



# HOUSE BILL 272: Revise Health Standard for Lead.

2021-2022 General Assembly

<b>Committee:</b>	House Rules, Calendar, and Operations of the House	<b>Date:</b>	May 5, 2021
<b>Introduced by:</b>	Reps. Warren, Lambeth, Adcock, Potts	<b>Prepared by:</b>	Jennifer McGinnis
<b>Analysis of:</b>	Second Edition		Staff Attorney

**OVERVIEW:** House Bill 272 would amend the definition of "lead poisoning hazard" under the statutes governing lead poisoning in children and pregnant women to decrease the amount of lead in drinking water that constitutes a "lead poisoning hazard" from 15 parts per billion (ppb) to 10 ppb.

**CURRENT LAW:** [Part 4 of Article 5 of Chapter 130A of the General Statutes](#) establishes a [program to prevent lead poisoning in children, which is administered by the Division of Public Health of the Department of Health and Human Services](#).

Childhood lead poisoning has been a reportable condition under NC state law since 1990. Laboratories are required to report all environmental lead test results and blood lead test results for children less than six years of age to the Department. When the Department has a reasonable suspicion that a child less than 6 years old has an elevated blood lead level<sup>1</sup> or confirmed lead poisoning<sup>2</sup>, the Department may require that child to be examined and tested within 30 days.

When the Department learns of confirmed lead poisoning, the Department must conduct an investigation to identify the lead poisoning hazards to children and pregnant women, focused on the residential housing unit where the child or pregnant woman with the elevated blood level resides, or a supplemental address<sup>3</sup> of the child or the pregnant woman.

Under the statutes, "lead poisoning hazard" includes, among other things:

- Any lead-based paint or other substance that contains lead above certain levels.
- Any concentration of lead dust that is equal to or greater than 40 micrograms per square foot on floors or 250 micrograms per square foot on interior windowsills, vinyl miniblinds, bathtubs, kitchen sinks, or lavatories.

<sup>1</sup> Defined under the statutes as "a blood lead concentration of five micrograms per deciliter or greater determined by the lower of two consecutive blood tests within a 12-month period."

<sup>2</sup> Defined under the statutes as "a blood lead concentration of 10 micrograms per deciliter or greater determined by the lower of two consecutive blood tests within a 12-month period."

<sup>3</sup> Defined under the statutes as "a residential housing unit or child-occupied facility where a child with confirmed lead poisoning regularly visits or attends. Supplemental address also means a residential housing unit or child-occupied facility where a child resided, regularly visited, or attended within the six months immediately preceding the determination of confirmed lead poisoning."

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- Any concentration of lead in bare soil in play areas, gardens, pet sleeping areas, and areas within three feet of a residential housing unit or child-occupied facility<sup>4</sup> equal to or greater than 400 parts per million. Any concentration of lead in bare soil in other locations of the yard equal to or greater than 1,200 parts per million.
- *Any concentration of lead in drinking water equal to or greater than 15 parts per billion.*

Upon determination that a child less than six years of age or a pregnant woman has a confirmed lead poisoning of 10 micrograms per deciliter or greater, the Department shall require remediation of lead poisoning hazards that exist where the child or pregnant woman resides in a residential housing unit, and lead poisoning hazards identified at any supplemental addresses of the child or pregnant woman.

**BILL ANALYSIS:** The bill would amend the definition of "lead poisoning hazard" to decrease the amount of lead in drinking water that constitutes a "lead poisoning hazard" from 15 ppb to 10 ppb.

The bill also explicitly provides that nothing in the bill may be construed to alter or amend requirements applicable to public water systems.

**EFFECTIVE DATE:** The bill would become effective December 1, 2021.

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<sup>4</sup> Defined under the statutes as "a building, or portion of a building, constructed before 1978, regularly visited by a child who is less than six years of age. Child-occupied facilities may include, but are not limited to, child care facilities, preschools, nurseries, kindergarten classrooms, schools, clinics, or treatment centers including the common areas, the grounds, any outbuildings, or other structures appurtenant to the facility."