Childhood Lead Poisoning

The Law In Illinois and Chicago

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Childhood Lead Poisoning

- Potentially devastating and entirely PREVENTABLE
- Chicago has the largest number of lead poisoned children in the U.S.
- Children most at risk are those residing in pre-1978 homes.
Lead poisoning can:

- Reduce intelligence
- Shorten attention span
- Cause learning disabilities and health problems
- Affect children’s behavior

**THESE PROBLEMS ARE NOT REVERSIBLE**
Sources of Lead

- Lead paint chips and dust
- Some candy and toys
- Some jewelry
- Some pottery
- Soil
- Water Pipes
Illinois Regulations

- Illinois Lead Poisoning Prevention Act
  - 410 ILCS 45

- Illinois Lead Poisoning Prevention Code
  - 77 Ill. Adm. Code 845
Illinois Regulations – Prevention Act

- Requires products children use, eat, or wear be **LEAD SAFE**;
- Raises public awareness about dangers of lead by requiring more information be available for parents and consumers;
- Places responsibilities on professionals and organizations.
Illinois Regulations – Prevention Act

- Requirements for
  - Healthcare Providers
  - Landlords
  - Child Care Facilities
  - Retailers and Hardware Stores
  - Illinois Department of Public Health
Healthcare Providers

- Children 6 months to 6 years must have blood lead level tested if they reside in an area designated as high risk
  - All Chicago zip codes are high risk
- Results of lead poisoned children must be reported to IDPH
Since blood lead level tests that reveal lead poisoning are reported to IDPH, there are certain results that trigger/require an inspection of the child’s residence.
Landlords

- If an inspection identifies a lead hazard, IDPH serves a mitigation notice on the owner describing the activities required and setting a time period in which the owner must mitigate the hazard.

- Owner is also required to post notice in common areas specifying the hazard.
Child Care Facilities

- Must require blood lead testing for admission
- Must provide information on lead paint poisoning to the guardians of enrolled children
Retailers

- Prohibited from selling products used by children that are not lead safe
- Whether a product is lead safe depends on its lead contents and the minimum allowable amount of lead for that type of product
- Any product with lead that may be used by the general public must bear a warning statement
Hardware Stores

- Required to post signs about lead safe work practices if they sell paint removal products.
Chicago Regulations

- Municipal Code, Chapter 7-4: Lead Bearing Substances
- Chicago Department of Public Health Rules and Regulations, Control and Mitigation of Lead Bearing Substances
- Mirror pretty close the Illinois Regulations
Abatement and Mitigation

- Lead poisoned child under 6, CDPH notified of EBL triggers home inspection and possibly assignment of a caseworker
- If inspection identifies a lead hazard, CDPH issues a mitigation notice detailing compliance requirements
- If after inspecting mitigation efforts, owner has satisfied the requirements they are issued a certificate of compliance
Landlord Failure to Comply

- If landlord doesn’t comply with the mitigation requirements the state’s attorney may bring an enforcement action.
- Case first goes to an Administrative judge, then to Circuit Court Municipal Housing Court if violations and non-compliance continue.
- Civil penalties vary, but cannot exceed $2,500 per violation, plus $250 for each day that violation continues.
Federal Lead Laws

- **Title X – Residential Lead Based Paint Hazard Reduction Act of 1992**
  - Section 1018 Lead Disclosure Rule
- **HUD guidelines for Evaluation and Control of Lead-Based Paint Hazards in Housing**
  - Deals with the details of inspections, licensing of inspectors, equipment, documentation, etc.
- **EPA Lead Renovation, Repair, and Painting Rule (40 CFR Part 745)**
- **New CPSIA Law**