



March, 2, 2005

Address

The U.S. Environmental Protection Agency, Office of Enforcement and Compliance Assurance and Regions 1-10 (collectively, EPA), and the Centers for Disease Control and Prevention, Lead Poisoning Prevention Branch (CDC) are issuing this letter in response to requests for clarification regarding the confidentiality of childhood lead poisoning data.

Such information may be considered "identifiable" under the Department of Health and Human Services Privacy Rule (45 CFR Parts 160 and 164) and other state or local laws and regulations. For those agencies and institutions that are "covered entities" under the Privacy Rule, EPA for purposes of this program, is functioning as a public health authority as defined by this rule (45 CFR 164.501). EPA, CDC and the U.S. Department of Housing and Urban Development (HUD) are authorized by statute to conduct lead poisoning prevention activities, consistent with our missions and capabilities, to address the public health problem of lead poisoning, and to coordinate these activities.

Therefore, you may disclose to EPA, without authorization, the information that is reasonably limited to that which is minimally necessary to accomplish a compelling public health need (45 CFR 164.512(b)), including the addresses of housing units. For this program, reporting the property address where there is a history of lead-based paint hazards and/or children with elevated blood-lead levels is essential for targeting efforts to address lead hazards.

Since enactment of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. §§ 4851-4856 (Title X)) more than 10 years ago, millions of children have been protected from lead-based paint hazards. Yet, far too many children remain at risk. EPA and HUD promulgated the Lead Disclosure Rule (40 CFR Part 745; 24 CFR 35) pursuant to Section 1018 of Title X (42 U.S.C. § 4852d). Generally, the Lead Disclosure Rule requires that sellers and landlords of pre-1978 housing provide each prospective buyer and lessee information on the presence and knowledge of lead-based paint and/or lead-based paint hazards before the buyer or lessee is obligated under any contract to buy or lease the housing. This rule is most effective when families are warned that lead hazards exist, and are then able to make informed decisions about housing. The President's Task Force report, *"Eliminating Childhood Lead Poisoning: A Federal Strategy Targeting Lead Paint Hazards,"* identified enforcement of lead regulations,

including the Lead Disclosure Rule, as a key component in the overall strategy to eliminate childhood lead poisoning by 2010. Enforcement of the Lead Disclosure Rule needs to target, in particular, high-risk properties where children are exposed to lead-based paint hazards, especially properties for which multiple and/or successive lead poisoning cases have been identified. Therefore, the most effective way to eliminate lead poisoning is spearheaded by partnerships among all levels of government that facilitate sharing information to ensure compliance with the Lead Disclosure Rule and other applicable state and local laws.

EPA enforces the Lead Disclosure Rule on its own, and in collaboration with HUD, the U.S. Department of Justice (DOJ), States/Tribes, and local health programs. To date, joint EPA-HUD-DOJ enforcement has resulted in settlements with commitments to test and abate lead-based paint and lead-based paint hazards in approximately 160,000 residential units across the nation. Also, these settlements have made more than \$400,000 available to fund projects, such as purchasing portable blood testing devices for hospitals, and funding lead hazard abatement programs through local health or housing departments. Furthermore, these settlements have collected approximately \$500,000 in civil penalties. These settlements have simultaneously resolved violations under federal, state and local laws; and both cities and states have been signatories to the settlement agreements. Moreover, since 2000, EPA's enforcement alone has resulted in commitments to abate lead-based paint and lead-based paint hazards in approximately 200,000 residential units. All of this translates into more homes free of lead-based paint hazards that are available for families. This, in turn, furthers progress toward ending childhood lead poisoning in the United States.

Our collaboration with you has produced a dramatic decline in the number of children with elevated blood levels over the past several decades, but much remains to be done. Together, we can achieve the goal of eliminating childhood lead paint poisoning as a major public health problem by 2010.

Sincerely,



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