

No. 17-23-OR

ORDINANCE

Ordinance of the Council of the County of Allegheny ratifying amendments to the Allegheny County Health Department’s Rules and Regulations, Article XXIII entitled “Universal Blood Lead Level Testing.”

Whereas, pursuant to the Pennsylvania Local Health Administration Law, 16 P.S. §§ 12001 – 12028, Allegheny County created the Allegheny County Health Department and the Allegheny County Board of Health; and

Whereas, Section 12011 of the Local Health Administration Law provides for the Board of Health to adopt regulations and submit such regulations to Allegheny County for approval or rejection; and

Whereas, on March 22, 2023, during its regularly scheduled public meeting, the Allegheny County Board of Health adopted by unanimous vote the attached amendments to the Allegheny County Health Department Rules and Regulations, Article XXIII entitled “Universal Blood Lead Level Testing;” and

Whereas, it is the desire of Council to ratify the amendments to the Allegheny County Health Department Rules and Regulations as approved by the Board of Health.

The Council of the County of Allegheny hereby resolves as follows:

SECTION 1. Incorporation of Preamble.

The provisions set forth in the preamble to this Ordinance are incorporated by reference in their entirety herein.

SECTION 2. Ratification of Regulations.

Acting pursuant to the Pennsylvania Local Health Administration Law and the Allegheny County Home Rule Charter, County Council hereby ratifies the amendments to the Allegheny County Health Department Rules and Regulations, Article XXIII entitled “Universal Blood Lead Level Testing” attached hereto as Exhibit “A.”

SECTION 3. Severability.

If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance which shall be in full force and effect.

SECTION 4. **Repealer.**

Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.

SECTION 5 **Effective Date.**


In accordance with Section 12011(c) of the Local Health Administration Law, this Ordinance shall become effective ten days after it has been approved.

Enacted in Council, this 20th day of June, 2023.

Council Agenda No. 12717-23.




Patrick J. Catena
President of Council

Attest: 

Jared Barker
Chief Clerk of Council

Chief Executive Office June 20th, 2023

Approved: 

Rich Fitzgerald
Chief Executive

Attest: 

Jennifer M. Liptak
County Manager/Chief of Staff

M E M O R A N D U M
OFFICE OF THE COUNTY MANAGER

TO: Jared E. Barker
Allegheny County Council

FROM: Jennifer M. Liptak
County Manager

DATE: June 1, 2023

RE: Proposed Ordinance

Attached is an Ordinance of the Council of the County of Allegheny ratifying amendments to the Allegheny County Health Department's Rules and Regulations, Article XXIII entitled "Universal Blood Lead Level Testing."

The Allegheny County Law Department has reviewed this legislation prior to submitting it to Council.

I am requesting that this item be placed on the agenda at the next Regular Meeting of Council.

**Proposed Revisions to Allegheny County Health Department Rules and Regulations,
Article XXIII - Universal Blood Lead Level Testing**

LEGISLATIVE SUMMARY

Article XXIII of the Allegheny County Health Department (ACHD)'s Rules and Regulations sets forth mandatory blood lead level testing for children in Allegheny County. The Centers for Disease Control (CDC) provides guidance for performing blood lead level testing and the recommended healthcare and environmental actions to pursue based on testing results. In 2021, the CDC updated its blood lead reference value (BLRV) from 5 µg/dL to 3.5 µg/dL. The ACHD is proposing changes to Article XXIII to align the regulation with the revised standards set by the CDC and to reflect current departmental practices.

On Nov. 2, 2022, the Board of Health approved a Public Comment Period of 60 days for the proposed revision of Article XXIII. The Public Comment Period was held from November 21, 2022 through January 20, 2023. In addition to accepting written comments, oral testimony was also compiled at a Public Hearing that was held on January 12, 2023. One member of the public gave oral testimony at the Hearing and one written comment was submitted. Public comment did not recommend further revisions specific to Article XXIII.

Pursuant to the authority granted under the Pennsylvania Local Health Administration Law, Sections 12010(f) and 12011(c), the Allegheny County Board of Health voted unanimously on March 22, 2023, to approve changes to its Rules and Regulations, Article XXIII, "Universal Blood Lead Level Testing." A summary of the changes to Article XXIII are as follows:

§1 Authority, Purpose, and Scope: Replaces the term "lead poisoning" with the more inclusive term of "elevated blood lead levels." **p. 2**

§2 Definitions: Definition for "Elevated Blood Lead Levels" added. Revises the definition for "Blood Lead Level Testing" to reflect its application both in identification of elevated blood lead levels and in monitoring the on-going status of tested children. **p. 2**

§3 Blood Lead Level Testing Requirements: Subsection B revised to align the blood lead reference value (BLRV) with that of the Centers for Disease Control. **p. 3**

§5 Responsibilities of Schools and School Administrators: **Removed**. Results of blood lead tests in children under age 6 are mandated at the state level to be universally reported electronically to public health agencies in Pennsylvania. The **p. 4**

ACHD examines birth records and matches lead tests to assure that children are appropriately tested. The Department also uses this data to perform outreach in geographic regions or among demographic subgroups that lag in testing. Removal of Sections 5 and 6 would reduce unnecessary paperwork burdens on families and schools without impacting the Department's surveillance and outreach activities.

