

- SUBJECT:** Environmental lead studies by Department of State Health Services
- COMMITTEE:** Public Health — favorable, without amendment
- VOTE:** 7 ayes — Delisi, Jackson, Cohen, Coleman, Gonzales, S. King, Olivo  
0 nays  
2 absent — Laubenberg, Truitt
- SENATE VOTE:** On final passage, April 12 — 31-0, on Local and Uncontested Calendar
- WITNESSES:** (*On House companion bill, HB 370 by Dukes:*)  
For — Elizabeth Love, Harris County Public Health and Environmental Services; Eric Beverly, Office of Rural and Community Affairs;  
(*Registered, but did not testify:* Melody Chantelle, United Way Capital Area; Dan Finch, Texas Medical Association; Carrie Kroll, Texas Pediatric Society; Jesse Romero, Texas Licensed Child Care Association; Denise Rose, Texas Children's Hospital; Bryan Sperry, Children's Hospital Association of Texas)
- Against — None
- On — John Villanacci, Department of State Health Services
- BACKGROUND:** The Department of State Health Services (DSHS) administers the Texas Lead Poisoning Prevention Program, partnering with health department and governmental entities to protect children from lead exposure. Under Health and Safety Code, ch. 161, the department can carry out environmental investigations. To enter a private residence to conduct an environmental investigation, the department must obtain permission from an adult occupant or authorization ordered by the court.
- As outlined in Health and Safety Code, ch. 88, DSHS may implement policies and procedures to eliminate childhood lead poisoning in Texas. The department can encourage the testing of children likely to suffer from lead poisoning and set rules on blood lead concentrations that must be reported. Ch. 88 also specifies who is required to make such a report,

including physicians and people in charge of laboratories, and sets forth confidentiality requirements and reporting procedures.

Subch. IV, the federal Toxic Substances Control Act (15 U.S.C. Sec. 2681 et seq.), directs the U.S. Environmental Protection Agency (EPA) to take actions to reduce lead exposure. Under Title IV, the EPA may:

- publicize definitions of lead contaminated substances;
- ensure that people engaged in lead hazard detection and control are properly trained;
- establish requirements for training programs and accreditation;
- develop criteria to evaluate the effectiveness of products used to detect risks associated with lead-based paint;
- establish standards and a certification program for laboratory analysis of lead in paint films, soil and dust; and
- publish a list of certified environmental sampling laboratories.

**DIGEST:**

SB 814 would authorize DSHS to adopt rules for the follow-up care of children whose blood lead levels warranted concern. Department rules would have to meet federal requirements for coordinated follow-up care and could include:

- an environmental lead investigation of the child's surroundings that could be the source of the lead hazard, including the home or a regularly visited facility; and
- guidance to parents, guardians and consulting physicians on eliminating or controlling lead exposure.

When a report of a child's blood lead level merited an environmental lead investigation, DSHS could investigate:

- the child's home environment, with written consent of the adult occupant; and
- any child-care facility or child-occupied facility — including any part of a preschool, kindergarten, or other such place — that the child regularly visited and that might have contributed to the child's blood lead level, with written consent of the facility's owner, operator, or other adult empowered to consent.

The department would not be required to obtain written consent for an investigation if the child's report shows a blood lead level of 45 micrograms per deciliter and the department made a sincere attempt to obtain consent.

DSHS would have to adopt rules on environmental lead investigation procedures. The rules would have to meet, but not exceed, requirements adopted by the EPA under Subch. IV, Toxic Substances Control Act.

The bill would take effect September 1, 2007.

**SUPPORTERS  
SAY:**

SB 814 would clarify DSHS's authority to conduct environmental investigations of child lead poisoning. Lead poisoning is irreversible and results in negative health implications for individuals exposed to this systemic toxicant. High levels of exposure can cause major neurological disorders, kidney damage, and anemia, with severe cases resulting in convulsions and death. Even low-level lead exposure can negatively impact a person's health over the course of time. Children especially are susceptible to lead poisoning. In 2005, approximately 343,773 children in Texas were tested for blood lead levels as part of a lead screening program. Of these children, 5,264 had elevated blood lead levels, with 373 children at a sufficiently high level to warrant an environmental lead investigation.

Despite its harmful effects, lead poisoning is preventable if children can be kept away from toxic sources in their regular activities. SB 814 would clarify DSHS's existing authority to conduct environmental investigations on child lead poisoning. In addition, the bill would allow DSHS to inspect a home or facility without obtaining written permission if it received a report of a child with a dangerously high blood lead level.

The bill also would make clear the state's intent to conduct environmental lead investigations both in and outside of a child's home. Child-occupied facilities typically offer greater resistance than do parents to such investigations, and Child Protective Services has requested that DSHS inspect child care facilities in response to allegations in which a facility is the source of lead exposure. By specifically establishing DSHS's authority to inspect child-occupied facilities, the bill would streamline the environmental lead investigation process and reduce the incidence of childhood lead exposure.

SB 814 also would allow DSHS to adopt rules for follow-up care. The establishment of such standards would educate guardians on how to eliminate lead exposure and help prevent future instances of lead poisoning.

**OPPONENTS  
SAY:**

No apparent opposition.

**NOTES:**

The identical companion bill, HB 370 by Dukes, was reported favorably, as substituted, by the House Public Health Committee on April 18.