



News Release

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Heather Howard,
Commissioner

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DHSS Proposes the Readoption of N.J.A.C. 8:51, Governing Childhood Lead Poisoning, with Amendments, New Rules, and Repeals

The Maternal, Child and Community Health Services of the Division of Family Health Services in the Public Health Services Branch of the Department of Health and Senior Services, in consultation with the Public Health Council, is proposing to readopt the administrative rules at N.J.A.C. 8:51, Childhood Lead Poisoning, with amendments, new rules, and repeals. The notice of proposal appears in the December 21, 2009 issue of the *New Jersey Register*. LexisNexis® provides free on-line public access to the *New Jersey Administrative Code* and the *New Jersey Register* at <http://lexisnexis.com/njoal>.

N.J.A.C. 8:51, also known as Chapter 13 of the State Sanitary Code, establishes a regulatory framework to fulfill the Department's obligation to protect children from adverse health effects due to exposure to lead hazards in their homes and in the environment. The standards set forth at N.J.A.C. 8:51 would also protect children that have been identified with elevated blood lead levels from further exposure to lead hazards. The rules at N.J.A.C. 8:51 set forth standards for screening and case management, reporting and maintaining the confidentiality of reported information, environmental intervention based on blood lead level and age of the child, determining the existence of lead in dwelling units, the responsibility for and use of abatement and/or interim controls of lead hazards, re-inspection and approval of completion of abatement and/or interim controls of lead hazards, enforcement, and the use of the Childhood Lead Poisoning Information Database.

The Department is proposing substantive and technical amendments, new rules and repeals throughout the chapter. Noteworthy proposed substantive amendments and new rules include the following:

- A new rule at N.J.A.C. 8:51-1.3, which would set forth in one location the policies, guidelines, forms, assessments, and materials incorporated by reference in the chapter, as amended and supplemented where applicable.
- Amendments at recodified N.J.A.C. 8:51-1.4 to revise existing definitions, remove definitions and add new definitions. Notably, "interim controls" is a new term, which allows the performance of a set of measures or processes designed to reduce temporarily human exposure or likely exposure to lead-based paint hazards as set forth in the rules.
- An amendment at N.J.A.C. 8:51-2.3 to reduce the capillary blood lead level that is necessary to trigger confirmation before an environmental intervention is performed, from 20 µg/dL or greater to 10 µg/dL or greater.

- Amendments at N.J.A.C. 8:51-2.4 to set forth the responsibility of a local board of health to provide case management for a child and his or her family if the child has a confirmed blood lead level of 15 µg/dL or greater, or two consecutive test results between 10 µg/dL and 14 µg/dL that are at least between one month to three months apart, instead of the existing 20 µg/dL or greater; to add required components of case management; and to include pregnant women who live in the same household as a child identified with lead poisoning in the requirement for lead screening as a part of case management.
- Amendments at N.J.A.C. 8:51-4 to lower the blood lead levels that trigger environmental intervention from the existing 20 µg/dL or greater, or existing two consecutive test results between 15 ug/dL and 19 ug/dL taken at least three months but no more than 12 months apart to a confirmed blood lead level of 15 µg/dL or greater, or two consecutive test results between 10 µg/dL and 14 µg/dL that are at least between one month to three months apart.
- Amendments at N.J.A.C. 8:51-6 to establish when it is appropriate to complete abatement and when it is appropriate to use interim controls.
- Amendments at N.J.A.C. 8:51-7 to establish the responsibilities of the property owner and of the local board of health with jurisdiction for abatement and/or interim controls of lead hazards and ongoing maintenance.
- Amendments at N.J.A.C. 8:51-8 to establish more specific requirements for re-inspection and clearance testing upon completion of abatement and interim controls.
- A new rule at N.J.A.C. 8:51-9 to set forth enforcement standards.
- A new rule at N.J.A.C. 8:51-10 to establish the purpose of and requirements for the use of the Childhood Lead Poisoning Information Database.

In addition, the Department is proposing to publish Appendices to incorporate by reference as part of the chapter required forms and applicable instructions for completion and other required materials.

The Department will convene a public hearing on the proposal between 10:00 A.M. and 11:00 A.M., or until completion of testimony from persons on the list of speakers, whichever is later, on Wednesday, January 27, 2010 at the New Jersey Department of Health and Senior Services, First Floor Board Room, Health and Agriculture Building, 369 South Warren Street (at Market Street), Trenton, NJ 08608. Persons wishing to comment on the proposal at the public hearing who wish to be placed on the list of speakers are requested to telephone Ms. Candy Rae Ellison at (609) 292-5666 by January 20, 2010 and to bring an extra written copy of their remarks for submission to the public record.

The public has until February 19, 2010 to comment on the notice of proposal. Persons wishing to comment on the proposal must submit their comments in writing through regular mail to Ruth Charbonneau, Director, Office of Legal and Regulatory Affairs, Office of the Commissioner, Department of Health and Senior Services, PO Box 360, Trenton, NJ 08625-0360. Written comments on the proposal must be postmarked on or before February 19, 2010, which is the close of the 60-day public comment period.

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