill is contingent upon receipt of
32 federal funding as determined by the Iowa department of public
33 health.

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SENATE FILE 333
FISCAL NOTE

A fiscal note for Senate File 333 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 333 establishes a lead abatement program which includes an educational program, case management program, screening program for children from 6 months to 6 years of age, and a recommendation from the Department of Public Health (DPH) for financing lead abatement in the homes of low-income persons. The bill also provides for inspection and contracting certification, standards for inspection and abatement, and a penalty for a violation of required training and certification of lead abatement inspectors and contractors who perform services for compensation. The bill also establishes a pilot project to make funds available to a community action agency for the distribution of grants to low-income persons. Implementation of the bill is contingent upon receipt of federal funding as determined by the DPH.

ASSUMPTIONS:

1. There are approximately 16,400 cases of childhood lead poisoning per year.
2. There are approximately 235,000 children between the ages of 6 months and 6 years. Approximately 46,000 (19.6%) are covered by Title XIX.
3. The DPH estimates that approximately \$4.3 million will be required for laboratory screening and analysis each year. These costs will be covered by parents of affected children, third party payors, and Title XIX.
4. Approximately \$25,000 would be contracted to local governments for abatement demonstration grants in FY 1994 and again in FY 1995.
5. The DPH states that program infrastructure is inadequate to handle mandatory universal screening. Creating this infrastructure will require a total of \$1.1 million from FY 1994 through FY 1995 from the General Fund.
6. The DPH estimates that the United States Department of Housing and Urban Development (HUD) will provide between \$2.0 million and \$4.0 million for abatement. Implementation of SF 333 is contingent upon receipt of HUD funds. For the purposes of this fiscal note, neither the HUD funds nor the costs that HUD funds would address will be taken into account, because these estimates would be inherently vague, and there is no tangible effect on the General Fund.

FISCAL IMPACT:

The cost of SF 333 requires an increase of \$515,000 from the General Fund in FY 1994, and an increase of \$1,467,000 in FY 1995. The net impact is broken down

-2-

in the following table.

CHANGES TO THE GENERAL FUND

<u>EXPENDITURES</u>	<u>FY 1994</u>	<u>FY 1995</u>
Salaries and Support	\$ 190,000	\$ 380,000
Contracts to Counties	325,000	835,000
Title XIX (State Share)	0	277,000
 Total Cost Increase	 \$ 515,000	 \$1,492,000
 <u>REVENUES</u>		
Certification Fees	\$ 0	\$ 25,000
 NET CHANGE TO GENERAL FUND	 \$ 515,000 =====	 \$1,467,000 =====

The DPH estimates that adequate funding of this Program would virtually eliminate childhood lead poisoning as a public health problem in 10 to 15 years. This will have beneficial fiscal effects due to reductions in long-term Title XIX spending, however this fiscal note does not take into account the effects. Additionally, local governments are required to supply a 50.0% match for State funds. This would require the local governments to supply \$300,000 in FY 1994 and \$800,000 in FY 1995.

SOURCES:

Department of Public Health
Department of Human Services

(LSB 1844sv, JAM)

FILED MARCH 19, 1993

BY DENNIS PROUTY, FISCAL DIRECTOR

SORENSEN, CH.
DELUHERY
BANKS

SSB 185
ENVIRONMENT + ENERGY
UTILITIES

SENATE FILE 333
BY (PROPOSED COMMITTEE ON
ENVIRONMENT AND ENERGY
UTILITIES BILL BY
CHAIRPERSON ROSENBERG)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to lead abatement by establishing a lead
2 inspection and abatement program, and providing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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2 cited as the "Comprehensive Environmental Lead Reduction Act".

3 Sec. 2. FINDINGS AND INTENT.

4 1. The general assembly finds all of the following:

5 a. That childhood lead poisoning is the number one
6 environmental health hazard facing children today and that it
7 exists in both rural and urban areas of the state.

8 b. That environmental exposure to even low levels of lead
9 increases a child's risks of developing permanent learning
10 disabilities, reduced concentration and attentiveness, and
11 behavior problems and that these problems may persist and
12 adversely affect the child's chances for success in school and
13 life.

14 c. That childhood lead poisoning is caused by
15 environmental exposure to lead.

16 d. That the most significant sources of environmental lead
17 are lead-based paint in housing, and house dust and soil
18 contaminated by lead.

19 e. That other sources of lead, such as lead in consumer
20 products, lead in drinking water, and lead in ambient air can
21 contribute to lead poisoning.

22 f. That the causes of childhood lead poisoning are well-
23 understood, and a concerted societal effort could virtually
24 eliminate this disease as a public health problem.

