

**LEAD
POISONING
IN OMAHA:
Facts, Solutions, and
Your Legal Rights**



Legal Aid Of Nebraska

www.legalaidofnebraska.com

Table of Contents

Preface.....	4
Introduction to Lead.....	6
Who Should Get Tested for Lead Poisoning.....	13
The Effects of Lead Poisoning.....	14
Treatment for Lead Poisoning.....	17
Testing the Home for Lead.....	18
Testing Toys for Lead.....	21
Tests for Lead-Based Paint in the Home & on Toys....	24
Lead Poisoning Prevention.....	25
1. Reduce Lead Exposure at Home.....	25
2. Choose Safe Consumer Products.....	30
3. Foods That Reduce Lead Absorption.....	32

Lead Removal..... 34

Lead in the Workplace..... 37

Your Rights When Buying or Leasing Real Estate..... 38

Your Rights When Lead is in Your Home..... 42

Your Rights in HUD Housing..... 43

Your Rights When Lead is in Your Consumer Goods. 46

Local Lead Resources..... 47

National Lead Resources..... 49

Legal Aid of Nebraska Resources..... 50



Preface

Special Thanks...

Legal Aid of Nebraska would like to thank the following people and organizations for their generous time and support for the Lead Poisoning manual project. This publication was supported by a grant from the National Center for Medical-Legal Partnership, a program of Boston Medical Center and Boston University School of Medicine. Reproduction costs were graciously offset by the University of Nebraska Lincoln Extension Program, Douglas-Sarpy County Unit, through a U.S. Housing and Urban Development Grant. UNL Extension also provided useful background information to the project. Special thanks to Mary Castaneda with the EPA Public Information Center for providing us an updated Omaha Lead Superfund map, as well as other information. We would also like to thank the Omaha Healthy Kids Alliance and its Executive Director Kara Eastman for logistical support and for reviewing a draft of the publication. Another important reviewer was Marian Todd from the city of Omaha Planning Department. Reviewers at Legal Aid of Nebraska include attorneys Muirne Heaney and Dave Pantos. A special recognition to Boys Town National Research Hospital and Dr. Tom Tonniges, director of the Pediatrics Unit, which is Legal Aid's medical partner in its medical-legal partnership.

Most importantly, we would like to thank Lauren Dreshman, a Creighton University School of Law graduate (2009) and Legal Aid of Nebraska law intern who acted as general editor of this Lead Poisoning manual. Without her hard work and tireless dedication, this publication would have remained merely an idea about addressing the problem of lead in our children, and not a solution to that problem.

About Legal Aid of Nebraska



Legal Aid of Nebraska is a non-profit, private law firm governed by a board of directors consisting of attorneys and seven members who are part of the community for whom we provide legal services. Legal Aid provides free, civil legal aid to low income Nebraska residents. Except in rare, specific cases as provided by law, Legal Aid does not handle criminal cases or represent prisoners or undocumented aliens. Legal Aid is the law firm for one-sixth of Nebraska's population.

Disclaimer

This handbook is not a substitute for the advice of an attorney about your specific situation. If you have a legal problem, contact an attorney as soon as possible to fully protect your legal rights.

The law changes. This handbook is current as of May 2009. For the most up-to-date legal advice, contact an attorney.

Legal Aid of Nebraska's AccessLine®

If you need an attorney, but cannot afford one, you may qualify for Legal Aid. To see if you qualify for Legal Aid and begin the process of getting legal help, contact the **AccessLine®** by calling **1-877-250-2016**. Due to consistently high demand, callers are advised to expect a substantial wait.

Introduction to Lead

More than 800,000 children under six years old have a blood lead level (BLL) that is above the level of concern set by the Centers for Disease Control and Prevention (CDC). More than twenty-four million homes in the United States have deteriorated lead-based paint and elevated levels of lead-contaminated dust. Each of four million lead contaminated homes are home to at least one child. Omaha is home to an EPA Superfund site due to lead contamination in soil. See page 7 for a map of the Omaha Lead Superfund site.

