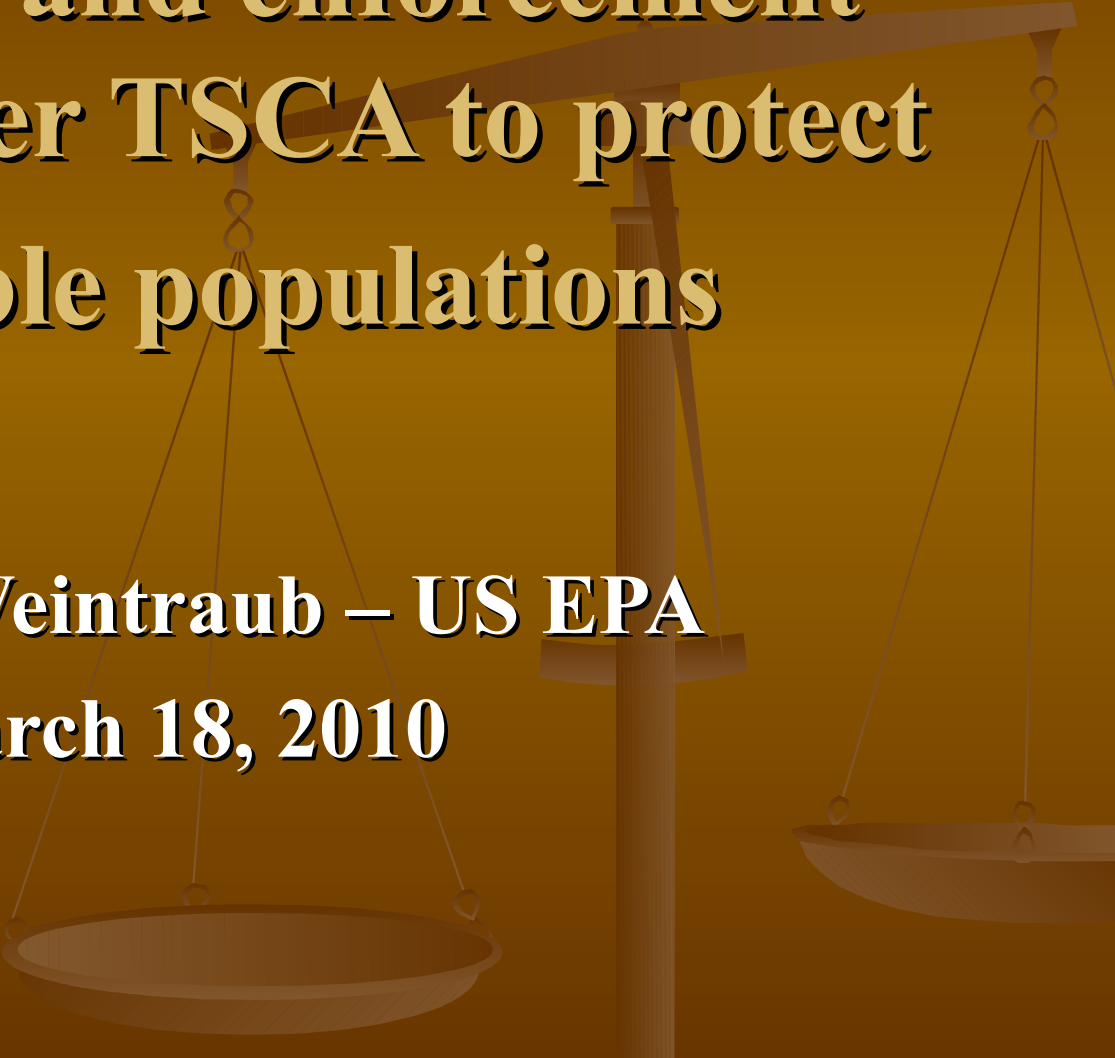


US EPA ARCHIVE DOCUMENT



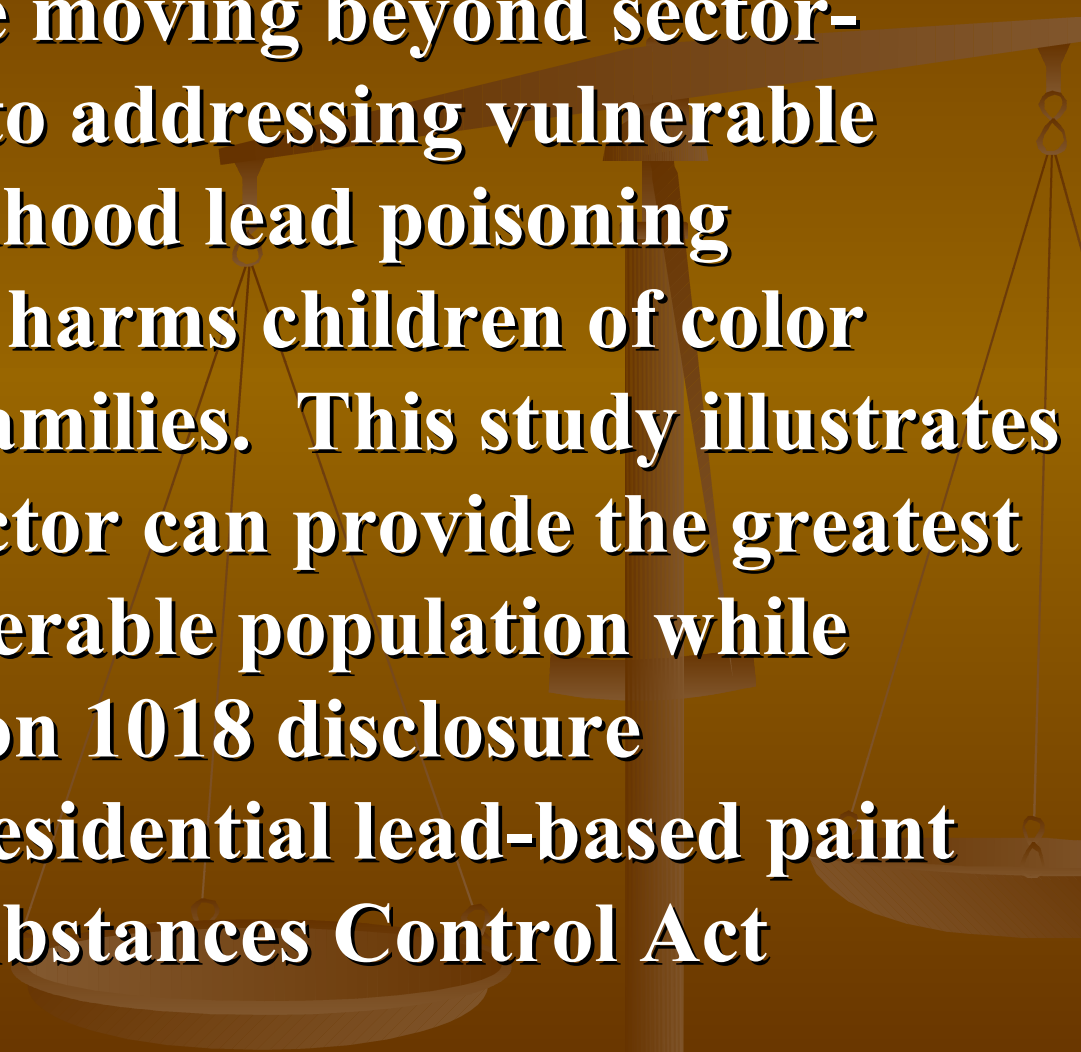
Inspection and enforcement actions under TSCA to protect vulnerable populations

