LEGISLATIVE HISTORY OF LEAD-BASED PAINT

Historically, approaches to lead-based paint have been reactive — responding to a lead-poisoned child — rather than the current preventive focus. Further, they focused on the ingestion of paint chips, ignoring lead-contaminated dust and soil.

While some cities enacted legislation on lead-based paint as early as the 1950s, it was not until 1971 that there was national legislation. During this period, there was little understanding about the effects of lead dust.

Early legislation evolved around the following concepts:
- React — take action when a lead-poisoned child is identified;
- Test and treat chewable surfaces (fixtures, window sills, etc.); and
- Cover defective paint.

Key legislation from the period prior to Title X is described in the box on the following page.

TITLE X (TITLE TEN) OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1992

Title X represents a new strategy to reduce lead-based paint hazards that affects all HUD and other Federal housing programs. Some of the key features of Title X are that it:
- Emphasizes the prevention of lead-based paint hazards before children are poisoned;
- Shifts focus away from abating intact lead-based paint to controlling lead-based paint hazards and allows for new technology for evaluating and reducing those hazards;
- Redefines the concept of lead-based paint hazards to include lead-contaminated dust and soil;
- Acknowledges that some lead-based paint hazards are of more immediate concern than others; and
- Recognizes that resources are limited and allows for the tailoring of lead-based paint hazard programs to fit the financial and environmental conditions of specific properties.

MAJOR PLAYERS AND THEIR RESPONSIBILITIES

To facilitate the change in our nation's approach to addressing lead-based paint, Title X requires several Federal agencies to establish new standards and requirements that will aid in identifying and reducing lead-based paint hazards. These new requirements are described in detail in Attachment 3-F.
<table>
<thead>
<tr>
<th>Year</th>
<th>Legislation</th>
<th>Focus</th>
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<tbody>
<tr>
<td>1971</td>
<td>Lead-Based Paint Poisoning Prevention Act (LBPPPA)</td>
<td>Required the Secretary of Health, Education, and Welfare (now Health and Human Services) to prohibit lead-based paint in residential structures constructed or rehabilitated by the Federal government or with Federal assistance. Major components included:&lt;br&gt;Defining lead-based paint chips as the primary health hazard of lead-based paint;&lt;br&gt;Setting the level of lead in blood warranting concern at 60 µg/dL;&lt;br&gt;Requiring abatement standards that were less rigorous compared to today's standards; and&lt;br&gt;Defining lead-based paint as paint containing more than 1 percent lead by weight.</td>
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<td>1973</td>
<td>Amendment to the LBPPPA</td>
<td>Mandated that HUD eliminate, to the extent practicable, the hazards of lead-based paint in pre-1950 housing covered by housing subsidies and applications for mortgage insurance, and in all pre-1950 Federally-owned housing prior to sale. These amendments lowered the allowable lead content in paint to 0.5 percent until December 31, 1974 and to 0.06 percent after.</td>
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<td>1978</td>
<td>Consumer Product Safety Commission</td>
<td>Banned the residential use of lead-based paint that contained greater than or equal to .06 percent or 600 ppm of lead.</td>
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| 1987-1988 | Significant Amendments to LBPPPA | Section 566 of the Housing and Community Development Act of 1987 amendments required:<br>Inclusion of intact paint in the definition of an immediate hazard;<br>Targeted lead-based paint requirements to pre-1978 housing;<br>Changes to lead-based paint requirements in public housing;<br>Extensive research and demonstration programs; and<br>HUD to "prepare a comprehensive plan for the prompt and cost-effective inspection and abatement of privately-owned single family and multifamily housing, including housing assisted with Section 8."
This report became the Comprehensive and Workable Plan for the Abatement of Lead-Based Paint in Privately Owned Housing, 1990. |
| 1992 | Title X (Title Ten) of the Housing and Community Development Act | Amends the LBPPPA as described in Attachment 3-F. It enacts a number of important changes that shift the focus of Federal requirements from responding to lead-poisoned children to actions that address lead-based paint hazards and reduce the risk that children will be poisoned. |