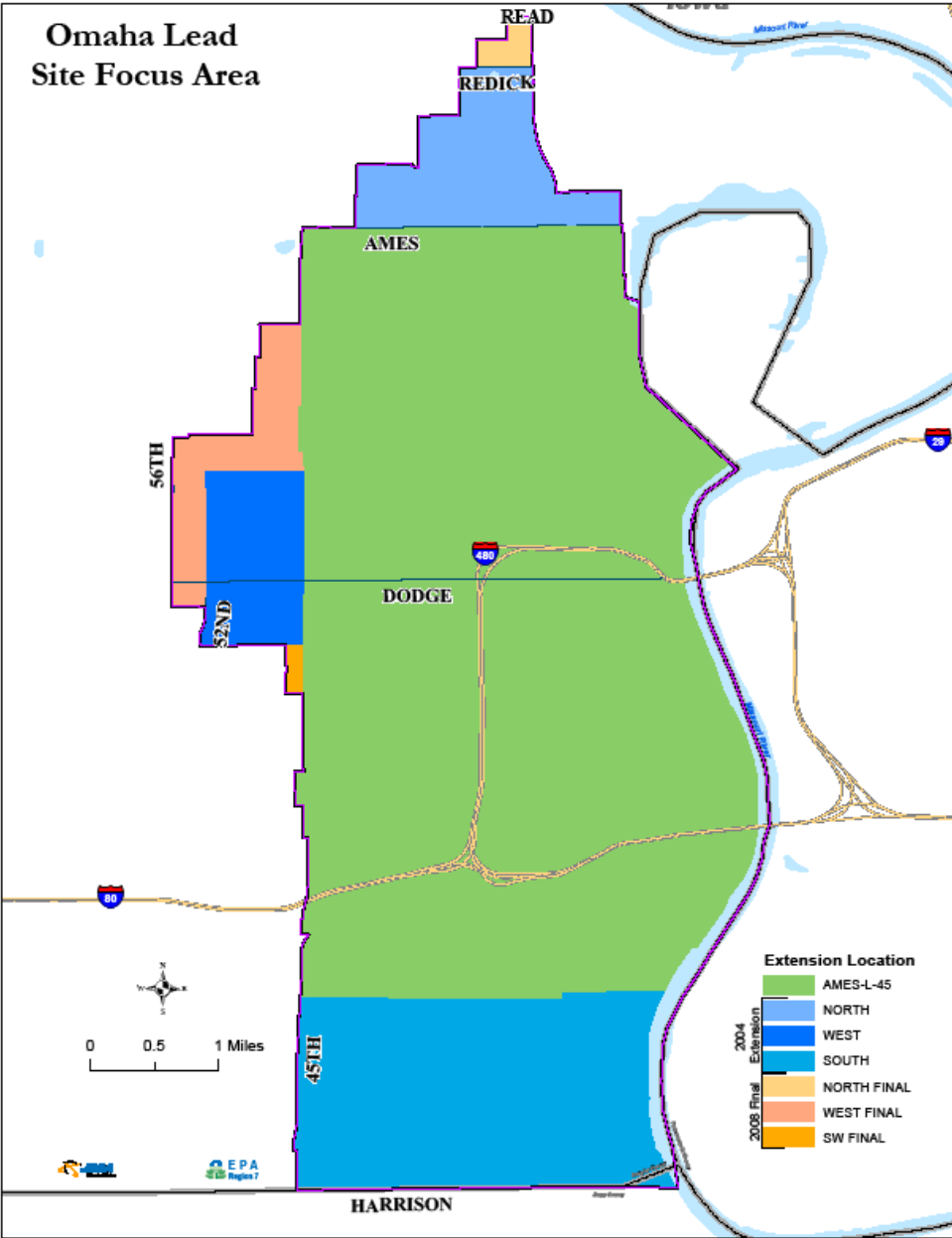
The presence of lead is difficult to detect because it is colorless, odorless, and tasteless. Early lead poisoning symptoms are not usually detectable. Symptoms typically appear only after the poisoning has progressed to a severe state.

The good news is that lead poisoning is entirely preventable! Lead must get in the body to be a risk. There are only two ways lead can get into the body: by eating or inhaling it. Children may get lead poisoning in many ways. For example, they may:

- inhale lead dust created by unsafe work practices such as dry sanding;
- ingest lead dust from hands or toys contaminated by dust from impact surfaces on doors and friction surfaces on sliding windows;
- ingest contaminated soil from dirty hands or toys;
- eat contaminated soil;
- chew on painted surfaces such as window sills; and
- eat loose paint chips.

The first portion of this handbook is dedicated to understanding what lead is and how to prevent lead exposure and absorption. The second portion of this handbook is dedicated to explaining your legal rights if your family is harmed by lead.

Omaha Lead Superfund Site Map



NOTE: The Environmental Protection Agency does not guarantee the accuracy, completeness, or timeliness of the information shown, and shall not be liable for any injury or loss resulting from reliance upon the information shown. WOSF08-001 task 12 t1 CjM July 15, 2008

What is lead and where is it found?

Lead is naturally occurring heavy element that is soft and bluish-grey in color. Lead has been mined for thousands of years. Many products were made with lead prior to 1978. Lead was most commonly used in lead-based paint, leaded gasoline, water pipes, and food cans. This timeline shows when lead products were banned:

1978

- The Consumer Product Safety Commission (CPSC) made it illegal to use lead-based paint in residences and made it illegal to paint children's toys and household furniture with lead-based paint.
- The U.S. Environmental Protection Agency (EPA) reduced the amount of lead allowed in leaded gasoline.

1986 and 1996

- Congress amended the Safe Drinking Water Act (SDWA) to restrict the use of lead in pipes, solder, and other components used in public water systems and residential and non-residential plumbing.

1995

- The United States banned the use of lead solder in food cans.

**Because lead does not decay or disappear,
the lead in pre-1978 products still exists.**

Objects that may contain lead:



Old lead-based paint



Toys



Old plumbing with lead pipes or solder



Imported glazed pottery and porcelain



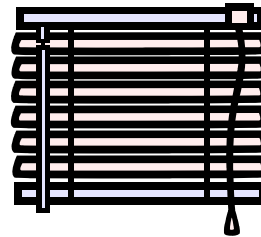
Imported Mexican candy



Imported food cans



Supplies for making stained glass, bullets, and fish-sinkers/weights



Vinyl miniblinds



Folk remedies like greta, azarcon, pay-loo-ah, and litargirio



Keys



Lead crystal pieces

Objects that may contain lead:



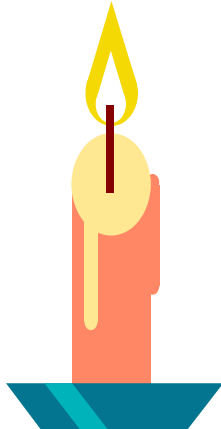
Chili powder



Pewter objects



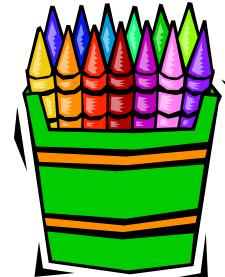
Temporary hair dye



Candles with metallic wicks



Imported cosmetics like bindi powder and eyeliners: kohl, kajal, and galena



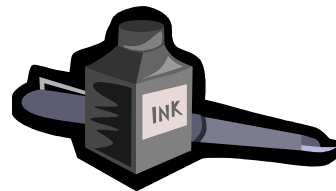
Imported crayons



Supplies to make pottery



Car batteries



Ink, especially bright colored imported ink on candy wrappers

Who is at risk for lead poisoning?

The short answer is that anyone is at risk for lead poisoning. The body has no use for lead, however the body absorbs lead because it cannot tell the difference between lead and calcium. Any level of lead is a potential concern. Lead remains in the blood stream for a few weeks before it is absorbed into the bones, where it can collect for a lifetime.

