

LEAD EXPERTS

A Lead Hazard Training Provider

THE LEAD ABATEMENT ADVISOR

YOUR LEAD, ASBESTOS, AND MOLD INFORMATION NEWSLETTER

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- **ISO 14001 EMS Training and Consulting**
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The Lead Abatement Advisor is prepared by The Dell Group, Inc. to inform its clients and friends of developments in lead-based paint hazard evaluation and control, safety management, environmental compliance, and new developments in the environmental remediation field. The newsletter is available free of charge to interested parties. The articles appearing in this newsletter do not constitute legal or other advice or opinion. The views expressed in this newsletter are not necessarily those of The Dell Group, Inc. The application of various laws and regulations to your business operations may depend on many specific facts. Questions regarding your operation relative to the topics discussed in this newsletter should be directed to a qualified professional. For more information, call us at (800) 259-8930 or info@dellgroup.com

CALIFORNIA'S LEAD PAINT LEGAL BATTLE

Decades after the government banned lead paint because of its health threat, the substance remains in many homes built before 1978. In older, low-income neighborhoods, lead paint still plays host to maladies in children, from learning disabilities, liver damage and hearing loss, to seizures and even death.

It is estimated that it will cost \$1.6 billion to remove those poisons from millions of homes around the state. Local governments from across California, made their final legal pitch to hold the paint industry accountable for allegedly threatening children's health by spreading toxic lead paint.

"Lead poisoning has been the longest-running epidemic in American pediatric history, and is a silent, ongoing tragedy," said Columbia University professor David Rosner, an expert witness for the governments.

The industry countered by accusing public officials of a misguided smear campaign against paint manufacturers, arguing that the public health threat from lead paint has been wiped away for years.

The truth of these competing opinions will be decided by 13-year-old legal battle over the paint industry's role in exposing residents across California to dangerous levels of lead paint. The case has dragged on for years, twice bouncing up through the appeals courts, which have allowed it go forward over the paint manufacturers' objections.

Local governments sued the industry in 2000, alleging paint manufacturers knew the dangers of lead paint from the late 1800s through the 1970s, yet continued to peddle it to consumers. The lawsuit is not seeking damages or arguing that particular families were harmed by lead paint, but instead is asking the judge to order the industry to either set aside money for cleanup or take on the task itself.

"The problem of lead paint has been attacked for decades," said Donald Scott, attorney for NL Industries. "And they are doing their jobs." In legal briefs, the defense argued that public health officials have successfully handled any hazards from lead paint. "I find this litigation-by-hindsight puzzling," said former Iowa Attorney General Bonnie Campbell, who is helping the industry's defense. "The fact is, you have a very good, successful public health story, and there is no public nuisance."

Among other arguments, they say recent studies found scant evidence of California children facing health problems from elevated lead levels in their blood, and, when lead is found, there is little proof it comes from lead paint. They also believe a costly cleanup would do more harm than good, kicking up lead dust in homes where it would be better left alone.

Unlike cases involving individuals who sue over health hazards, which can be difficult to prove against an entire industry, under pretrial rulings, government lawyers will not have to show that lead paint actually harmed any particular families. Instead, Superior Court Judge James Kleinberg wrote, they must "provide a reasonable basis" that the industry "assisted in the creation of a public nuisance" through activity, such as promoting the product, that put lead paint in homes "affecting a considerable number of persons."

Lawyers for five companies targeted argued that paint manufacturers relied for decades on public health officials and other medical experts who did not consider lower levels of toxic material in lead paint to be a serious public health threat. To them, the lawsuit is laying blame with the hindsight of modern research. They maintain that the paint manufacturers did not have knowledge of the lead paint threat through a long period in their businesses.

Judge Kleinberg, who is hearing the case without a jury, at various points during arguments pressed the industry on its position. At one point, questioning the industry's argument that it relied on certain American doctors and experts when there was other evidence of the threat as early as 1918, Kleinberg said: "I'm quite troubled by the idea that because American doctors say 'X, Y and Z' that that is the end of the inquiry."

Local governments, however, argue there is strong evidence that the industry ignored the threat, and that it continues to expose children to unsafe levels of lead.

After closing arguments, Judge Kleinberg, urged both parties to settle. "If you are interested in being intelligent you'll have to settle this case now. This is not Rhode Island and is not Milwaukee, go back and reread the 6th District's opinion again." Judge Kleinberg said.

