DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Services

Centers for Disease Control
And Prevention (CDC)
Atlanta, GA 30333

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-3000

OFFICE OF HEALTHY HOMES AND
LEAD HAZARD CONTROL

March 9, 2004

Dear Colleague:

The Office of Healthy Homes and Lead Hazard Control (OHHLHC) of the U.S. Department of Housing and Urban Development and the Centers for Disease Control Lead Poisoning Prevention Branch (LPPB) are issuing this letter in response to requests for clarification regarding confidentiality of childhood lead poisoning data.

Such information may be considered "identifiable" under the Department of Health and Human Services, Privacy Rule (45 CFR Parts 160 and 164) and other state or local laws and regulations. For those agencies and institutions that are "covered entities" under the Privacy Rule, the OHHLHC, for purposes of this program, is functioning as a public health authority as defined by the Rule (45 CFR 164. 501). HUD, CDC, and EPA are authorized by statute to conduct lead poisoning prevention activities, consistent with our missions and capabilities, to address the public health problem of lead poisoning and to coordinate these activities.

Therefore, you may disclose to OHHLHC, without authorization, the information that is reasonably limited to that which is minimally necessary to accomplish the intended purpose of the disclosure (45 CFR 164.512(b)), including the addresses of housing units. For this program, reporting the property address where there is a history of lead-based paint hazards and/or children with elevated blood-lead levels is essential for targeting efforts to address lead-based hazards.

Since the Residential Lead-Based Paint Hazard Reduction Act (Title X) became law more than 10 years ago, millions of children have been protected from lead-based paint hazards. The report, "*Eliminating Childhood Lead Poisoning: A Federal Strategy Targeting Lead Paint Hazards,*" identified enforcement of lead regulations as a key component in the overall strategy to eliminating childhood lead poisoning. Enforcement is best targeted to high-risk properties where children are actually or potentially exposed to lead-based paint hazards, particularly those where multiple lead poisoning cases have been identified. Therefore, the most effective way to eliminate lead poisoning is spearheaded by partnerships with all levels of government to facilitate sharing information about targeted compliance reviews to ensure compliance with the federal Lead Disclosure Rule (Section 1018 of Title X) and other applicable local laws.

The Federal Lead Disclosure Rule requires that sellers, landlords, and agents of most housing constructed prior to 1978 provide each buyer or lessee with information on the presence

and knowledge of lead-based paint and/or lead-based paint hazards before the buyer or lessee is obligated under any contract to buy or lease the housing. This rule is most effective when families are warned that lead hazards exist, and are then able to make an informed decision about housing.

To date, the U.S. Department of Justice, HUD, EPA, and local health programs have completed 34 enforcement settlements, including collecting over $561,000 in penalties, and ensuring commitments to test and abate lead-based hazards in over 166,000 high-risk rental units. As a result of these settlements, an additional $421,750 has been made available to fund projects such as purchasing portable blood testing devices for hospitals, funding lead hazard abatement programs through local health or housing departments, training, and outreach programs. These settlements simultaneously resolved violations under federal, state and local laws, and both cities and states have been signatories to the settlement agreements. All this translates into more homes free of lead paint hazards that are available for families, and further progress towards ending childhood lead poisoning in the United States.

Our collaboration with you has produced a dramatic decline in the number of children with elevated blood levels over the past several decades. Yet far too many children remain at risk. Together, we can achieve the goal of eliminating childhood lead paint poisoning as a major public health problem by 2010.

Sincerely,

Dr. Mary Jean Brown
Chief
CDC, Childhood Poisoning
Prevention Branch

David E. Jacobs, Ph.D.
Director
HUD, Office of Healthy Homes and
Lead Hazard Control