Children under 7 years of age are especially susceptible to lead absorption because:

- They put more things in their mouth. Lead-based paint chips taste sweet, and children like to eat them. Their bodies absorb lead quickly and their brains and nervous systems can be easily damaged.
- Lead stays in their body and builds up over time.
- Their bodies are still developing.

Children at high-risk of lead exposure in Omaha are:

- Under 7 years old.
- Live or regularly visit a location in the Omaha Lead Superfund site. See page 7 for a map of the site.
- Live or regularly visit a pre-1978 home that needs repair, is being repaired or renovated, or has the original windows and porch.

Places where your child spends more than 10 hours a week should be lead-free.

People who meet any of the following criteria are at a higher risk for lead poisoning:

- They live in a high-risk area with mostly pre-1978 homes and/or they live in an EPA Superfund site that was designated as such due to lead contamination.
 - EPA has designated a Superfund site in Omaha due to lead contamination in the soil caused by air emissions from a lead smelting operation that operated from the 1870s until 1996 on the west bank of the Missouri River in downtown Omaha. See page 7 for a map of the site.
- The pre-1978 home they live in or visit either needs paint repair, is being repaired or renovated, or has the original windows and porch. For many years outdoor paint was designed to lose some of the surface paint through weathering in order to keep the surface looking new.
- They have a hobby that exposes them to lead like refinishing old painted furniture and making stained glass, pottery, bullets, or fish-sinkers/weights.
- They live with or regularly visit someone who is exposed to lead in their workplace or hobby.
- They live near an active lead smelter, battery recycling plant, or other industry likely to release lead in the air.
- Children in their neighborhood have tested positive as having high blood lead levels.



Who Should Get Tested for Lead Poisoning

It is easy to find out if you have lead poisoning. It is as easy as a simple blood test. A blood test is used to measure the blood lead level (BLL) in the body. The Douglas County Health Department (DCHD) recommends ALL children have a blood lead test at least once a year through age 3. Nebraska state law requires that all 1 and 2-year-olds on Medicaid get annual blood testing **free of charge**. Children at high-risk for lead exposure should continue to be tested through age 6. To schedule a lead poisoning test, contact your doctor or the **DCHD** at **(402) 444-7825**.



When is a child “high-risk”?

- Under 7 years old.
- Live or regularly visit a location within the Omaha Lead Superfund site. See page 7 for a map of this area.
- Live or regularly visit a pre-1978 home that needs repair, is being repaired or renovated, or has the original windows and porch.

The Effects of Lead Poisoning

The Effects of Lead Poisoning in Children

Children are exposed to more lead than adults because they often put their hands and other objects in their mouths. Adults absorb only 10% of the lead they consume each day, while children absorb 30% to 50% of the lead they consume each day. Children's exposure to lead is measured by their blood lead level (BLL). BLL is measured in micrograms of lead per deciliter of blood ($\mu\text{g}/\text{dL}$). There is an **increased risk** for the following problems in children with these BLLs.

10 $\mu\text{g}/\text{dL}$ —→ learning disabilities, developmental problems, lower IQ, hypertension, behavior problems, dental caries

(The CDC identifies 10 $\mu\text{g}/\text{dL}$ as the level of concern where treatment is necessary.)

20 $\mu\text{g}/\text{dL}$ —→ nerve problems, slower reflexes

40 $\mu\text{g}/\text{dL}$ —→ anemia

60 $\mu\text{g}/\text{dL}$ —→ kidney damage, stomach aches

80 $\mu\text{g}/\text{dL}$ —→ brain swelling, coma, convulsions

100 $\mu\text{g}/\text{dL}$ or greater —→ death is possible

Damage caused by lead exposure may be permanent.

Do children with high BLLs exhibit any symptoms?

Many children exposed to lead do not display any side effects. Unfortunately, any side effects that are noticeable are also usually common childhood ailments. This is why it is often very difficult to realize that your child could have lead poisoning.

- Headaches
- Stomachaches, dizziness or throwing up
- Muscle and joint weakness or pain
- Irritability
- Loss of appetite
- Weight loss
- Sluggishness
- Constipation
- Unusual paleness (pallor) caused by anemia. Children with lead poisoning may also be iron deficient.

More serious side effects include:

- Lowered IQ
- Behavioral issues
- Kidney problems
- Poor school performance
- Hearing loss

The Effects of Lead Poisoning in Adults

- Difficulties in pregnancy
- Reproductive problems in both sexes
- High blood pressure
- Digestive problems and abdominal pain
- Nerve disorders
- Memory and concentration problems
- Muscle and joint pain
- Mood disorders

The Effects of Lead Poisoning in Unborn Babies

Unborn babies are exposed to lead through the placenta. Pregnant women and women of childbearing age should be especially careful to reduce lead exposure. Lead can cause the following problems in unborn children:

- Development problems
- Premature birth
- Low birth weight
- Underdevelopment at birth
- Abnormal brain and bone development
- Death before or during birth



Treatment for Lead Poisoning

1. Permanently remove the lead source

To successfully treat a person with lead poisoning, the source of lead must be eliminated as soon as possible. This may be the only treatment a person with mild lead poisoning needs. Treatment will not be successful unless the lead source is permanently removed. Doctors usually perform a new blood test on the affected person one month after the lead is removed.

2. Treat the person harmed by the lead

In cases of mild lead poisoning, removal of the lead source may be all that needs to be done to treat the affected person.

More severe cases of lead poisoning are treated with chelation therapy. Doctors administer medicine called the chelating agent. The chelating agent binds with lead in the body, so that the lead is excreted in urine. Chelation therapy may be administered either orally (by taking pills) or intravenously (by injections). A patient may have to undergo more than one chelation therapy treatment to treat their lead poisoning. Chelation therapy helps get lead out of the body quickly, but cannot undo damage that has already been done.

