

Working Group on Model Codes

Objective: Improve Model Codes
to Expand Primary Prevention

Advisory Committee on Childhood
Lead Poisoning Prevention
October 2006 Meeting

Primary Prevention: Federal Landscape

- EPA: training accreditation and evaluation and abatement personnel certification for lead-based paint activities; hazard standard; renovation/remodeling/painting
- EPA/HUD: hazard disclosure in real estate
- HUD: federally assisted housing
- CDC: strategic plans; primary prevention strategies; targeting high-risk
- Several: Non-paint lead exposure pathways
- ACCLPP: Housing-Based Approach

Primary Prevention

State/Local Landscape

- States authorized to implement
 - EPA-approved accreditation and certification program
 - CDC program
- States and localities can be more protective
 - Some develop policy calibrated to local needs
 - A few prohibit lead or lead hazards
 - Many do not require abatement let alone attend to extant hazards or prevent hazard creation
- Lowest common denominators:
 - protective as federal policy
 - model code adoptions

Reducing Exposure to Lead – Past Federal Action = Prologue

Federal policy, program, funding have
established important infrastructure for
how to make and keep housing lead-safe
but

Federal mandates, recommendations, and
incentives are limited in scalability
and

All* politics are local

Relevance of Model Codes

- Model *building* construction codes affect how properties are built or substantially remodeled
- Model *property maintenance* codes (AKA housing/sanitary codes) govern conditions and whether rental occupancy is permitted
- State and local jurisdictions can develop their own, but adopting model code has advantages:
 - Policy research and screening completed by “experts”
 - Protective as but not more onerous than others
 - Palatable for elected officials
- Local and state policies will only be as protective as model codes

Model Code Infrastructure

- Model codes are developed, published, and updated by the International Code Council (ICC), a membership organization consisting of mostly code officials
- The ICC result from merger of BOCA (which published the Uniform Housing Code), the Southern Building Council, et al.
- Vision: unified ICC would encourage states and localities to adopt consensus model, and its uniform adoption would lead to consistent code enforcement and higher quality construction

Model Codes Not Lead-Safe

- International Property Maintenance Code typically requires intact paint, in effect prohibits peeling paint. Lead safety is only discussed in the Commentary (footnotes)
- International Residential/Building Codes (including Existing Building Code, specific to rehab construction) do not require lead safe work practices or prohibit dangerous practices. Adoption of EPA rule will take a long time.

ACCLPP Role

ACCLPP has stated that local laws / regulations should:

- require minimum lead-safe housing treatments for property repair and maintenance,
- treat lead-dust hazards and deteriorated paint as code violations; and
- authorize government agencies to ensure that property owners fulfill lead safety by enforcing housing codes
- enable compliance through citations, legally binding work orders, fines, condemnation, and declaration of public nuisance.