California officials are hoping to have more success in their case than have similar legal assaults in other states, including Rhode Island, Ohio and Missouri, where the industry has won in the courts.

Regardless of Kleinberg's findings, the outcome is likely to be appealed.

Quotable Quotes

"A pessimist sees the difficulty in every opportunity; an optimist sees the opportunity in every difficulty."

- Winston Churchill

OB / GYNs RAISE CONCERNS ABOUT HOUSEHOLD CHEMICALS

“Toxic chemicals in the environment harm our ability to reproduce, negatively affect pregnancies, and are associated with numerous other long-term health problems.” So reads a [statement](#) released by the American College of Obstetricians and Gynecologists and the American Society for Reproductive Medicine (ASRM).

Many chemicals can cross the placenta to the fetus leading to cognitive impairment and birth defects, the statement encourages OB-GYNs to help patients identify and avoid exposures to toxic chemicals before and during pregnancy.

The coalition hopes to identify and reduce exposure to toxic environmental agents throughout society. Concluding the engagement of medical professionals in the policy debate is critical to translating emerging scientific findings into prevention-oriented action on a large scale.

The joint statement notes the robust scientific evidence that has emerged over the past fifteen years. Demonstrating exposure to toxic environmental agents before and during pregnancy, can have lasting effects on our ability to birth healthy children. This parallels concerns raised by the United Nations, World Health Organization (WHO). Earlier this year WHO warned of [widespread exposure to endocrine disruptors](#) among children at vulnerable times in their development.

The building industry can do much to support the efforts of the OB/GYNs and WHO to reduce these exposures. As profiled in national product evaluations, endocrine disrupting chemicals are widely used in building products. Examples include [bisphenol A](#), a key ingredient of polycarbonate plastics, UV-cured flooring finishes and other epoxies; phthalates that make vinyl flexible, [triclosan](#), the antimicrobial agent; and D4, the [cyclosiloxane in silicone adhesives](#).

Informed selection by designers and builders, and reformulation by manufacturers can replace many of these materials we surround ourselves with and help protect the health of our children.

Quotable Quotes

Drawing on my fine command of language, I said nothing. – Robert Benchley

The world is too dangerous for anything but truth and too small for anything but love.

– William Sloane Coffin

HUD AWARDS MILLIONS TO LOCAL LEAD PROJECTS

Akron Grant for Lead Hazard Reduction

The City of Akron received a \$3 million grant from the Department of Housing and Urban Development (HUD) to help eliminate lead-based paint from homes in urban Akron neighborhoods. Mayor Don Plusquellic announced details of the program, which will evaluate and take steps to eliminate lead hazards in 200 homes, targeting low income families with children less than 6 years old.

Nancy Cook, sustainability grants manager for the City of Akron, said lead remains a significant problem in the area. "There are about 80,000 housing units in greater Akron that have lead-based paint in them and there are approximately 8,000 children that could be affected."

Grant funds can be used for such home improvements as new siding, windows, doors, porches, and other components of the home which test positive for lead-based paint. "As long as we continue to have children living in homes with high levels of lead, we will continue to seek out funding for these types of programs," Plusquellic said. A family of four with an income less than \$52,000 would be eligible for the program. A family of two would be eligible if their income was less than \$37,000.

Summit County, State of Ohio & Mahoning County Grants For Lead Paint Hazards

HUD awarded \$98.3 million in grants to protect children and families from the hazards of lead-based paint and other home health and safety hazards. Mahoning County, the State of Ohio and Summit County Combined General Health District each received a \$2,500,000 grant.

The grant funding will be used to clean up lead paint hazards and other health hazards in 6,373 high-risk homes, train workers in lead-safe work practices, and increase public awareness about childhood lead poisoning. These grant programs promote local efforts to eliminate dangerous lead hazards from lower income homes; stimulate private sector investment in lead hazard control; and educate the public about the dangers of lead-based paint.

The funding directs critical funds to eliminate dangerous lead paint hazards in thousands of privately-owned, low-income housing units. To expand the reach of HUD's Lead Hazard Control Program. HUD is also providing over \$4.4 million to help communities transform their lead hazard control programs to address multiple housing-related hazards.