In very severe lead intoxication cases, chelation therapy may not be successful and damage may be irreversible. However, death from lead poisoning is very uncommon.

Testing the Home for Lead

Can I have my home tested for lead too?

The Douglas County Health Department (DCHD) Lead Prevention Program offers free inspections of pre-1978 homes where children under 7 years of age spend time on a regular basis. Families with a child who has already been identified as having an elevated BLL are given priority. There is a 3-4 month waitlist for all other inspections. Call the **DCHD** at **(402) 444-7825** to add your name to the waitlist.

When is the best time to have my home tested for lead?

Some important life events also present a good time to have your home tested for lead.

- Before moving into a new home.
- Before having a baby.
- Before beginning home remodeling/repair projects, disturbing paint, or abating lead-based paint.



What types of tests can be done on my home?

There are two types of lead tests. You should get a risk assessment because it is a comprehensive test and will tell you if your home contains dangerous lead hazards, such as peeling paint. It also tells you how to reduce or control the hazards.

A lead inspection checks for the presence of lead in painted surfaces in your home.

Can I use a do-it-yourself lead dust kit?

Yes, Omaha Healthy Kids Alliance offers dust kits free of charge. These kits may be used to test for lead dust on surfaces in the home. To get a dust kit, contact **Omaha Healthy Kids Alliance** at **(402) 934-9700**.

Can I have my soil tested for lead?

Yes, EPA will test the soil in yards located in the EPA Superfund area for free. Contact the **EPA Public Information Office** at **(402) 731-3045** to have your yard tested or to get the results of a previous test. Soil test results are available to property owners and tenants.

If you do not live in the Superfund area, but would like to have your soil tested, contact **Midwest Laboratories** at **(402) 334-7770** or online at **www.midwestlabs.com**. The cost of a soil test for lead is currently \$32.50. This is a private laboratory.

Who can I contact to test my home?

For a list of certified inspectors contact **Omaha's Lead Resources Hotline** at **1-877-LEAD-411** or the **National Lead Information Center (NLIC)** at **1-800-424-LEAD**.

Can I have my water tested for lead?

Yes. Call your local health department, water supplier, or the **EPA Safe Drinking Water Hotline** at **1-800-426-4791**. The hotline answers questions about local drinking water quality, drinking water standards, public drinking water systems, source water protection, large capacity residential septic systems, commercial and industrial septic systems, injection wells and drainage wells.

The water supplier for Omaha is the **Metropolitan Utilities District**. For M.U.D. customer service, call **(402) 554-6666** or **1-800-732-5864**.



Testing Toys for Lead

I have heard about toy recalls due to lead. What can I do to be sure my child's toys do not contain lead?

Recently lead has been discovered in many toys. Once toys are found to contain lead, they are recalled by the Consumer Products Safety Commission (CPSC). Follow the steps below to eliminate toys that contain lead from your home.

1. Sort the toys you currently have in your home.

- Log on to www.cpsc.gov and click on the Recalls and Product Safety News link to see if any toys currently in your home have been recalled by the CPSC. Immediately throw away any recalled toys or follow the directions on the website to return the item to the manufacturer for a refund.
- Throw away any toys that have chipped paint, deteriorated plastic, or damaged/broken parts. If you are not sure whether you should keep a particular toy, err on the side of safety and throw the toy away.
- In 1978, lead-based paint was banned for use on toys. Lead-based paint is found today on pre-1978 toys and imported toys. The use of lead in toy plastics has NOT been banned. Lead dust is emitted when plastic containing lead is exposed to sunlight, air, or detergents.

2. Be a smart consumer and buy safe new toys.

- Be cautious when buying items at discount/dollar stores, street fairs, vending machines, and thrift or yard sales.
- Buy age appropriate toys for children. Look on the box for an age recommendation from the manufacturer of a toy. If there is no box or no marking on the box, you should follow the recommendations below from the American Academy of Pediatrics:

Newborn to 1-year-old baby

Choose brightly-colored, lightweight toys that appeal to your baby's sight, hearing, and touch.

Examples: Cloth, plastic or board books with large pictures; large blocks of wood or plastic, pots and pans; rattles; soft, washable animals, dolls or balls; bright, movable objects that are out of baby's reach; busy boards; floating bath toys; and squeeze toys.

1 to 2-year-old toddler

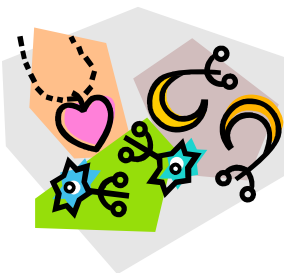
Toys for this age group should be safe and be able to withstand a toddler's curious nature.

Examples: Cloth, plastic or board books with large pictures; sturdy dolls; kiddy cars; musical tops; nesting blocks; push and pull toys (no long strings); stacking toys; and toy telephones (without cords).

2 to 5-year-old preschooler

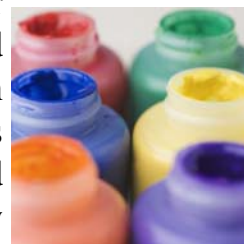
Toys for this group can be creative or imitate the activity of parents and older children.

Examples: Books (short stories or action stories); blackboard and chalk; building blocks; crayons, nontoxic finger paints, and clay; hammer and bench; housekeeping toys; outdoor toys like a sandbox with a lid, slide, swing, and playhouse; transportation toys like tricycles, cars, and wagons; music player; puzzles with large pieces; dress-up clothes; and tea party utensils.



- Do not buy trinket jewelry for young children. Trinket jewelry is usually found in vending machines. Many trinket jewelry items have recently been recalled after testing positive for lead. Trinket jewelry also has the potential to cause a dangerous choking hazard.

- When buying arts and craft items for children, only buy items marked “non-toxic.” Paint made for children must be non-toxic, but artist’s paints and ceramic glazes may contain lead and other heavy metals. Only buy water-based paints and glues.



