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SENATE JOINT RESOLUTION NO. 107

Offered January 11, 2006

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Requesting the Departments of Health, Housing and Community Development, and Labor and Industry to execute a memorandum of agreement relating to prevention of childhood lead poisoning. Report.

Patron—Lambert

Referred to Committee on Rules

WHEREAS, the federal Centers for Disease Control and Prevention set a goal to eliminate childhood lead poisoning by 2010, a date that is rapidly approaching; and

WHEREAS, the Joint Subcommittee Studying Lead Poisoning Prevention has toiled over the years with great commitment to promote incremental approaches to preventing lead poisoning and to assist the Commonwealth's agencies in obtaining and retaining federal funding for lead poisoning and abatement efforts; and

WHEREAS, the 2006 Centers for Disease Control and Prevention (CDC) and Environmental Protection Agency (EPA) grant cycle is a competitive process, requiring compliance with 10 essential elements established by federal officials; and

WHEREAS, the Commonwealth has a long and distinguished and, as a result, has many houses built well before 1978, particularly in some jurisdictions; and

WHEREAS, lead poisoning, as evidenced by elevated blood-lead levels, has permanent neurological effects on young children, impairing the cognitive functions and development of children who were normal, often resulting in mental retardation, causing irritability and inappropriate behaviors, damaging hearing and eyesight, and generally affecting health; and

WHEREAS, the Joint Subcommittee is proud of having fostered a strong and lasting partnership between the agencies involved in lead risk activities, including a data sharing partnership that has saved the Commonwealth several million dollars and a data cataloguing effort that may result in many more savings; and

WHEREAS, the Department of Housing and Community Development has recently been notified that it will receive a grant of \$3 million in 2006 for a project that will be used primarily to abate units that have been cited for multiple incidents of lead poisoning; and

WHEREAS, the implementation of the Department of Housing and Community Development's new grant will require the cooperation of the Department of Health and the exchange of information between the two departments; and

WHEREAS, the 2006 grant application for the Department of Health's Lead-Safe Virginia program must include assurances of cooperation between the Department of Health and the Departments of Labor and Industry and Housing and Community Development; and

WHEREAS, the Department of Health must submit its new grant application by February 13, 2006, thus creating a certain urgency to the development of a memorandum of agreement; and

WHEREAS, the Joint Subcommittee Studying Lead Poisoning Prevention strongly believes that interagency cooperation as well as the support and collaboration of the legislative branch for this cooperation has benefited Virginia and her citizens; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Departments of Health, Housing and Community Development, and Labor and Industry be requested to execute a memorandum of agreement (MOA) relating to prevention of childhood lead poisoning. The departments are urged to execute the MOA before February 13, 2006, in order to enhance the potential for the Department of Health's success in the grant process. The departments are also urged to cooperate in the implementation of the Department of Housing and Community Development's new grant and to collaborate in developing the necessary elements for success of the Department of Health's upcoming grant application. The departments are requested to include provisions in the MOA relating to the agencies' responsibilities for notices, sharing of information, and efforts to obtain compliance with requirements that are necessary for the efficient and effective implementation of the Department of Housing and Community Development's new grant in 2006 and to enable the Department of Health to prepare a grant application that is competitive in accordance with the requirements of the CDC and the EPA. In the MOA, the departments are directed to address the following details: (i) referrals from the Department of Health to the Department of Housing and Community Development of environmentally elevated blood lead levels when the source of the lead exposure has been identified and requires abatement with assurances that, when possible, the unit identified in the referral will be considered for abatement; (ii) procedures for

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59 conducting and sharing risk assessments, including, but not limited to, risk assessments that are
60 performed by licensed risk assessors following dust wipe protocols; (iii) notices from the Department of
61 Housing and Community Development to the Departments of Health and Labor and Industry relating to
62 when lead abatement of a unit included in the new grant is to begin, is to be completed, and when
63 clearance is granted, as well as the date of occupancy; (iv) agreement to identify projects involving the
64 removal of lead risks as "abatements," not renovations (in accordance with CDC requirements); (v)
65 agreements to use only lead workers licensed by the Virginia Board for Asbestos, Lead, and Home
66 Inspectors for abatement projects; (vi) agreement by the Department of Labor and Industry to report the
67 number of abatements performed by the Departments of Health and Housing and Community
68 Development; and (vii) any other matters required to assist in the acquisition and retention of federal
69 funding.

70 The Departments of Health, Housing and Community Development, and Labor and Industry shall
71 submit to the Division of Legislative Automated Systems an executive summary and report of its
72 progress in meeting the request of this resolution no later than the first day of the 2007 Regular Session
73 of the General Assembly. The executive summary and report shall be submitted for publication as a
74 report document as provided in the procedures of the Division of Legislative Automated Systems for the
75 processing of legislative documents and reports and shall be posted on the General Assembly's website.