25 g. That thousands of children in the state are poisoned by
26 lead and the majority of these poisoned children are
27 undiagnosed and untreated.

28 h. That childhood lead poisoning is dangerous to the
29 public health, safety, and general welfare and necessitates
30 excessive and disproportionate expenditures of public funds
31 for health care and special education, causing a drain upon
32 public revenue.

33 2. It is the intent of the general assembly that:

34 a. The Iowa department of public health develop and
35 implement, through the utilization of the services of local

1 childhood lead poisoning prevention programs and local health
2 care providers, a state blood lead screening program to
3 identify and refer for medical treatment children affected by
4 lead poisoning, and to provide continued oversight of the
5 treatment of children with high blood levels to ensure that
6 proper care is provided.

7 b. The Iowa department of public health develop a
8 comprehensive environmental lead reduction program to identify
9 and abate environmental lead hazards.

10 c. The Iowa department of public health utilize regional,
11 community-based childhood lead poisoning prevention programs
12 and the services of local health care providers to provide the
13 services necessary.

14 Sec. 3. NEW SECTION. 135.105A COMPREHENSIVE
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22 The program shall be developed by identifying appropriate
23 groups to provide information to populations at risk of
24 exposure to lead and to prevent childhood lead poisoning or
25 reduce the number of children who are exposed to lead. The
26 department shall assist the appropriate groups identified in
27 determining the most effective means of educating the
28 population served by the group regarding risk of exposure to
29 lead and prevention of childhood lead poisoning. The
30 appropriate groups shall include, but are not limited to,
31 schools and child care centers which may provide notices to
32 the parent or guardian of a child enrolled in the school or
33 the child care center regarding the risk of lead poisoning and
34 the need for blood lead screening.

35 b. By July 1, 1994, a procedural framework to be used in

1 identifying cases of childhood lead poisoning and in providing
2 remediation measures.

3 (1) The procedural framework shall include, but is not
4 limited to, all of the following measures:

5 (a) Any health care practitioner who is required to report
6 pursuant to section 139.35, and who provides primary care to a
7 child between the ages of six months and six years of age
8 shall report the existence and circumstances of each case of
9 lead poisoning diagnosed to the Iowa department of public
10 health or the department's designee.

11 (b) Following the reporting of a case of lead poisoning to
12 the department or the department's designee, the department or
13 the department's designee, shall notify the owner of the
14 dwelling or structure in which the child diagnosed with lead
15 poisoning resides, has recently resided, or frequently visits,
16 of the possible existence of lead hazards and the need to
17 perform an inspection to determine the existence of lead
18 hazards. Following notification, the department or the
19 department's designee may inspect the dwelling or structure
20 for lead hazards.

21 (c) If the owner of the dwelling or structure refuses to
22 allow the voluntary performance of an inspection of the
23 dwelling or structure, the department or the department's
24 designee may file a complaint with the district court of the
25 county in which the dwelling or structure is located, and the
26 court may issue a warrant directing the department or the
27 department's designee to enter the dwelling or structure to
28 perform the inspection.

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30 determined to contain a lead hazard which constitutes a risk
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32 visitors, as determined by rule of the department, the
33 department or the department's designee shall provide the
34 owner and the residents of the dwelling with a listing of
35 lead-safe housing available to provide shelter to the

1 residents of the dwelling during the time of abatement.

2 (e) Following a determination that the dwelling contains a
3 lead hazard which constitutes a risk of substantial impairment
4 to the health of the residents or visitors, as determined by
5 rule of the department, the department or the department's
6 designee shall issue a written order to the owner of the
7 dwelling or structure to require the owner to cause the
8 elimination of the lead hazard in a period not to exceed
9 thirty days, which period may be extended at the discretion of
10 the department or the department's designee.

11 (f) Following completion of the lead abatement procedures,
12 the lead abatement contractor shall report completion of the
13 procedure and elimination of the lead hazard to the department
14 or the department's designee, and the department or the
15 department's designee shall inspect the dwelling or structure
16 to determine if the lead hazard has been eliminated.

17 (g) If a dwelling or structure, for which a written order
18 to eliminate a lead hazard has been issued in accordance with
19 this section, is vacated by the occupant who occupied the
20 dwelling or structure at the time that the written order was
21 issued, the dwelling or structure shall not be occupied by any
22 other person until the abatement has been reported as
23 completed and the department or the department's designee has
24 inspected the dwelling or structure to determine if the lead
25 hazard has been eliminated.

