

Comments and Responses on ARC 7815B
Lead Paint Assessment and Controls in Child Development Homes
Received June 24, 2009

The following persons and organizations provided written comments, which are included in the summary below:

Jill Dodds

Kathy Elliott, child care owner/operator

Rita Gergely, chief, Bureau of Lead Poisoning Prevention, Iowa Department of Public Health

Health Department References

COMMENT: I suggest that 110.5(1)"x" (2) be revised to read as follows:

(2) Apply interim controls on any chipping or peeling paint found, using lead-safe work methods in accordance with and as defined by department of public health rules at 641—Chapter 69 and 641--Chapter 70, unless a certified inspector as defined in 641--Chapter 70 determines that the paint is not lead-based paint; and

I am suggesting this change because portions of 641--Chapter 69 will also apply to child development homes. (Gergely)

RESPONSE: We will incorporate this suggestion into the proposed rule. It is anticipated that 641 IAC Chapter 69 will require notification of the disturbance of paint when repairs and renovation are being done in a pre-1978 child-occupied facility.

Interim Controls and Work Methods

COMMENT: I'm hoping you can help me with a question regarding the lead rules for CDH's. I haven't been able to find any information on the 'interim controls' being determined by the IDPH. They don't seem to have placed a public comment notice like DHS has and I can't find what is involved with this process. Thank you in advance for your assistance. (Dodds)

RESPONSE: "Interim controls" means a set of measures designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards, including repairing deteriorated lead-based paint, specialized cleaning, maintenance, painting, temporary containment, ongoing monitoring of lead-based paint hazards or potential hazards, and the establishment and operation of management and resident education programs. (641 IAC Chapter 70)

COMMENT: I expect there is a plan to disperse the Safe Work Methods for dealing with lead paint issues as defined by the Department of Public Health. If we are expected to know what to do, then we should be given freely the information before anyone comes to tell us that he/she feels there is a problem and get it fixed. Yes this happens, so don't fool yourself into thinking that isn't how it will be handled. Have had it happen - the attitude that comes with "power" of those who inspect thinking since they "know all" they are in charge and they "rule". (Elliott)

RESPONSE: We are coordinating with the Iowa Department of Public Health in the development of training for child care facilities that will address visual assessments, the application of interim controls, and regulatory requirements.

Applicability to Centers

COMMENT: ...my hope [is] that only homes are not being targeted but so are all centers no matter how many children they serve. (Elliott)

RESPONSE: 441 IAC Chapter 109 requires child care centers to conduct visual assessments and apply interim controls in accordance with Iowa Department of Public Health rules.