By Max Weintraub – US EPA

March 18, 2010

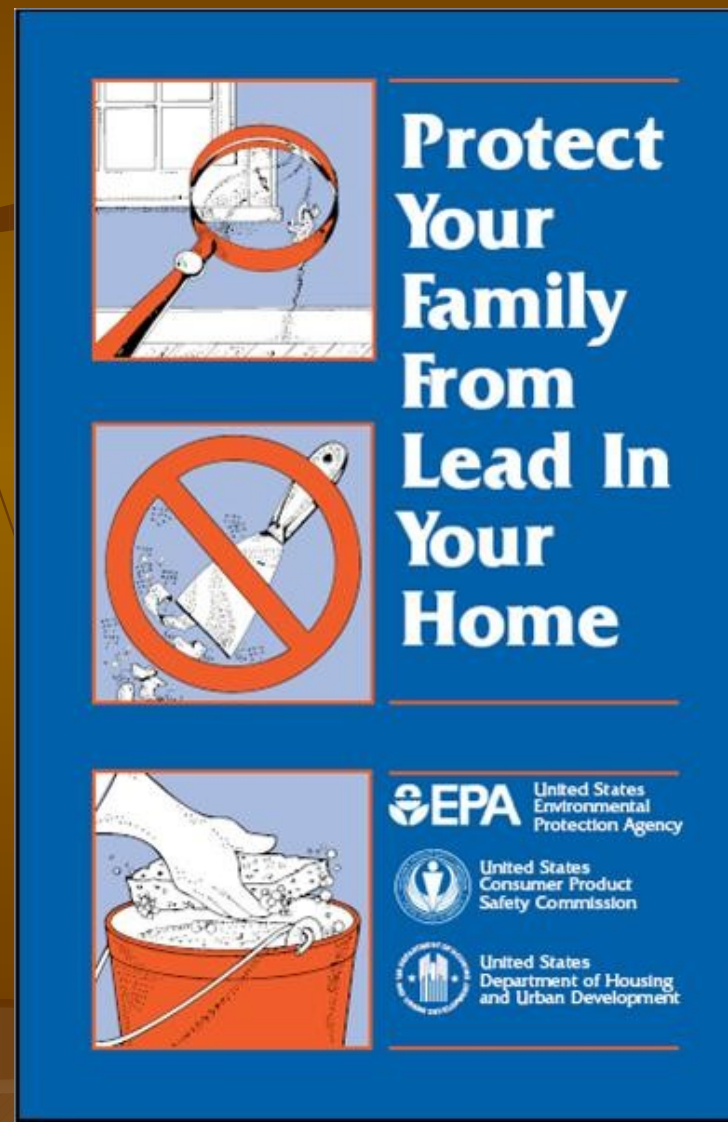
Background and Objectives

EPA inspectors are moving beyond sector-based approaches to addressing vulnerable populations. Childhood lead poisoning disproportionately harms children of color from low-income families. This study illustrates how an EPA inspector can provide the greatest benefit to this vulnerable population while enforcing the section 1018 disclosure requirements for residential lead-based paint under the Toxic Substances Control Act (TSCA).