LEAD ACTS TO TRIGGER SCHIZOPHRENIA

Scientists at Columbia University and Johns Hopkins University School of Medicine, say mice engineered with a human gene for schizophrenia and exposed to lead during early life exhibited behaviors and structural changes in their brains consistent with schizophrenia. They believe their findings suggest a synergistic effect between lead exposure and a genetic risk factor, and open an avenue to better understanding the complex gene-environment interactions that put people at risk for schizophrenia and other mental disorders.

Going back to 2004, work by scientists at Columbia University's Mailman School of Public Health suggested a connection between prenatal lead exposure in humans and increased risk for schizophrenia later in life. But a big question remained: How could lead trigger the disease? Researcher, Tomás R. Guilarte, PhD, senior author of the new study, believed the answer was in the direct inhibitory effect of lead on the NMDAR receptor, a synaptic connection point important to brain development, learning, and memory. His research in rodents found that exposure to lead blunted the function of the NMDAR. The glutamate hypothesis of schizophrenia postulates that a deficit in glutamate neurotransmission and specifically hypoactivity of the NMDAR can explain a significant portion of the dysfunction in schizophrenia.

Mutant mice exposed to lead and given a psychostimulant exhibited elevated levels of hyperactivity and were less able to suppress a startle in response to a loud noise after being given an acoustic warning. Their brains also had markedly larger lateral ventricles—empty spaces containing cerebrospinal fluid—compared with other mice. These results mirror what is known about schizophrenia in humans.

While the role of genes in schizophrenia and mental disorders is well established, the effect of toxic chemicals in the environment is only just beginning to emerge. The study's results focus on schizophrenia, but implications could be broader. "The animal model provides a way forward to answer important questions about the physiological processes underlying schizophrenia," says Dr. Guilarte.

Quotable Quotes

Arnold Bennet visited Irish playwright George Bernard Shaw in his apartment and, knowing his host's love of flowers, was surprised that there was not a single vase of flowers to be seen. He remarked on their absence to Shaw: "But I thought you were so fond of flowers."

"I am," said Shaw, "and I'm very fond of children, too, but I don't chop their heads off and stand them in pots about the house."

OSHA UPDATE

National Electric Coil Co. Fined \$120,000 For Failing To Monitor Asbestos Exposure And Correct Previously Cited Hazard

OSHA has cited National Electric Coil Co. LP in Brownsville, TX, with eight safety violations, including one willful and one repeat violation, with proposed penalties totaling \$120,000. The company was cited for failing to monitor asbestos exposure and provide adequate procedures to control hazardous energy sources.

The complaint inspection, which began in January, was conducted by OSHA's Corpus Christi Area Office. The willful violation, with a \$55,000 penalty, was cited for failing to perform initial monitoring prior to workers being exposed to asbestos. A willful violation is one committed with intentional, knowing or voluntary disregard for the law's requirements, or with plain indifference to worker safety and health.

The repeat violation, with a penalty of \$35,000, was cited for failing to develop and implement adequate lockout/tagout procedures to control hazardous energy sources from cure presses and other equipment. A repeat violation exists when an employer previously has been cited for the same or a similar violation of a standard, regulation, rule or order at any other facility in federal enforcement states within the last five years. A similar violation was cited in May, 2010.

Four of the six serious violations involve asbestos hazards, including the company's failing to select appropriate respirators, provide appropriate work clothing or protective equipment, provide an asbestos exposure assessment system and utilize wet methods for cleaning asbestos materials. The other two serious violations involve exposing workers to struck-by and crushing hazards from using a boom lift extension on a powered industrial truck that had not been secured with a pin to ensure stability. The serious violation fines total \$30,000. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

"By failing to monitor asbestos exposure, National Electric Coil Co. puts its workers in harm's way by exposing them to a variety of health issues. That negligence for worker safety and health will not be tolerated, and OSHA will hold this employer accountable," said Michael Rivera, OSHA's area director.

EPA UPDATE

EPA Takes Action Against 17 RRP Violators

The Renovation, Repair and Painting (RRP) rule protects homeowners and tenants from dangerous lead dust that can be left behind after common renovation, repair, and painting work. It requires that contractors and subcontractors be properly trained and certified, and use lead-safe work practices to ensure that lead dust is minimized. Lead exposure can cause a range of health effects, from behavioral problems and learning disabilities to seizures and death, putting young children at the greatest risk because their nervous systems are still developing.

“Using lead-safe work practices is good business and it’s the law,” said Cynthia Giles, for EPA’s Office of Enforcement and Compliance Assurance. “EPA is taking action to enforce lead rules to protect people from exposure to lead and to ensure a level playing field for contractors that follow the rules.”