26 (h) The lessor of a dwelling or structure shall not
27 retaliate against a lessee of a dwelling or structure whose
28 occupants have been tested for lead poisoning and shall not
29 prohibit or discourage the occupants of a dwelling or
30 structure from participating in the lead poisoning screening
31 program. An action taken against lessees shall not be
32 considered retaliation if the action occurs more than six
33 months after the occupant's participation in the lead
34 poisoning screening program, if the action is supported by
35 reasonable cause unrelated to the occupant's participation in

1 the lead poisoning screening program, or if the action is
2 demonstrated as having occurred as a result of accident or
3 mistake and is not the intentional act of the lessor.

4 (2) The department shall develop a data management system
5 designed to collect and analyze information regarding
6 childhood lead poisoning, perform primary prevention and
7 screening activities, and investigate the extent of childhood
8 lead poisoning in the state.

9 c. By January 1, 1996, a statewide screening program for
10 children between the ages of six months and six years in age.
11 The department shall seek guidance from the United States
12 department of health and human services and the state hygienic
13 laboratory. The department shall adopt rules, following
14 consultation with public health and medical professionals
15 including, but not limited to, physicians, nurses, and
16 environmental health specialists, establishing the means by
17 which and the intervals at which these children shall be
18 screened. At a minimum the rules shall be consistent with the
19 screening procedures issued by the centers for disease control
20 of the United States department of health and human services.
21 The screening program shall utilize the services of the state
22 hygienic laboratory at the university of Iowa.

23 The rules shall also require that a parent or guardian be
24 informed, prior to the performance of lead screening
25 procedures on a child, of the parent's or guardian's right to
26 withhold consent to the screening. Unless consent is withheld
27 by the parent or guardian of the child, health care
28 practitioners who provide primary medical care to children
29 between six months and six years of age shall screen these
30 children for lead poisoning in accordance with the screening
31 procedures and at intervals required by rule of the
32 department.

33 d. By January 1, 1994, the department shall submit a
34 report to the general assembly regarding recommendations for a
35 cost-share program or other financial assistance mechanisms to

1 provide funding for the inspection and abatement of lead in
2 the residences of low-income persons.

3 Sec. 4. NEW SECTION. 135.105B LEAD ABATEMENT --
4 INSPECTOR AND LEAD ABATEMENT CONTRACTOR TRAINING AND
5 CERTIFICATION ESTABLISHED.

6 By January 1, 1994, the department shall establish a
7 program in conjunction with community colleges and the Iowa
8 cooperative extension service in agriculture and home
9 economics for the training and certification of lead abatement
10 inspectors and lead abatement contractors. The department
11 shall maintain a listing, available to the public and to local
12 health departments, of lead inspectors and lead abatement
13 contractors who have successfully completed the training
14 program and who have been certified by the department. The
15 department shall adopt rules regarding training and
16 certification requirements and shall establish fees in amounts
17 sufficient to defray the costs of the training and
18 certification program. The rules shall also prohibit a
19 certified lead inspector from certification as a lead
20 abatement contractor.

21 Sec. 5. NEW SECTION. 135.105C DEVELOPMENT OF STANDARDS
22 FOR LEAD INSPECTION AND ABATEMENT.

23 1. The department shall develop standards by January 1,
24 1994, regarding inspection for lead paint and lead hazards and
25 for abatement of lead hazards, including lead paint and lead
26 hazards found in privately owned homes and rental property.
27 The department shall consult with federal, state, and local
28 governments and agencies in developing the standards.

29 2. The methods developed for lead inspections and
30 abatement shall include the following:

31 a. That lead inspections performed are adequate to detect
32 the presence of lead paint and lead hazards. The methods
33 shall provide for the use of laboratories, if necessary,
34 approved by the department, in connection with any lead
35 inspection which relies on the use of a laboratory to detect

1 the presence of lead in samples of substances from a premises.

2 b. Techniques approved by the department to eliminate or
3 prevent lead hazards, taking into account reliability,
4 effectiveness, and affordability. The standards shall include
5 provisions for the protection of personal health and safety,
6 hazard awareness, proper cleanup procedures, and other
7 measures necessary to protect residents and workers.

8 3. The methods developed for inspections shall include
9 procedures for follow-up inspections and recordkeeping to
10 ensure that abatement is completed.

11 Sec. 6. NEW SECTION. 135.105D REQUIREMENTS -- PROHI-
12 BITIONS -- PENALTY.

13 1. A person shall not train lead inspectors or lead
14 abatement contractors unless the person is trained and
15 certified in accordance with the rules established for
16 training and certification by the department.

