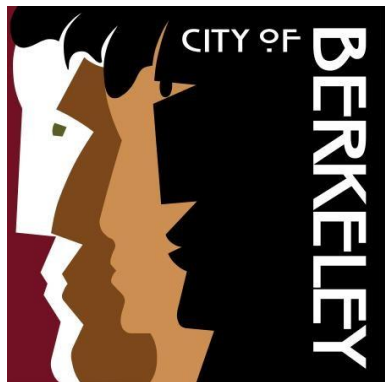


Existing Efforts and Next Steps for Lead Poison Prevention and Control

JULY 18, 2017

CITY COUNCIL WORK SESSION



History

1991- The Lead Abatement Program was established as a Joint Powers Authority (JPA) between Alameda County and cities of Oakland, Berkeley, Alameda and Emeryville.

2003- State adopts SB 460 which gave local agencies enforcement tools for lead paint hazards. State did not fund the program - enforcement was not mandatory.

2008- CEAC evaluated the JPA showing fewer services delivered since 2003 largely due to fees on residential units remaining unchanged since 1991 and greater competition for HUD grants.

2015 and 2017- CEAC recommends a lead paint enforcement program.

Scale and Seriousness of Lead in Berkeley

- Lead is a dangerous neurotoxin and carcinogen
- Most Berkeley housing was constructed prior to 1978 - prior to federal lead paint ban
- Few cases of elevated blood lead, as defined by guidelines, are reported each year in Berkeley
- City has insufficient staff to attend all potential lead paint hazard locations and cannot easily provide data on violations
- Staff responded to 21 complaints in last fiscal year

Existing Proactive Efforts by COB: Permits

- **Permit Declarations:** Permit Service Center confirms that the clients sign under penalty of perjury the declaration that they understand their responsibility to perform work complying with RRP regulations:

Lead Hazard Declaration: I am aware of my responsibilities to implement lead-safe work practices as required by the State of California Health and Safety Code Sections 17920.10 and 105256 when conducting renovation, repair or painting work in pre-1978 residences, childcare facilities or schools. I will ensure that any paint disturbing work will be done by or supervised by RRP certified individual(s). Failure to follow this rule may result in the enforcement cation by the EPA.

- **Permit Stamps on Approved Plans:** Building & Safety Division stamps plans notifying the client that they are responsible to follow RRP requirements:

LEAD HAZARD WARNING ANYONE CONDUCTING RENOVATION, REPAIR OR PAINTING WORK FOR COMPENSATION (INCLUDING RENTAL PROPERTY OWNERS AND MANAGERS) IN A PRE-1978 RESIDENCE, CHILDCARE FACILITY OR SCHOOL MUST BE TRAINED, EPA CERTIFIED, AND USE LEAD-SAFE WORK PRACTICES. FAILURE TO IMPLEMENT LEAD SAFE WORK PRACTICES IS A VIOLATION OF THE CALIFORNIA HEALTH AND SAFETY CODE, SECTIONS 17920.10 AND 105256. FOR MORE INFORMATION VISIT: WWW.ACHHD.ORG

Existing Proactive Efforts by COB: Other

- **Correction Notice by Building Inspectors:** Building Inspectors, upon observation of unsafe lead work practices, will issue a notice of correction and will not leave the site until the lead abatement is initiated
- **Notice of Investigation/Violation by Housing Inspectors:** All Housing Inspectors are RRP certified. Lead safe work practices are addressed in the housing compliance investigations
- **Education:** Lead Safe Work Handouts and related information are available at the Permit Service Center
- **Response to complaints:** Toxics Management and Public Health respond to complaints and may stop work with the County Healthy Homes to impose cleanup requirements

Challenges to Existing Efforts

- Painting does not require a permit – violations may go undetected
- Limited funding and staff capacity to identify and pursue lead paint violations
- Enforcement is expensive and costs are not recovered by penalties

Potential Next Steps

- Adopt a new ordinance to require enforcement for renovation and painting work conducted without proper certification (EPA Renovation, Repair and Painting or RRP Certification).
- Staff is reviewing program implementation costs and funding sources – will return to Council with a recommendation.

Presenters

- Dale Hagen, Healthy Homes Manager
- Larry Brooks, Director Healthy Homes Dept/Lead Poisoning Prevention Program
- Michael Goldhaber, Chair of the Community Environmental Advisory Commission (CEAC)