Section 1018 of TSCA

- Requires managers and sellers of pre-1978 homes to
 - Disclose known lead-based paint or lead-based paint hazards, and
 - Distribute an EPA-approved lead hazard brochure.



Method

Compare different methods to identify best practices to

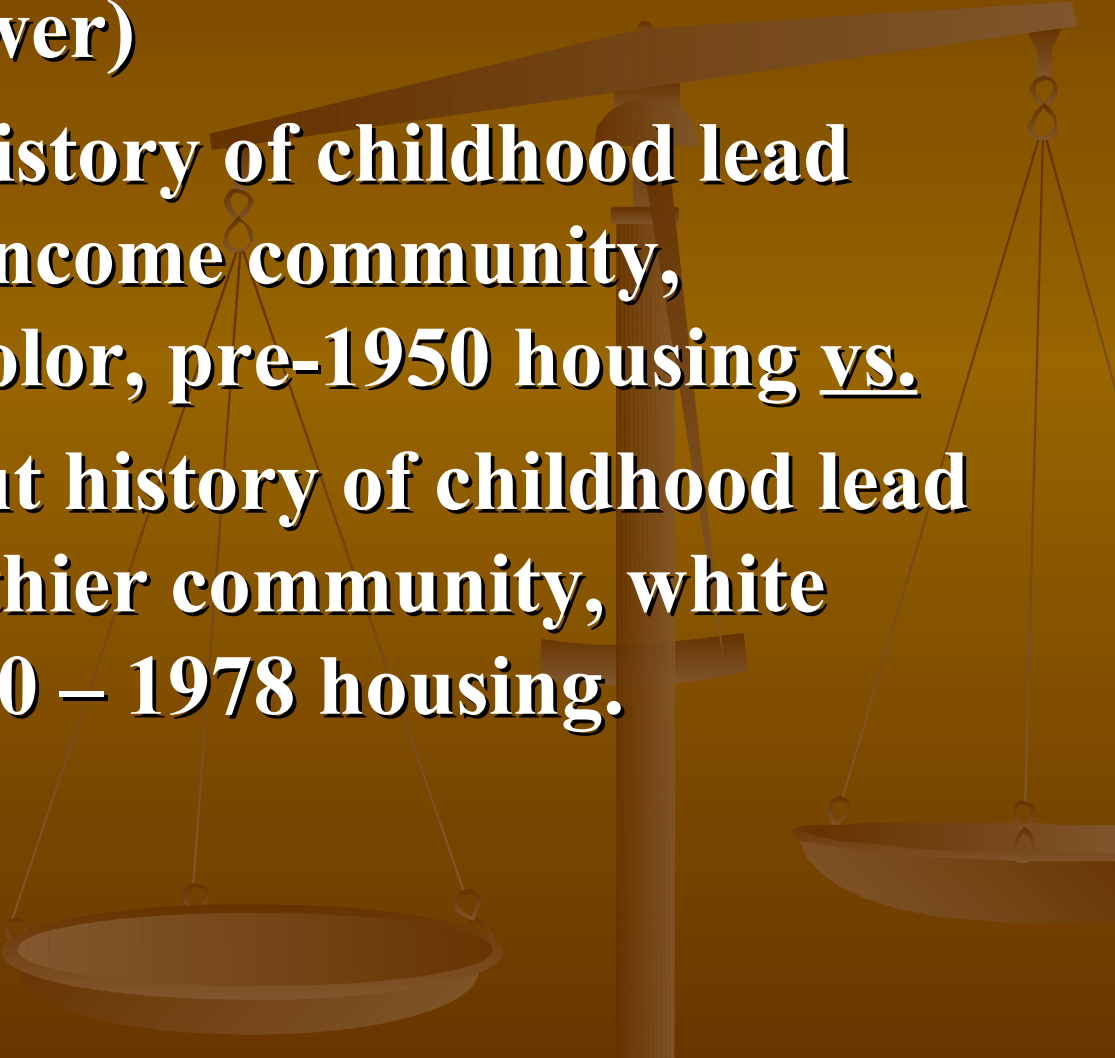
- identify inspection targets,**
- collect information during inspections, and**
- take enforcement actions.**