17 2. A lead abatement inspector shall perform inspections
18 and a lead abatement contractor shall perform lead abatement
19 practices only in compliance with the standards established by
20 the department.

21 3. A person shall not perform lead abatement for
22 compensation unless the person is certified as a lead
23 abatement contractor and a person shall not perform lead
24 inspections for compensation unless the person is certified as
25 a lead inspector.

26 4. Beginning January 1, 1994, or six months after the
27 development of standards and adoption of rules by the
28 department pursuant to sections 135.105B and 135.105C,
29 whichever is later, a person who violates this section is
30 guilty of a serious misdemeanor.

31 Sec. 7. Section 135.11, subsection 6, Code 1993, is
32 amended to read as follows:

33 6. Exercise general supervision over the administration of
34 the housing law and give aid to the local authorities in the
35 enforcement of the same law, and it the department shall

1 institute in the name of the state such legal proceedings as
2 may be necessary in the enforcement of ~~said~~ the law. The
3 department may adopt and enforce rules regarding lead
4 abatement both in the provisions of the minimum housing Code
5 considered for adoption by cities pursuant to section 364.17
6 and in all other areas of the state where adoption of the
7 minimum housing Code is not required.

8 Sec. 8. Section 135.100, Code 1993, is amended by adding
9 the following new subsections:

10 NEW SUBSECTION. 1A. "Lead abatement" means any action
11 designed to reduce exposure to lead in a residence or tenancy
12 and may include, but is not limited to, relocation of
13 occupants; repair, enclosure, encapsulation, or removal of
14 lead-based paint or lead-contaminated dust, soil, or drinking
15 water; and cleanup measures or ongoing maintenance measures.
16 "Lead abatement" does not include repainting with nonlead-
17 based paint without removal, replacement, or covering of the
18 underlying lead-based paint.

19 NEW SUBSECTION. 1B. "Lead abatement contractor" means a
20 person who is certified to perform lead abatement.

21 NEW SUBSECTION. 1C. "Lead hazard" means a condition that
22 causes increased blood lead levels or a source, including but
23 not limited to paint, dust, air, soil, or water that provides
24 exposure to lead that has been demonstrated to increase blood
25 lead levels.

26 NEW SUBSECTION. 3. "Occupant" means a person occupying a
27 dwelling or structure or a visitor to the dwelling or
28 structure.

29 NEW SUBSECTION. 4. "Primary prevention" means measures
30 taken to prevent exposure to lead which results in disease.

31 NEW SUBSECTION. 5. "Retaliation" means harassment, breach
32 of the covenant of quiet enjoyment, termination of the
33 tenancy, or discontinuation of utilities or other services.

34 Sec. 9. Section 135.103, Code 1993, is amended to read as
35 follows:

1 135.103 GRANT PROGRAM.

2 The department shall implement a lead abatement grant
3 program which provides matching funds to local boards of
4 health or cities for the program development and
5 implementation of childhood lead poisoning prevention programs
6 after standards and requirements for the local program are
7 developed. The state shall provide funds to approved programs
8 on the basis of three dollars for each one dollar designated
9 by the local board of health or city for the program for the
10 first two years of a program, and funds on the basis of one
11 dollar for each one dollar designated by the local board of
12 health or city for the program for the third and subsequent
13 years of the program if such funding is determined necessary
14 by the department for such subsequent years.

15 Sec. 10. Section 135.104, subsection 3, Code 1993, is
16 amended to read as follows:

17 3. A screening program for children, with emphasis on
18 children less than five six years of age.

19 Sec. 11. Section 135.104, Code 1993, is amended by adding
20 the following new subsection:

21 NEW SUBSECTION. 9. A plan to contract with other counties
22 to provide childhood lead poisoning prevention program
23 services.

24 Sec. 12. LEAD ABATEMENT GRANT PROGRAM -- EVALUATION.

25 1. The Iowa department of public health shall establish a
26 pilot project through a community action agency located in a
27 community with an active childhood lead poisoning prevention
28 program for the development and implementation of a program
29 which provides grants to low-income persons or landlords for
30 the abatement of lead in the residences or tenancies of
31 eligible participants. Community action agencies shall submit
32 grant proposals to the Iowa department of public health by
33 January 1, 1994, and the department shall select a grant
34 recipient by February 1, 1994.

35 2. The Iowa department of public health shall develop the

1 criteria for grant applications and shall make grant
2 applications available to community action agencies upon
3 request.

4 3. The Iowa department of public health shall evaluate the
5 effectiveness of the pilot project by reviewing the effect on
6 the low-income population served by the community action
7 agency selected through a survey of participants in the grant
8 program or through evaluation of the childhood lead poisoning
9 prevention program in the community.