- Choose toys made in the U.S. over foreign-made toys. Toys made in the U.S. must adhere to higher standards, and are less likely to contain lead.

Tests for Lead-Based Paint in the Home and on Toys

EPA recognizes two methods for testing for lead-based paint:

1. Collecting paint chip samples for laboratory analysis. The EPA Lead Laboratory Accreditation Program (NLLAP) provides the public with a list of labs that meet EPA requirements and demonstrate the capability to accurately analyze paint chip, dust, or soil samples for lead. This is the most accurate type of testing, however it takes longer to complete and damages the painted surface. The federal definition of lead-based paint is at least 1.0 mg/cm² (milligrams of lead per square centimeter) or 0.5% lead.
2. Portable X-ray florescence (XRF) analyzer. This test provides a fast and reliable method for testing many painted surfaces, however some uneven surfaces may be inconclusive (neither positive or negative). XRF does not usually damage surface tested.

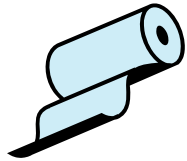
For a list of accredited labs, call the **National Lead Information Center** at **1-800-424-LEAD**.

Can I use an at-home lead test to check toys?

At-home lead tests are not recommended because they often produce false readings due to a coating over the lead that could wear over time and become hazardous. Lead in plastic is not banned, so when plastic becomes exposed over time, lead dust may be emitted.

Lead Poisoning Prevention

1. Reduce Lead Exposure at Home



- Use disposable or washable cloths when cleaning, and either throw them away or wash them after cleaning.

- Put down a clean blanket or quilt over carpet for children to play or lay on. Wash the blanket weekly.

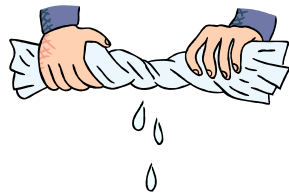


- Wet mop hard surface floors. Do not use brooms or vacuums because they can stir up lead dust. Mop with the cleaning product of your choice. Studies show all cleaners pick up lead about the same. Flush dirty water down the toilet. Do not dump dirty water outside.

- If possible, use a high efficiency particulate air (HEPA) vacuum to clean carpeting. Do not forget to also vacuum your furniture.



- Wash the counters and table before preparing and serving food.



- Dust with a wet cloth. A dry cloth will not collect the lead dust, it will disperse it into the air.

- Wet wash windowsills, doors, door frames, and porches weekly. Because these areas get a lot of wear, they are more likely to present lead hazards. As lead paint peels and chips, lead dust is stirred up.



- Wash children's hands before activities where they put their hands in their mouths such as eating and sleeping. Use extra caution during outdoor picnics.

- Consider replacing carpet which traps lead dust, with non-porous flooring such as linoleum, tile, or wood.



What can I do to prevent lead exposure outside my home?

Do NOT use the following areas for play or gardening:

- Soil around the foundation of a pre-1978 house where lead paint chips and dust may be. If the house has ever been sandblasted or pressure washed, the contaminated area may extend out farther from the house.
- Soil on or near past or present industrial sites.
- Soil areas around painted structures such as garages, sheds, and fences may have elevated lead levels.
- Soil areas close to heavily traveled roads or gas stations may have elevated levels from prior leaded gasoline emissions or spilled gasoline.
- Soil areas near metal structures such as bridges and water towers that are often painted with lead paint.



**Cover ALL bare soil areas around your home.
Here are some ideas to cover bare soil:**



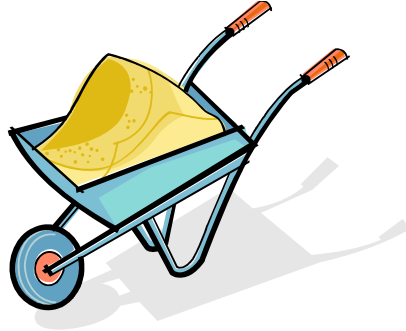
Reseed with grass.



Plant perennials or groundcover.



Install pavers or brick.



Cover with 6 inches of wood chips, mulch, soil, or sand.



If your porch has bare soil under it, install a screen or fence around the base to keep children and pets out.

Terrace slopes so that erosion does not cause bare soil to be exposed.

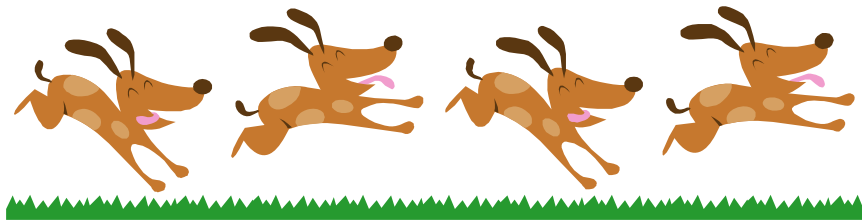


Are there any other options for gardening if my yard is at a high-risk for lead contamination?

Yes! You can garden using raised beds or containers with lead-free soil. Always wash all vegetables before eating and do not use the outer leaves of vegetables. If you choose to garden in the soil in your yard, DO NOT use rooted vegetables such as potatoes, radishes, onions, carrots or leafy vegetables such as lettuce and spinach.

What can I do to prevent lead from being tracked into my home from outside?

- Do not let children or pets have contact with bare soil.
- Place washable doormats or rugs at all entries to your home and wash the mats every week.
- Prevent anyone from entering your home either with their shoes on or with bare feet after they have been outside barefoot.
- Wash outside toys before bringing them in.
- If your pet gets bare soil on them, either brush or bathe them depending on how dirty they are.



