

CHAPTER 51

CHILDHOOD LEAD POISONING

Authority

N.J.S.A. 24:14A-1 et seq., particularly 24:14A-11; 26:1A-7; 26:2-137 et seq., particularly 26:2-137.7; and 26:2Q-1 et seq., particularly 26:2Q-12; and Executive Order No. 100 (Corzine, April 29, 2008).

Source and Effective Date

R.2010 d.146, effective May 14, 2010.
See: 41 N.J.R. 4604(a), 42 N.J.R. 1535(a).

Chapter Expiration Date

Chapter 51, Childhood Lead Poisoning, expires on May 14, 2015.

Chapter Historical Note

Chapter 51, Recognized Public Health Activities and Minimum Standards of Performance for Local Boards of Health in New Jersey, became effective prior to September 1, 1969.

Subchapter 7, Child Lead Poisoning, was adopted as R.1977 d.402, effective October 25, 1977. See: 9 N.J.R. 364(b), 9 N.J.R. 519(c).

Pursuant to Executive Order No. 66(1978), Subchapter 1 expired on September 16, 1981.

Pursuant to Executive Order No. 66(1978), Subchapters 2 through 6 were readopted as R.1985 d.477, effective August 21, 1985. See: 17 N.J.R. 1633(a), 17 N.J.R. 2270(a). Subchapter 1 was adopted as new rules by R.1985 d.477, effective September 16, 1985. See: 17 N.J.R. 1633(a), 17 N.J.R. 2270(a).

Chapter 51, Recognized Public Health Activities and Minimum Standards of Performance for Local Boards of Health in New Jersey, was renamed "Childhood Lead Poisoning", and Subchapters 1 through 6 were repealed by R.1986 d.476, effective December 15, 1986 (operative January 1, 1987). See: 18 N.J.R. 1690(a), 18 N.J.R. 2448(a).

Chapter 51, Childhood Lead Poisoning, was repealed, and Chapter 51, Childhood Lead Poisoning: State Sanitary Code Chapter XIII, was adopted as new rules by R.1990 d.472, effective September 17, 1990. See: 22 N.J.R. 1502(a), 22 N.J.R. 3014(b).

Pursuant to Executive Order No. 66(1978), Chapter 51, Childhood Lead Poisoning: State Sanitary Code Chapter XIII, was readopted as R.1995 d.538, effective September 13, 1995. See: 27 N.J.R. 2660(a), 27 N.J.R. 3934(a).

Chapter 51, Childhood Lead Poisoning: State Sanitary Code Chapter XIII, was repealed, and Chapter 51, Childhood Lead Poisoning: State Sanitary Code Chapter XIII, was adopted as new rules by R.1999 d.188, effective June 7, 1999. See: 30 N.J.R. 3735(a), 31 N.J.R. 1515(a).

Chapter 51, Childhood Lead Poisoning: State Sanitary Code Chapter XIII, was readopted as R.2004 d.458, effective November 16, 2004. See: 36 N.J.R. 2601(a), 36 N.J.R. 3240(a), 36 N.J.R. 5678(a).

Chapter 51, Childhood Lead Poisoning: State Sanitary Code Chapter XIII, was readopted as R.2010 d.146, effective May 14, 2010. As a part of R.2010 d.146, Chapter 51, Childhood Lead Poisoning: State Sanitary Code Chapter XIII, was renamed Childhood Lead Poisoning; Subchapter 3, Reporting, was renamed Reporting and Confidentiality; Subchapter 6, Abatement of Lead Hazards, was renamed Abatement and/or Interim Controls of Lead Hazards; Subchapter 7, Procedures for Abatement of Lead Hazards, was renamed Procedures for Abatement and/or Interim Controls of Lead Hazards; Subchapter 8, Reinspection and Approval of Completion of Abatement of Lead Hazards, was renamed Reinspection and Approval of Completion of Abatement and/or Interim Controls of Lead Hazards; the Appendix was repealed; and Subchapter 9, Enforcement, Subchapter 10, Childhood Lead Poisoning Information Database,

and Appendices A through K were adopted as new rules, effective July 19, 2010. See: Source and Effective Date. See, also, section annotations.

Cross References

Children's shelter physical facility requirements, see N.J.A.C. 10:124-5.1 et seq.

Law Review and Journal Commentaries

Getting the Lead Out: An Overview of the New Federal Lead-Based Paint Disclosure Requirements. Vincent P. Maltese, Joseph J. Jankowski, 182 N.J. Law. 7 (Mag.)(Jan./Feb. 1997).

Lead Base Paint: Abate or Wait? Your Insurance Policy May Hold the Answer. Eugene R. Anderson, Joan L. Lewis, 182 N.J. Law. 10 (Mag.)(Jan./Feb. 1997).

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SUBCHAPTER 1. GENERAL PROVISIONS

8:51-1.1 Scope

The rules of this chapter shall apply to all local boards of health, owners of properties in which children who have been identified with lead poisoning live, owners of any other properties that constitute a lead hazard to children who have

been identified with lead poisoning, and to laboratories who perform blood lead tests of children.

Case Notes

No legal authority for board to designate and compensate its members as special representatives to the board; circumvention of statutory requirement that board act through duly licensed professionals not permitted. Deptford Twp. Bd. of Health v. Deptford Twp. Mayor & Council, 200 N.J.Super. 476, 491 A.2d 812 (Law Div.1985).

Local Health Services Act does not provide municipalities with concurrent jurisdiction, along with the Department of Environmental Protection and the Public Utility Commission, in field of solid waste disposal; field preempted by legislation. Little Falls Twp. v. Bardin, 173 N.J.Super. 397, 414 A.2d 559 (App.Div.1979).

8:51-1.2 Purpose

The purpose of this chapter is to protect children from adverse health effects due to exposure to lead hazards in their homes and in the environment.

8:51-1.3 Incorporated materials

(a) The Department incorporates by reference, as amended and supplemented, in this chapter, the following policies and guidelines:

1. "Managing Elevated Blood Lead Levels Among Young Children, Recommendations from the Advisory Committee on Childhood Lead Poisoning Prevention" (published March 2002);

2. "Preventing Lead Poisoning in Young Children," (published August 2005).

i. The policy statements in (a)1 and 2 above are published by the U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control and Prevention, 1600 Clifton Road, Atlanta, GA 30333 and are available electronically from the Centers for Disease Control and Prevention at <http://www.cdc.gov/nceh/lead/publications/>; and

3. "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing," (June 1995), published by the U.S. Department of Housing and Urban Development, Office of Healthy Homes and Lead Hazard Control, 451 Seventh Street, S.W., Washington, DC 20410 and available at <http://www.hud.gov/offices/lead/lbp/hudguidelines/index.cfm>.

(b) The Department incorporates by reference the following forms and assessments in this chapter:

1. Hazard Assessment Questionnaire (N.J.A.C. 8:51 Appendix A) is the questionnaire used to determine where environmental samples should be collected; develop corrective measures related to use patterns and living characteristics to be discussed by the environmental inspectors and the public health nurse; and develop a plan of care for the lead burdened child;