

Memorandum

To: Ann Pugh, Chair, House Human Services Committee
From: Karen Vastine, Senior Advisor to the Commissioner
Re: H.736
Date: February 28, 2018

Thank you for the opportunity to testify our support of H.736 to the committee yesterday. Below are the talking points Christel Michaud, our Director of Child Care Licensing, and I shared with the committee. If you have any questions, please reach me at karen.vastine@vermont.gov.

Summary:

We support the bill's goal of improving prevention of lead poisoning in children. The bill would ease compliance with the law by creating one unified standard.

Who does this apply to within the DCF scope?

Child-occupied facilities:

- Child-occupied facilities captures places that children repeatedly go to. It is a place where children under the age of six frequent at least two days a week for three hours at a time. This could include hospitals and shelters. They must be built before 1978.
- Child care facilities are those regulated by DCF and built before 1978.

Within the world of DCF and its regulatory responsibilities, this bill would be an avenue to further lead safety in a number of arenas. The entities for whom this definition would apply to includes:

- Child Care settings,
- Emergency Shelters,
- Shelters for youth and
- Foster Care.

Weatherization Program:

DCF's Office of Economic Opportunity contracts with five regional programs who hire and train staff to weatherize the homes of eligible low-income Vermonters. While the program does not do direct lead abatement work, they are certified to work on homes that have lead and would adhere to the standards laid out in this bill. If lead is present in a home where children are present, they connect their clients to lead abatement services. For the Weatherization Program in particular, we appreciate that this bill is seeking to align and simplify areas of duplication/overlap between State and Federal laws/rules.



What does it mean for what happens on the ground for the child occupied facilities?

- Child care facilities are required to maintain their properties and file an annual compliance statement with the Department of Health certifying that they are using lead safe practices. If they hire someone to do work on their property, or do work themselves, they need to have someone who is trained in lead-safe work practices.
- In child-occupied facilities anyone doing work for pay must be trained and licensed. If the individual is completing the work themselves in their own residence, they do not have to be trained or licensed.

How would this impact child care and child care regulations?

H.736 includes a name change from EMP (Essential Maintenance Practice) to RRPM (Renovation, Repair, and Painting Program). Substantively, nothing more is required for child care providers than is currently required. DCF will communicate this change to the field and will update its regulations, rules and data tracking to reflect this change. The bullets below provide more detail.

- Current lead requirements in child care licensing regulations:
 - Ongoing protection of children from lead hazards is required. Licensors assess compliance during licensing visits.
 - Programs must submit compliance statements to VDH.
 - To be exempt from EMP/RRPM, the child care program is required to have a lead inspection report demonstrating the building is lead free which is reviewed and accepted by VDH. CDD collects a copy of VDH's exemption notification. After which, a child care provider is not required to submit annual compliance statements to VDH.
- Current lead hazard practices:
 - Licensors respond when more than 1 square foot (12inches by 12inches) of a surface has peeling, flaking paint, or lead dust visible on friction surfaces (e.g. doorways).
 - Notify VDH's Asbestos and Lead Program if concerns exist.
 - Require lead safe practices to be completed
 - Child care licensing staff support VDH's requirements to achieve lead safe compliance when non-compliance has been identified and/or remains ongoing
- CDD licensing staff will work with VDH to educate child care providers on the language change from EMP to RRPM using the licensing newsletter, during licensing visits, and other outreach methods.

Closing:

We are in support of this effort and anticipate that given the technical nature of this policy that we will be working closely with VDH during the rule-drafting process to ensure that we are in a strong position to coordinate our communication and directions to the field.