2. Choose Safe Consumer Products

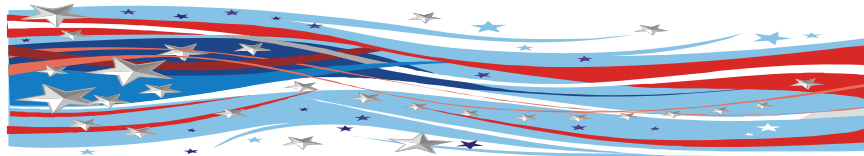
What can I do to reduce the chance I am buying a product that contains lead?

1. Read product labels before you buy.

- Products made in the U.S. to be used by children must meet minimum safety standards.
- Products made in the U.S. to be used by adults must be labeled as a potential hazard if known.
- Some products made outside the U.S. have labels that *may* indicate a safe product. When choosing a foreign product, look for labels such as:
 - Conforms to ASTM 4236
 - Non-toxic
 - Safe for small children
 - Does not contain lead

2. Use your best judgment in choosing items.

- Choose labeled products over non-labeled products.
- Avoid plastics that are bright, vivid colors because they have a greater chance of containing lead.
- Buy products made in the U.S. when available.



3. Use the item correctly. Wash and use it as directed on the product or package.

- Do not prepare, serve, or store food in containers that are not either sold for food or marked as food safe.
- Do not under any circumstances use foreign unmarked pottery to prepare, serve, or store any type of food or liquid. Many people purchase pottery from street vendors while on vacation in a foreign country. Pottery purchased from street vendors usually has very high concentrations of lead. Do not take the street vendor's word as true if they tell you the pottery is food safe. It is not worth the risk. Use the pottery for decorative purposes instead.
- Do not **store** food or liquid in lead crystal glassware.

4. Dispose of or limit the use of items that may present a hazard.



5. Never give your toddler items to chew that were not made for that purpose.

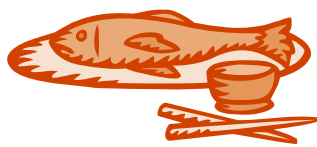


3. Foods that Reduce Lead Absorption

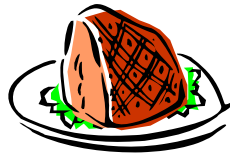
Avoid foods high in fat, because they make it easier for the body to absorb lead. Examples of high fat foods are: fried foods, potato chips, and donuts.

An empty stomach absorbs **more** lead than a full stomach. Therefore, children need to eat snacks throughout the day, so their stomachs are never empty. A child who gets enough iron and calcium will absorb **less** lead.

Foods high in iron:



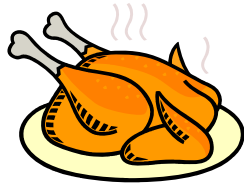
Fish



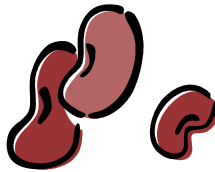
Ham



Beef



Chicken



Beans



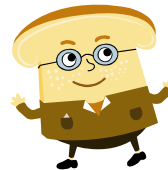
Spinach



Broccoli



Iron-fortified cereal

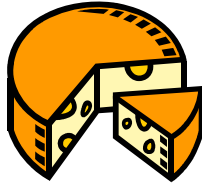


Whole wheat or enriched bread

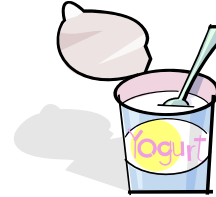
Foods high in calcium:



Milk



Cheese



Yogurt



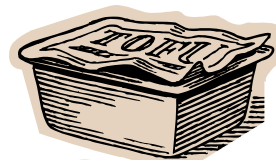
Ice cream



Spinach



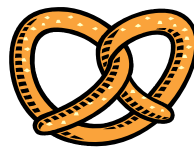
Broccoli



Tofu

Healthy snacks that are low in fat and sugar:

- Cheese or peanut butter and crackers
- Pretzels
- Popcorn
- Vegetables with dip
- Fruit
- Yogurt



Lead Removal

Lead in the home is most often fixed by either interim controls and/or abatement. **Interim controls** are treatments that temporarily reduce the risk of exposure to lead hazards. Examples of interim controls are repairs to damaged paint surfaces and planting grass to cover bare soil.

Abatement is the permanent elimination of lead-based paint hazards. There are four methods for abatement of lead in structural components of housing.

1. **Replacement:** windows, doors, and trim
2. **Enclosure:** covering lead-based paint surfaces with a stiff material like paneling or wall board
3. **Encapsulation:** covering lead-based paint surfaces with a special coating
4. **Paint removal:** either in home or at a paint stripping facility

You can do most interim controls yourself if you own your home. See the following question to determine the conditions you must meet to legally make lead-based paint repairs without a license.

Abatement can be very dangerous, and therefore a certified contractor who has experience with lead abatement is recommended.

I live in a pre-1978 house or apartment that has peeling paint or other potential lead hazards that need to be repaired. May I make these repairs myself?

If you rent your house or apartment, you should notify your landlord of possible lead hazards that require repair. See pages 38-41 of this handbook to learn about your legal rights as a renter.

Nebraska law requires that any person or business who performs a lead-based paint abatement project hold a valid license. However, if you own your home, you may make lead-based paint repairs to your own home without a license as long as:

- (1) no one other than your immediate family is present

AND

- (2) there is not a child who lives in the home with an elevated blood level.



Should you choose to make lead-based paint repairs to your home, it is strongly recommended that you get any children and pregnant women out of the house while repairs are being done. This will insure they are not exposed to lead dust from the repairs and renovations.

Before undertaking a repair or remodel project in your home that will disturb lead-based paint, call the **Omaha Lead Hotline** at **1-877-LEAD-411**. This hotline can provide you with information on how to safely make repairs, and tips on how reduce the lead in your home.

For information about licensing requirements, contact the **Nebraska Health and Human Services Lead Program** at **(402) 471-7764** or **1-888-242-1100 option 1**.



Lead in the Workplace

How do I know if I am exposed to lead at work?