§6 School Reporting: **Removed**. See explanation above. **p. 4**

§5 Responsibilities of the Department: Previously Section 7. Revised to remove references to school reporting. Clarifies the Department's role in monitoring blood lead levels and assisting impacted families. **p. 5**

§8 Effective Date: Previously Section 10. Updated to reflect current proposed revision. **p. 6**

EXHIBIT "A"

PROPOSED REVISION

**Allegheny County Health Department Rules and Regulations
Article XXIII - Universal Blood Lead Level Testing**

**Proposed Article XXIII Revision
Universal Blood Lead Level Testing**

Deletions are shown with ~~strikethroughs~~.
Additions are shown in **larger font, bolded, and underlined**.

ALLEGHENY COUNTY
HEALTH DEPARTMENT

RULES AND REGULATIONS

ARTICLE XXIII. UNIVERSAL BLOOD LEAD LEVEL

TESTING Section 1. AUTHORITY, PURPOSE, AND SCOPE.

Pursuant to the authority granted to the Allegheny County Health Department under the Pennsylvania Local Health Administration Law, 16 P.S. §§ 12010(f) and 12011(c), this regulation has been promulgated to improve the health of the children of Allegheny County. Universal blood lead level testing will facilitate early detection and referral for treatment of ~~lead poisoning~~ **elevated blood lead levels**; will reduce the incidence, impact and cost of ~~lead poisoning~~ **elevated blood lead levels**; will inform parents and guardians of their children's lead exposure; and will enable countywide surveillance of childhood ~~lead poisoning~~ **blood lead levels**. The regulation applies to all residents ~~and schools~~ of Allegheny County.

Section 2. DEFINITIONS.

Blood Lead Level. A measure of lead in the blood, measured in micrograms of lead per deciliter of whole blood ($\mu\text{g}/\text{dL}$).

Child. A natural person under 72 months of age who is a resident of Allegheny County.

Department. Allegheny County Health Department.

Director. The Director of the Allegheny County Health Department.

***Elevated Blood Lead Level.* A blood sample obtained by venipuncture where the serum blood lead level of a person is equal to or greater than the level defined as elevated by the Centers for Disease Control.**

Health Care Practitioner. An individual who is authorized to practice some component of the healing arts by a license, permit, certificate or registration issued by a Pennsylvania licensing agency or board.

Record of Blood Lead Level Testing. Any written or electronic document acceptable to the Director showing the date of blood lead level testing, including, but not limited to health care practitioner records, school health records, and other similar documents or history.

Blood Lead Level Testing. A blood sample obtained either by venipuncture or finger stick capillary blood collection ~~from a child not known to be lead poisoned or to have an elevated blood lead level in order to identify the child's risk of lead poisoning or elevated blood lead level~~ **used to measure the amount of lead in the blood calculated in micrograms per deciliter ($\mu\text{g}/\text{dL}$) of lead.**

Section 3. BLOOD LEAD LEVEL TESTING REQUIREMENTS.

- A. *General Rule.* Blood lead level testing shall be performed in accordance with the following:
1. Children shall receive a blood lead level testing in accordance with the following schedule:
 - a. Each child shall be tested between approximately 9 months to 12 months of age and again at approximately 24 months of age.
 - b. All children designated as high risk, as determined by a health care practitioner and based on the child's exposure to lead and any other factors indicating high risk, should receive subsequent blood lead level testing as deemed appropriate by a health care practitioner **and in accordance with Centers for Disease Control guidance.**
 - c. Blood lead level testing may be delayed if the health care practitioner is not able to collect a sufficient blood sample for testing.
 - d. If a child has not had their blood lead level tested between approximately 9 months to 12 months of age and at approximately 24 months of age, then that child shall have their blood lead level tested as soon as possible after 24 months but before 72 months of age or entry into kindergarten, whichever is sooner.
- B. *Testing Methods.* Health care practitioners shall ensure that blood lead level testing is conducted either by venipuncture or by capillary blood sampling in accordance with current best practices. Capillary blood sample testing results of ~~5 $\mu\text{g}/\text{dL}$ or greater~~ **equal to or greater than the blood lead reference value as established by the Centers for Disease Control (CDC)** shall be confirmed with a venipuncture test.
- C. *Exception.* If the parent or guardian of a child objects on the grounds enumerated in Section 4, below, then the testing required by Subsection A, above, may not be performed.

