



STATE OF IOWA

CHESTER J. CULVER, GOVERNOR
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DEPARTMENT OF HUMAN SERVICES
CHARLES J. KROGMEIER, DIRECTOR

October 26, 2009

To: All Child Development Home Providers

From: Jeff Anderson, Bureau Chief
Child Care and Community Services

Re: 2009 Child Development Home Lead Rules

Dear Child Development Home Provider,

DHS administrative rules regarding lead-based paint in child development homes built before 1960 will go into effect on November 1, 2009. To assist your understanding of and compliance with the new rules, we have developed a Q and A for your reference.

Lead-Based Paint Rules:

Q. Who do these rules apply to?

A. All child development home providers who provide care in homes built before 1960.

Q. What do I have to do?

A. If you are a child development home applicant who submits an INITIAL application on or after December 1, 2009 and you will be providing care in a home built before 1960, you must complete a visual assessment for lead-based paint hazards (peeling or chipping paint) on the interior and exterior surfaces of your facility. If you find lead-based paint hazards, you must apply interim controls to them. You must submit documentation that verifies that you have done this to DHS on Form 470-4755 "Lead Assessment and Control" with your application materials.

For all providers who operate in a home built before 1960 who have a valid registration as of November 1, 2009 (this includes those who apply in November 2009,) you must complete the visual assessment, apply interim controls to hazards, and document that you have done this by June 30, 2010. You must then send the documentation (Form 470-4755) in with your next renewal application after June 30, 2010.

Q. What if I think the paint in my pre-1960 home is not lead-based paint?

A. You could hire a certified inspector to conduct an assessment, but this is very costly. Unless the paint has been completely removed, it is very unlikely that the paint is lead-free. If a certified inspector has determined that your paint is lead-free, you must attach approved documentation of this to Form 470-4755, and submit this to DHS with your initial application and renewal materials. Otherwise, it is assumed that your pre-1960 home contains lead-based paint.

Q. How often do I have to do visual assessments and repairs (interim controls?)

A. Since lead-based paint is a hazard, you need to do visual assessments on a regular basis, and whenever chipping or peeling paint is identified. You need to immediately apply interim controls to such hazards. You need to document each visual assessment and application of interim controls on Form 470-4755 as soon as they are completed.

Q. How do I learn how to do visual assessments and apply interim controls to hazards?

A. The Iowa Department of Public Health's Lead Poisoning Prevention Program can provide guidance on this. You may contact this program at: 1-800-972-2026. You may also access an educational brochure at the IDPH website:

http://www.idph.state.ia.us/eh/common/pdf/lead/protect_iowa_families.pdf and http://www.idph.state.ia.us/eh/common/pdf/lead_poisoning_prevention/como_proteger_a_las_familias.pdf

You MUST follow the Iowa Department of Public Health guidelines for applying interim controls.

Q. Where do I get the DHS form to submit with my application materials?

A. The form is called 470-4755 "Lead Assessment and Control." This form will be sent with application and renewal materials. It is included in the revised Child Development Home Registration Guidelines (Provider Manual Comm. 143) and Employee Manual Appendix 12-F. These revised manuals will be published on the DHS website on November 1, 2009.

(<http://www.dhs.iowa.gov/policyanalysis/PolicyManualPages/SocialServ.htm#Child%20Care>)

If you access the form electronically, you will need to print off a copy in order to complete it.

Q. How do I use the form?

A. You should complete the "interim control table" portion of the form whenever you do a visual assessment and apply interim controls in your pre-1960 home. You should complete and sign the first page of the form to certify you have complied with the rule when you submit the entire form (be sure to include the "interim control table") with your application materials. If a certified inspector has determined that the paint is lead-free, attach this documentation to the signed Form 470-4755. Make a copy of the form and any supporting documentation for your records. You may be asked to show the form during compliance inspections if your home was built prior to 1960.

Q. How often do I have to submit the form?

A. For providers operating in pre-1960 homes: You need to submit the form with initial applications submitted on or after December 1, 2009. If you have submitted an initial application on or after December 1, 2009, you will then submit the form with your next renewal application.

Remember that providers operating in pre-1960 homes with a valid registration on November 1, 2009, need to complete the visual assessment, apply interim controls, and document these activities on the form by June 30, 2010, but don't need to submit the form until the next renewal AFTER June 30, 2010.

Q. I've heard I need certification to apply interim controls. Is this true?

A. Effective April 1, 2010, certification will be required for anyone disturbing lead-based paint (this includes applying interim controls) in pre-1978 child-occupied facilities. (This is an Iowa Department of Public Health rule, but does apply to child development home providers.)

You may contact the Lead Poisoning Prevention Program at 1-800-972-2026 to find out how to become certified, or to find out how to locate someone who is certified.

Q. I've heard I have to notify parents when I'm doing work with lead-based paint? Is this true?

A. Notification to parents when disturbing lead-based paint (this includes applying interim controls) is required effective January 1, 2010 in pre-1978 child-occupied facilities. (This is an Iowa Department of Public Health rule, but does apply to child development home providers.)

You may contact the Lead Poisoning Prevention Program at 1-800-972-2026 to find out how to notify parents.

Q. I've heard that the Iowa Department of Public Health rules apply to pre-1978 homes, but DHS rules apply to pre-1960 homes. Is this true? What does this mean?

A. This is correct. DHS lead rules apply to pre-1960 homes, as most of the lead-based paint in Iowa is found in homes from this time period. However, child development home providers in pre-1960 homes must adhere to IDPH lead rules for applying interim controls. Starting on April 1, 2010, these providers also must ensure that the person doing the work with the lead-based paint is certified. They must provide notification to parents that work is being done on lead-based paint effective January 1, 2010.

The Iowa Department of Public Health is responsible for enforcing IDPH rules for homes built between 1960 and 1977. DHS may contact IDPH if a provider is not in compliance with IDPH rules in these homes.

Q. What if I have questions?

A. For questions about lead, visual assessments, interim controls, certification, and notification, contact the Iowa Department of Public Health's Lead Poisoning Prevention Program at 1-800-972-2026.

For questions about DHS rules (completing and submitting the form, issues with compliance, etc.,) contact your local DHS child care regulatory staff.

Q. Do I have to follow DHS lead rules if I operate in a home that was built in or after 1960?

A. The DHS lead rules apply to homes that were built before 1960. You do not have to submit Form 470-4755 with your application if you provide care in a home built in or after 1960.

Q. Do I have to follow these rules in my pre-1960 apartment?

A. Yes, the lead rules apply to all child development homes built before 1960, regardless of the type of home. This includes condos, townhomes, mobile homes, etc.

Q. Why do we have to do this?

A. Lead poisoning is one of the most common and preventable pediatric health problems today. It is primarily caused by deteriorated lead-based paint found in Iowa's older housing, or lead-based paint disturbed in these houses through renovation, remodeling, or repainting. Lead poisoning can be lethal and cause several health problems. It can impact hearing, learning, and IQ. In 2008, the Iowa Legislature passed a bill requiring that DHS adopt rules to address this issue. Child care centers have had rules to address lead-based paint for a number of years.