Approximately two million Americans work where lead is handled, and approximately 200,000 are employed full-time working directly with lead and its components. You are at risk for lead exposure if you work in construction, demolition, painting, with batteries, in a radiator repair shop or lead factory.



What can I do to prevent bringing lead into my home if there is lead in my workplace?

If you work with lead in your job, it is critical that you follow all of the rules your employer has in place to reduce lead exposure. Change your clothes and shower before you go home. Put any clothes exposed to lead in



an airtight container, and wash them at the laundromat. If you must wash your work clothes at home, wash them separate from non-work clothes and run an empty wash cycle before doing any other laundry.

Your Rights when Buying or Leasing Real Estate

Federal law requires people selling real estate and landlords to disclose any information they know about the presence of, or problems with, lead-based paint on the property they are selling or leasing. This disclosure requirement must be met before a sales contract or lease is signed.

This federal law protects buyers and renters by making them aware of everything the seller or landlord knows about lead-based paint hazards before buying or renting the property. That way, buyers and renters have more information about the property before they decide to buy or rent the property.



However, this law does NOT require a seller or landlord to test for lead. So, just because a seller or landlord does not disclose lead hazards, there still might be lead hazards. Property owners are not required to find out if there is lead in their homes or the property they own. So, the property may not have been tested.

What does this federal law require sellers and landlords to do?

- Disclose to sellers or renters all known lead-based paint and lead-based paint hazards and provide any reports they have to buyers or renters.
- Give sellers or renters the booklet *Protect Your Family from Lead in Your Home* developed by HUD, EPA, and the CPSC.
This booklet is available online at:
www.epa.gov/lead/pubs/leadpdf.pdf
- Give **buyers** a 10-day period to conduct a lead-based paint inspection or risk assessment at their own expense.
- Sales contracts and lease agreements must contain notification and disclosure language.



May I withhold paying my rent if there is lead in my apartment?

No, you may not withhold your rent. If you know there is lead in your apartment, send your landlord a notice that says the landlord must fix the problem within 14 days of the notice, or you will end the lease and move out in 30 days. Use the sample letter on the next page for this purpose.



Put the notice in writing and send it certified mail, return receipt requested. Keep the return receipt card that comes back to you once the letter is delivered. Make sure you keep a copy of the notice you send your landlord. Also keep documents that show there is lead in your apartment and all blood lead level test results.

If you have limited income, call **Legal Aid of Nebraska's AccessLine®** at **1-877-250-2016** to see if you qualify for services. Otherwise, you should contact a private attorney.



Sample Letter (14 day notice to fix or terminate)

Date:
To:
From:
Re: (Unit Address and #)

Pursuant to the Nebraska Residential Landlord Tenant Act, I am giving you notice of certain repairs that need to be done. They are: (list repairs)

These defects affect my family's health and safety and were not caused by me or my family. You have a duty to make these repairs under state law and under the Housing Code of the City of _____ (insert city name). You have a duty to make these repairs and if they are not taken care of in fourteen (14) days of receipt of this letter, I will terminate my tenancy and move out thirty (30) days from your receipt of this letter.

Sincerely,

_____ (your signature)

Your Rights When Lead is in Your Home

If someone in your family has suffered serious harm due to lead exposure, you may be able to sue those responsible for the injury. Many different parties may be liable for harm caused by exposure to lead-based paint in your home including: landlords, sellers, real estate brokers, property managers, appraisers, and manufacturers. The majority of lawsuits arising out of lead exposure are brought against landlords.

Is a lead-based paint problem a legal nuisance?

Yes, in December 2008, the Omaha City Council passed an ordinance to amend the nuisance chapter of the Omaha Municipal Code. The ordinance added lead-based paint to the list of specific examples of situations that are declared to be nuisances. Under the revised law, lead-based paint or other lead-based coating material is a hazard and a nuisance when it is on the interior or exterior of your home and is accessible or may become accessible to ingestion or inhalation.

Upon notice of a lead-based paint nuisance, a designated city officer and/or health director of the health department shall give written “notice to abate” to the owner and/or occupant of the property or to the person causing the nuisance. If the person ordered to abate the nuisance does not request a hearing or abate the nuisance within the required time, the city will abate the nuisance and bill the responsible person. In addition, the person responsible for fixing the problem may be punished by a fine of up to \$500 and/or up to 6 months imprisonment for each day the nuisance continues.

Your Rights in HUD Housing

The U.S. Department of Housing and Urban Development (HUD) has rules to protect people who live in housing that is financially assisted by the federal government. The lead-hazard control requirements depend on the type of housing program.

Types of Housing Covered:

- Federally-owned housing being sold
- Housing receiving a federal subsidy that is associated with the property, rather than with the occupants (project-based assistance)
- Public housing
- Housing occupied by a family (with a young child) receiving a tenant-based subsidy (such as a voucher or certificate)
- Multifamily housing for which mortgage insurance is being sought
- Housing receiving federal assistance for rehabilitation, reducing homelessness, and other special needs

Types of Housing Not Covered:

- Housing built since January 1, 1978
- Housing built exclusively for the elderly or people with disabilities, unless a child under age 6 is expected to reside there
- Zero-bedroom dwellings, including efficiency apartments, single-room occupancy housing, dormitories, or military barracks
- Property that has been found to be free of lead-based paint by a certified lead-based paint inspector
- Property where all lead-based paint has been removed
- Unoccupied housing that will remain vacant until it is demolished
- Any rehabilitation or housing improvement that does not disturb a painted surface
- Non-residential property

What does federal law require for housing where a lead-poisoned child lives?

In most cases where there is continuing HUD assistance, a risk assessment of the child's residence must be completed within 15 days after the owner is notified of the presence of a lead-poisoned child by a health department or other medical health provider. If lead-based paint hazards are identified, they must be corrected within 30 days after the risk assessment has been completed.

A lead-poisoned child is defined as a child of less than 6 years of age with a blood lead level (BLL) of:

- at least 20 µg/dL for a single test
- OR**
- 15-19 µg/dL in two blood tests taken at least 3 months apart

What HUD programs are covered by the law requiring a response to a lead-poisoned child?