Section 4. EXCEPTIONS.

- A. *Medical Exemption.* Children need not have a blood lead level testing according to the schedule enumerated in Section 3, above, if a health care practitioner or ~~his/her~~ **their** designee provides a written statement that blood lead level testing may be detrimental to the health of the child. When the health care practitioner determines that blood lead level testing is no longer detrimental to the health of the child, the child should have their blood lead level tested according to Section 3, above.
- B. *Religious Exemption.* Children need not have a blood lead level testing according to the schedule enumerated in Section 3, above, if the parent, guardian, or emancipated child objects in writing to the blood lead level testing on religious grounds or on the basis of a strong moral or ethical conviction similar to a religious belief.

~~Section 5. RESPONSIBILITIES OF SCHOOLS AND SCHOOL ADMINISTRATORS.~~

- ~~A. The administrator in charge of every school shall appoint a knowledgeable person to perform the following:~~
- ~~1. Inform the parent or guardian at registration or prior to registration, if possible, of the requirements of this regulation.~~
 - ~~2. Ascertain the blood lead level testing status of every child prior to admission to kindergarten at the school.~~
- ~~B. The parent or guardian of a child who has not had their blood lead level tested in accordance with Section 3 (relating to blood lead level testing requirements) shall be informed of the blood lead level testing requirement and advised to go to his/her usual source of care, or to the nearest Allegheny County Health Department location offering blood lead level testing, to obtain a blood lead level test.~~
- ~~C. Each school shall maintain on file a Record of Blood Lead Level Testing for every child enrolled in kindergarten at the school.~~
- ~~D. Failure to have or document the blood lead level testing required by Section 3, above, shall not prevent a child's attendance at school.~~

~~Section 6. SCHOOL REPORTING.~~

- ~~A. Every public, private, parochial or nonpublic school, including intermediate units and special education, cyber and charter schools, in Allegheny County shall, after a child's entry to kindergarten and using forms provided by the Department, report blood lead level testing data to the Department by October 15 of each year.~~

- ~~B. — The school administrator or his/her designee shall forward the blood lead level testing data reports to the Department's Bureau of Assessment, Statistics & Epidemiology, or as otherwise designated by the Department.~~
- ~~C. — The content of the annual blood lead level testing data report shall include, at minimum, the following information:~~
- ~~1. — The identification of the school including the name of the school, the school district, the intermediate unit, and the type of school.~~
 - ~~2. — The month, day, and year of report.~~
 - ~~3. — The number of children entering kindergarten at the school.~~
 - ~~4. — The number of children entering kindergarten at the school who have had their blood lead level tested.~~
 - ~~5. — The number of children entering kindergarten at the school who did not have their blood lead level tested due to medical exemptions.~~
 - ~~6. — The number of children entering kindergarten at the school who did not have their blood lead level tested due to medical exemptions or exemptions on religious grounds or on the basis of a strong moral or ethical conviction similar to a religious belief.~~
 - ~~7. — Other information as required by the Department.~~

Section 7 5. RESPONSIBILITIES OF THE DEPARTMENT.

- ~~A. — The Department will provide the blood lead level testing data reporting forms to schools **shall monitor blood lead level testing data and surveil for elevated blood lead level results among children.**~~
- ~~B. — The Department will monitor school districts for compliance with this regulation and will have access to school blood lead level testing data **shall make educational materials and other relevant services available to eligible families with children found to have elevated blood lead levels.**~~

Section 8 6. RESPONSIBILITIES OF HEALTH CARE PRACTITIONERS.

- ~~A. — Health care practitioners shall perform blood lead level testing on children in accordance with the provisions of this Article.~~
- ~~B. — Health care practitioners shall report the results of blood lead level testing administered in accordance with applicable Pennsylvania law or regulation.~~

Section 9 7. SEVERABILITY CLAUSE.

The provisions of these Rules and Regulations are severable. Should any section, paragraph, sentence, clause, or phrase of these Rules and Regulations be declared unconstitutional or invalid for any reason, the remainder of said Rules and Regulations shall not be affected thereby.

Section 10 **8**. EFFECTIVE DATE.

The provisions of these Rules and Regulations shall become effective ~~on January 1, 2018~~ **ten days after the enactment date of an ordinance of Allegheny County approving its provisions.**

End of regulation changes