The enforcement actions address serious violations of the RRP rule, including fourteen actions where the contractor failed to obtain certification prior to performing or offering to perform renovation activities on pre-1978 homes, where lead is more likely to be present. Other alleged violations included failure to follow the lead-safe work practices, which are critical to reducing exposure to lead-based paint hazards.

The 17 enforcement actions listed below include 14 administrative settlements assessing civil penalties of up to \$23,000. These settlements also required the contractors to certify that they had come into compliance with the requirements of the RRP rule. Additionally, EPA filed three administrative complaints seeking civil penalties of up to the statutory maximum of \$37,500 per violation. As required by the Toxic Substances Control Act, a company or individual’s ability to pay a penalty is evaluated and penalties are adjusted accordingly.

Enforcement Actions:

- Groeller Painting, Inc.
- Albracht Permasiding and Window, Co.
- Midwest College Painters, LLC
- ARK Property Investments, LLC
- Henderson & Associates Services
- Home Resources Management, LLC
- Camaj Interiors & Exteriors
- Cherokee Home Improvements, LLC
- EA Construction and General Contracting
- Roman Builders
- Accolade Construction Group, Inc.
- PZ Painting
- Creative Renovations
- Reeson Construction
- New Hampshire Plate Glass Corporation
- CM Rogers Handyman
- Window World of Harford

Last Man Sentenced in Asbestos Dumping Scheme

The U.S. Justice Department has announced that a New Jersey man will spend fifteen months in prison for his part in a scheme to illegally dump thousands of tons of asbestos-contaminated construction debris – putting others at risk for mesothelioma. He was the last person to be sentenced in the conspiracy.

Asbestos is the cause of mesothelioma, a difficult to treat and aggressive cancer. At the height of its popularity from the 1940s to the early 1970s, asbestos was common in building products ranging from floor and ceiling tiles to joint compound, concrete and shingles. It is still present in tens of thousands of older homes and buildings today.

In an effort to protect workers and the public from mesothelioma and other health risks associated with asbestos, the Environmental Protection Agency (EPA) has established strict rules for handling and disposing of asbestos. But 59-year-old Jonathan Deck of Norwood, New Jersey, along with at least two companies and four other people, were part of a plan to get around the costs associated with government-regulated asbestos removal. The group conspired to dump the contaminated construction waste on a 28-acre piece of property along the Mohawk River in upstate New York, potentially putting people downstream at risk for mesothelioma and other health problems.

More than 400 truckloads of asbestos were dumped at the site before the conspiracy was revealed in an investigation that lasted five years and involved the EPA, the IRS, and police and environmental officials from both New York and New Jersey. In addition to his prison sentence, Deck was ordered to pay \$492,000 in restitution to help in the cleanup of the site. In all, the case resulted in more than 10 years of prison terms and more than \$1 million in fines, restitution and cleanup costs. Deck and the other conspirators will also have to help pay for any future cleanup costs.

Mesothelioma is the most deadly of a range of health problems associated with inhaling or ingesting asbestos. The shape of microscopic asbestos shards prevents the body from safely expelling them. Decades of irritation and inflammation can lead to physiological changes that eventually result in mesothelioma. Construction workers and those who have worked or lived around an asbestos facility have some of the highest rates of mesothelioma in the world. Although some of these people encountered asbestos for years, the EPA has said there is no safe level of exposure and even small amounts of asbestos can increase mesothelioma risk.

BITS & PIECES

New Risk Model for Lead Poisoning

A new predictive model for childhood lead poisoning has been developed by the Ohio Department of Health (ODH), Healthy Homes, and Ohio State University's Statistical Consulting Service. ODH is encouraging health professionals to administer lead tests, to children under the age of 6, residing in these zip codes.

[The High Risk Zip Code Model for Lead Poisoning Risk](#)

ODH Childhood Lead Poisoning Rules under Revision

The regulations are expected to make state code consistent with the Centers for Disease Control and Prevention (CDC). The proposed regulations lower the threshold for childhood lead poisoning investigation from a blood lead level of 10 micrograms per deciliter, to 5 micrograms per deciliter. The CDC guidance comes after its advisory committee on childhood lead poisoning prevention, documented the negative effects of blood lead levels on children's IQ, and cognitive skills.