Peeling Lead-Based Paint

Inspection Targeting to Maximize Risks & Data & Impacts - I

Risk (Higher vs. Lower)

- **Property with history of childhood lead poisoning, low-income community, community of color, pre-1950 housing vs.**
 - **Property without history of childhood lead poisoning, wealthier community, white community, 1950 – 1978 housing.**
- 

Inspection Targeting to Maximize Risks & Data & Impacts - II

Data (More available vs. Less available)

- **Data is more available about the property ownership, type, and age vs.**
- **Data is less available about the property socio-demographic makeup and resident health.**
- **Key sector/vulnerable population databases to check include:**
 - **Lexis/Nexis for local tax assessment records that identify property type, age, and ownership**
 - **National Affordable Housing Management Association for list of large firms that manage low-income properties**

Inspection Targeting to Maximize Risks & Data & Impacts - III

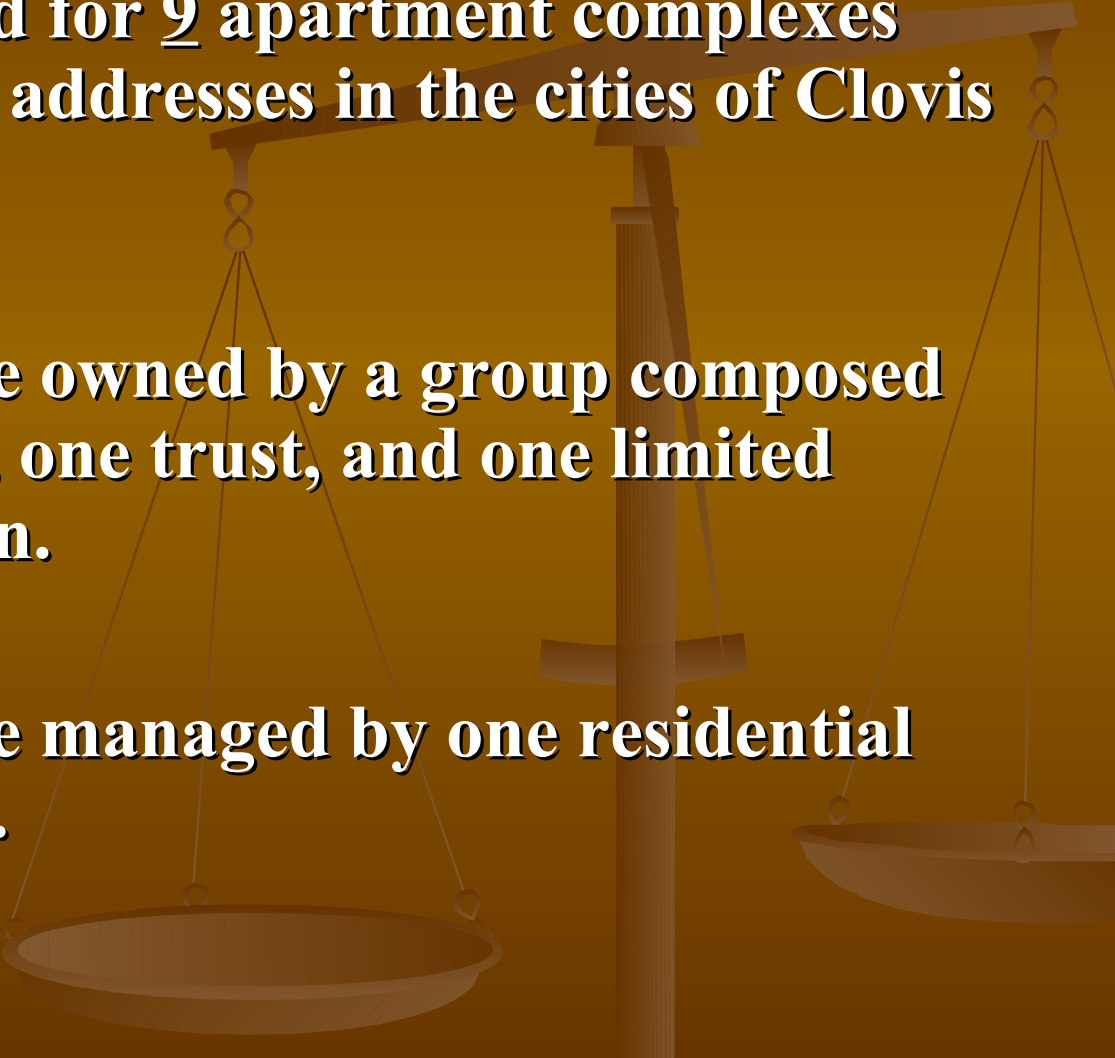
A faint, stylized image of a balance scale is visible in the background of the table. The scale is tilted, with the right pan (representing 'less impact') being higher than the left pan (representing 'more impact').

<u>Impact - Risk decreases more</u>	<u>Impact - Risk decreases less</u>
Multi-unit property	Single family residence
History of childhood lead poisoning	No history of childhood lead poisoning
Serving low-income community	Serving wealthier community
Serving community of color	Serving white community
Built before 1950	Built from 1950 - 1978

Inspection Performance

- **Collect leases and lease addenda**
- **Collect ages of children for the family on each lease**
 - (Note – exposure risk and potential enforcement penalty is greater if younger children are present)
- **Collect all available lead-based paint, or lead-based paint hazard, data**
- **Collect leases from several properties owned or managed by the same entity to determine pattern of compliance or non-compliance**
 - (Note – At this step in the process it is useful to provide the local health department with the addresses for all local properties owned or managed by the entity. If any lead-poisoned children were identified at one of the addresses, then the property should be prioritized for inspection.)

Fresno County, CA Inspections

- Leases are reviewed for 9 apartment complexes located at 14 street addresses in the cities of Clovis and Fresno, CA.
 - The apartments are owned by a group composed of four individuals, one trust, and one limited liability corporation.
 - The apartments are managed by one residential management firms.
- 

Next Steps



- **Follow-up inspection of a different property under same ownership where a lead poisoned child was identified**
- **Potential penalty: > \$100,000**
- **Remedy violations**
- **Negotiate Supplemental Environmental Project with local input**
 - **Note 1 - SEPs can be expanded when Medicaid support to protect children from lead is unavailable.**
 - **Note 2 – In lieu of a SEP, a remittance order may be considered under TSCA Section 16(a)(2)(C).**

Thanks!

- **Adrienne Priselac, Nancy Levin, and the members of the Region 9 Lead Team (Nancy Oien, Aster Aquitania, Warren Crawford, Larry Pastori, Jean Prijatel, David Tomsovic, and Marjorie Xavier)**
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