10 Sec. 13. DEPARTMENTAL LEAD HAZARD INSPECTIONS --
11 AUTHORIZATION.

12 1. Beginning July 1, 1993, and ending June 30, 1994,
13 following the reporting of a case of the lead poisoning of a
14 child to the department, and following notification of the
15 owner of the dwelling or structure in which the child
16 diagnosed with lead poisoning resides, has recently resided,
17 or frequently visits, of the need to perform an inspection to
18 determine the existence of lead hazards, the department may
19 inspect the dwelling or structure for lead hazards, if such
20 inspections may be performed within current staffing and
21 budgetary limitations.

22 2. If the owner of the dwelling or structure refuses to
23 allow the voluntary performance of an inspection of the
24 dwelling or structure, the department or the department's
25 designee may file a complaint with the district court of the
26 county in which the dwelling or structure is located, and the
27 court may issue a warrant directing the department or the
28 department's designee to enter the dwelling or structure to
29 perform the inspection.

30 3. Following a determination that the dwelling contains a
31 lead hazard which constitutes a risk of substantial impairment
32 to the health of the residents or visitors, as determined by
33 rule of the department, the department or the department's
34 designee shall issue a written order to the owner of the
35 dwelling or structure to require the owner to cause the

1 elimination of the lead hazard in a period not to exceed
2 thirty days, which period may be extended at the discretion of
3 the department or the department's designee.

4 4. Following completion of the lead abatement procedures,
5 the lead abatement contractor shall report completion of the
6 procedure and elimination of the lead hazard to the department
7 or the department's designee, and the department or the
8 department's designee shall inspect the dwelling or structure
9 to determine if the lead hazard has been eliminated.

10 5. If a dwelling or structure, for which a written order
11 to eliminate a lead hazard has been issued in accordance with
12 this section, is vacated by the occupant who occupied the
13 dwelling or structure at the time that the written order was
14 issued, the dwelling or structure shall not be occupied by any
15 other person until the abatement has been reported as
16 completed and the department or the department's designee has
17 inspected the dwelling or structure to determine if the lead
18 hazard has been eliminated.

19 6. The lessor of a dwelling or structure shall not
20 retaliate against a lessee of a dwelling or structure whose
21 occupants have been tested for lead poisoning and shall not
22 prohibit or discourage the occupants of a dwelling or
23 structure from participating in the lead poisoning screening
24 program. An action taken against lessees shall not be
25 considered retaliation if the action occurs more than six
26 months after the occupant's participation in the lead
27 poisoning screening program, if the action is supported by
28 reasonable cause unrelated to the occupant's participation in
29 the lead poisoning screening program, or if the action is
30 demonstrated as having occurred as a result of accident or
31 mistake and is not the intentional act of the lessor.

32 7. As used in this section, "occupant" means a person
33 occupying a dwelling or structure or a visitor to the dwelling
34 or structure and "retaliation" means harassment, breach of the
35 covenant of quiet enjoyment, termination of the tenancy, or

1 discontinuation of utilities or other services.

2 Sec. 14. LEAD ABATEMENT PROGRAM -- FUNDING

3 RECOMMENDATIONS. The Iowa department of public health shall
4 submit budget requests and recommendations for a funding
5 source, sufficient to fund this Act to the general assembly by
6 January 1, 1994.

7 Sec. 15. IMPLEMENTATION -- FUNDING CONTINGENCY.

8 Implementation of this Act is contingent upon receipt of
9 federal funding as determined by the Iowa department of public
10 health.

11

EXPLANATION

12 This bill provides for the establishment of a lead
13 abatement program to be phased in which includes a
14 comprehensive educational program, a comprehensive case
15 management program, a screening program for children from six
16 months to six years of age, and a recommendation from the Iowa
17 department of public health for financing lead abatement in
18 the residences of low-income persons. The bill also provides
19 for lead abatement inspection and lead abatement contracting
20 certification, the development of standards for lead
21 inspection and abatement, and provides a penalty for a
22 violation of required training and certification of lead
23 abatement inspectors and contractors who perform services for
24 compensation. The bill also provides for the establishment of
25 a pilot project which would make funds available to a
26 community action agency for the distribution of grants to low-
27 income persons for lead abatement in the residence of low-
28 income persons. The Iowa department of public health is
29 required to make a recommendation for funding of the lead
30 abatement program to the general assembly by January 1, 1994,
31 and implementation of the bill is contingent upon receipt of
32 federal funding as determined by the Iowa department of public
33 health.

34

35