Proctor & Gamble and Walmart to Address Toxic Chemicals in Products

Walmart announced a [new policy](#), starting January 2015, to reduce, restrict and eliminate hazardous chemicals in its consumer products. Walmart's approach follows one of its main suppliers Proctor & Gamble announcement to eliminate (endocrine disruptors) triclosan and phthalates.

Cleveland Loses Lead Hazard Control Grant

Leila Attassi for *The Plain Dealer* reported on Cleveland's loss of a \$3 million, 3-year HUD grant to eliminate lead-based paint hazards from more than 200 homes. The City was unsuccessful in appealing the decision and plans to apply in the next funding round.

2013 & 2014 Lead Training Schedule

LEAD EXPERTS

Type, Length and Price	Location	Course Month / Dates							
<u>Contractor Initial - 40 Hour</u> \$795 Per Trainee	Toledo Cleveland Columbus	Mar 3 – 7	Jun 2 – 6						
		Sep 16 – 20	Oct 7 – 11	Dec 2 – 6	Feb 10 - 14	Apr 14 – 18	Jun 23 - 27		
		Sep 30 – Oct 4	Mar 31 – Apr 4						
<u>Contractor Refresher - 8 Hour</u> \$195 Per Trainee	Toledo Cleveland Columbus	Oct 31	Dec 10	Feb 25	May 6				
		Oct 22	Nov 26	Dec 17	Jan 14	Feb 19	Mar 25	Apr 22	May 20
		Apr 8							Jun 17
<u>Worker Initial</u> \$595 Per Trainee	The Contractor Initial and Refresher courses shown above satisfy Ohio Department of Health's requirements for Worker Classes.								
<u>Worker Refresher</u> \$195 Per Trainee	A Worker enrolling in these classes will be charged the <i>lower</i> fee shown in this section. Please call if you have <u>any</u> questions.								
<u>Inspector Initial - 24 Hour</u> \$475 Per Trainee	Toledo Cleveland Columbus	Jan 6 – 8	Apr 28 - 30						
		Jan 27 – 29	Mar 10 – 12	May 12 – 14					
		Oct 14 – 16	Feb 17 - 19						
<u>Inspector Refresher - 8 Hour</u> \$195 Per Trainee	Toledo Cleveland Columbus	**Risk Assessor Refresher classes shown below satisfy the Inspector Refresher requirements of the Ohio Department of Health**							
<u>Risk Assessor Initial - 16 Hour</u> \$320 Per Trainee	Toledo Cleveland Columbus	Jan 9 - 10	May 1 - 2						
		Jan 30 – 31	Mar 13 – 14	May 15 - 16					
		Oct 17 – 18	Feb 20 – 21						
<u>Risk Assessor Refresher - 8 Hr</u> \$195 Per Trainee	Toledo Cleveland Columbus	Oct 30	Feb 24	May 5					
		Oct 21	Nov 25	Dec 16	Jan 13	Feb 18	Mar 24	Apr 21	May 19
		Apr 7							Jun 16
<u>Renovation, Repair and Painting Certification Initial - 8 Hour</u> \$189 Per Trainee	Toledo Cleveland Akron	Nov 12	Jan 16	Mar 27	May 7				
		Nov 14	Dec 12	Jan 23	Feb 27	Mar 19	Apr 11	May 28	Jun 19
		Oct 24	Feb 6	Apr 24	Jun 12				
<u>Renovation, Repair and Painting Refresher (Grandfather) - 4 Hr</u> \$95.00 per Trainee	Toledo Cleveland Akron	Jan 17	May 8						
		Sep 27	Jan 24	Mar 20	May 29				
		Oct 25	Feb 7	Jun 13					

If You Have Any Special Needs Or Need a Reasonable Accommodation, Please Contact Us Immediately

RRP CLASSES ARE ADDED AS CLASSES FILL UP – CALL OFFICE FOR ADDITIONAL DATES!

EPA RRP accredited classes for certification under Section 402 of TSCA

YOU ARE NOT ENROLLED IN ANY CLASS UNTIL YOU RECEIVE WRITTEN CONFIRMATION FROM US.

Certificates will not be issued if you are late to class. Certificates are held until paid in full.

Licensing courses approved by the Ohio Depart. of Health, ODH Requires Refreshers Taken During Second Year of License Period

On Site Classes Available, Closed Enrollment - Your Location / Your Students - Priced per Day, Call for More Information

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