- Project-Based Assistance by Federal Agency Other Than HUD
- Project-Based Assistance (HUD Program)
- HUD-Owned Multifamily Property
- Public Housing
- Tenant-Based Rental Assistance

Is it safe for my family to stay in our apartment while repairs are being done?

No. You may not be in the area of your apartment where lead hazards are being removed. If the work area can be sealed off from another area of the apartment, then you may be able to stay in your apartment. However, sealing off the work area usually is not possible and the housing authority will move you to another apartment while the repairs are done in your apartment.



Where can I get more information about my HUD-associated housing?

The lead-hazard control requirements vary depending on the type of housing program. There are too many HUD programs to include the requirements for all of them in this handbook. To get information about the specific type of HUD housing you live in, call the **National Lead Information Center** at **1-800-424-LEAD**.

Your Rights When Lead is in Your Consumer Goods

If your child has been harmed by lead in a consumer good such as household product or toy, you may be able to bring a lawsuit against the manufacturer, importer, wholesaler, or retailer of the product for money damages. Legal Aid of Nebraska does not handle this type of case, which is called a personal injury case. If you have suffered an injury due to lead-based paint or other lead product exposure, you should contact a personal injury lawyer.

If a personal injury lawyer agrees to take your case and represent you, they typically do so on a contingent fee. This means that the lawyer takes your case at no charge to you, and gets paid out of the damage (money) award. If the lawyer does not win any damages, they do not get paid, and you do not owe them anything.

If you have been harmed by lead products, it is important to begin looking for a lawyer immediately. The law limits the time you have to sue.



Local Lead Resources

Omaha's Lead Resources Hotline

1-877-LEAD-411 (1-877-532-3411)

- This hotline is the best local lead resource because it gives you the option of connecting with all of the following resources:
 - City of Omaha Planning Department, Lead-Based Paint Hazard Control Program
 - Douglas County Health Department Lead Program
 - EPA Public Information Offices
 - New Community Development Corporation
 - Omaha Healthy Kids Alliance
 - University of Nebraska-Lincoln Extension in Douglas/Sarpy

Douglas County Health Department Lead Program

(402) 444-7825 Spanish: (402) 444-5555

- Health information on lead poisoning, blood tests, home tests, soil tests, and child case management

EPA Public Information Centers

South Omaha

North Omaha

4911 South 25th Street

3040 Lake Street

M, W, F 10-5 T, Th 8-3

M, W, F 8-3 T, Th 10-5

(402) 731-3045 to reach both locations

- The definitive center for information from EPA
- Superfund area soil testing and soil test results

Local Lead Resources

Metropolitan Utilities District

(402) 554-6666

www.mudomaha.com

- Water quality reports

NE Health and Human Services Lead Program

(402) 471-7764 or 1-888-242-1100 option 1

- Certification and licenses

Omaha Healthy Kids Alliance

(402) 934-9700

www.omahahealthykidsalliance.org

Omaha Housing and Community Development

(402) 492-3100 Spanish: (402) 444-5555

<http://www.hud.gov/local/ne/working/omaoffice.cfm>

Omaha Lead Site Community Advisory Group

www.olscag.com

University of Nebraska-Lincoln Cooperative Extension Douglas-Sarpy Counties

(402) 444-7804

8015 West Center Road Omaha

http://douglas-sarpy.unl.edu/eh/indoor_lead.html

- Information on how to reduce lead exposure



National Resources

National Lead Information Center (NLIC)

1-800-424-LEAD (5323)

- This hotline is the best national lead resources because it will connect you with all of the lead resources available from federal agencies.

Centers for Disease Control and Prevention (CDC)

1-800-CDC-INFO (232-4636)

www.cdc.gov

EPA's Safe Drinking Water Hotline

1-800-426-4791

www.epa.gov/safewater

U.S. Consumer Product Safety Commission (CPSC)

1-800-638-2772

www.cpsc.gov

- Information on lead in consumer products, to report an unsafe consumer product or product-related injury

U.S. Environmental Protection Agency (EPA)

1-800-424-LEAD (5323)

www.epa.gov/lead

U.S. Housing and Urban Development (HUD)

(202) 708-1112

www.hud.gov/offices/lead



Legal Aid of Nebraska Resources

Legal Aid of Nebraska has offices in the following Nebraska cities. New clients should call the Legal Aid of Nebraska AccessLine™ at (877) 250-2016:

OMAHA

1904 Farnam St., Ste. 500
Omaha, NE 68102-1938
(402) 348-1060 (for AccessLine™)

LINCOLN

941 “O” St., Ste. 825
Lincoln, NE 68508

GRAND ISLAND

207 W. 3rd St.
P.O. Box 1078
Grand Island, NE 68802-1078

NORTH PLATTE

102 E. 3rd St., Ste. 102
North Platte, NE 69101

Legal Aid of Nebraska Resources

NORFOLK
214 N. 7th St., Ste. 10
Norfolk, NE 68701

SCOTTSBLUFF
1423 1st Ave.
P.O. Box 1365
Scottsbluff, NE 69363-1365

BANCROFT
415 Main St.
P.O. Box 325
Bancroft, NE 68004

Please visit Legal Aid of Nebraska's website at www.legalaidofnebraska.com for more information about Legal Aid programs. The following handbooks are also available online:

- Bankruptcy
- Divorce Handbook
- Kids and the Law
- Landlord Tenant Handbook

“To promote Justice,
Dignity, Hope and
Self-sufficiency through
quality civil legal aid for those who have
nowhere else to turn.”
-Legal Aid of Nebraska Mission Statement



National Center for Medical  Legal Partnership
RAISING THE BAR FOR HEALTH



Legal Aid Of Nebraska

www.legalaidofnebraska.com

AccessLine® 1-877-250-2016

