



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WASHINGTON, DC 20410

OFFICE OF LEAD HAZARD CONTROL AND
HEALTHY HOMES

March 10, 2016

Ms. Emily A. Benfer
Clinical Professor of Law
Director, Health Justice Project
Beazley Institute for Health Law and Policy
Loyola University School of Law
Corboy Law Center
25 East Pearson Street
Chicago, IL 60611

Ms. Kate Walz
Director, Housing Justice
Sargent Shriver National Center on Poverty Law
50 East Washington Street, Suite 500
Chicago, IL 60602

Dear Ms. Benfer and Ms. Walz:

On behalf of Secretary Julián Castro, thank you for your letter dated February 11, 2016, submitting, on behalf of the listed petitioners, your petition for rulemaking to amend HUD's Lead Based Paint Poisoning Prevention in Certain Residential Structures regulation, 24 CFR part 35, particularly subparts B through R, known as the Lead Safe Housing Rule. Among other things, the petition requested that HUD amend its regulation in order to: (1) conform the regulations to the most current lead poisoning prevention definitions and guidance to prevent confusion and ensure early identification and immediate response to lead poisoning and lead hazards; (2) adopt primary prevention measures to protect children in Federally assisted housing from lead poisoning and the resulting severe and permanent health impairments; and (3) adopt robust hazard reduction protocols to prevent lead poisoning among current and future households and further harm to lead poisoned children.

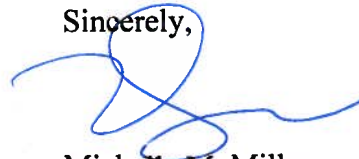
We very much appreciate the time and effort undertaken to develop your comprehensive petition. HUD recognizes its leadership role in building the infrastructure necessary to eliminate lead-based paint hazards in our Nation's housing stock and in ensuring that children living in residential properties that are owned or assisted by the Federal government are safe from lead poisoning. Toward this end, HUD issued in 2012 its "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing" (Guidelines). HUD's 2012 edition of the Guidelines replaced the 1995 edition, with its lead-based paint inspection chapter revised in 1997, and supports HUD's vision to reduce hazards in housing in a cost-effective manner while protecting the health of children.

HUD recognizes that the science around lead poisoning is quickly evolving and that the Centers for Disease Control and Prevention (CDC) has revised its guidance to reflect a growing number of scientific studies that show that even low blood lead levels in children can cause lifelong health effects. Among the changes, the CDC adopted the recommendation of its Advisory Committee on Childhood Lead Poisoning Prevention to eliminate its use of the term and concept of "blood lead level of concern," in favor of a new reference range value method for defining elevated blood levels. The HUD Guidelines incorporate the CDC's guidance for triggering an environmental investigation of the case of a child with an elevated blood lead level, and HUD's lead hazard control grant programs have, since 2013, used the CDC's guidance in prioritizing housing units to be made lead safe under the grants. In HUD's notices of funding availability (NOFAs) for our lead hazard control grants, HUD has encouraged all grantees to implement the CDC's reference level. All grantees are aware of the recent change to CDC's reference level of 5 micrograms / deciliter from its previous level of concern of 10 micrograms / deciliter. Grantees have implemented the reference level of 5 micrograms / deciliter for prioritization of housing units into their lead hazard control grant programs; however, in other cases there is a wide variance of the approaches to the implementation of the CDC's guidance among grantees.

In response to your petition, please be advised that, on March 8, 2016, HUD submitted to the Office of Management and Budget's Office of Information and Regulatory Affairs a proposed rule that would amend HUD's Lead-Based Paint Poisoning Prevention regulations to achieve two objectives designed to provide greater protection for children under the age of 6 residing in units in HUD and other Federally-assisted or -owned housing. First, the proposed rule would formally adopt in regulation the CDC's 2012 definition of elevated blood level in children under the age of 6, a definition, as noted above, already adopted in HUD's Lead-Based Paint Grant programs' NOFAs for fiscal years 2013, 2014, 2015, and 2016. Second, the proposed rule would establish more comprehensive testing and evaluation procedures for HUD and other Federally-assisted or -owned housing in which children with elevated blood lead levels reside. The abstract and anticipated timeline for publication for this proposed rule will be reflected in HUD's next semiannual agenda of regulations.

We trust that this responds to your request. If you have any questions, please feel free to contact Dr. Warren Friedman, Senior Advisor to the Director, at 202-402-7574 or Warren.Friedman@HUD.gov.

Sincerely,



Michelle M. Miller
Acting Director
Office of Lead Hazard Control
and Healthy Homes