

## 91052

**DATE:** February 15, 2022

**TO:** Board of Acquisition and Contract

**FROM:** Sherlita Amler, M.D., Commissioner of Health

**RE:** Authorization for the County of Westchester to enter into an Agreement with the New York State Department of Health to Accept Funding for the new Childhood Lead Poisoning Prevention Plus Grant Program commencing retroactive from October 1, 2021 and continuing through September 30, 2026, in the total amount not-to-exceed \$3,945,000, pursuant to an approved budget, and for the County to defend and indemnify the New York State Department of Health described below

The County of Westchester ("County"), acting by and through its Department of Health ("WCDH") seeks authorization to enter into an agreement with the New York State Department of Health ("NYSDOH") to accept funding for the new Childhood Lead Poisoning Prevention Plus Grant Program ("CLPPP+ Program"), commencing retroactive to October 1, 2021 and continuing through September 30, 2026, in the total amount not-to-exceed \$3,945,000, pursuant to an approved budget.

The WCDH has been notified by the NYSDOH that it has merged the Lead Poisoning Prevention Program ("LPPP") and the Childhood Lead Poisoning Primary Prevention Program ("CLPPPP") into the consolidated new Childhood Lead Poisoning Prevention Plus ("CLPPP+") effective retroactive to 10/01/2021. The CLPPP+ Program covers both the environmental activities and medical care coordination.

Accordingly, authority is now sought to authorize the County, through WCDH, to enter into an agreement with NYSDOH to accept funding for the new CLPPP+ Program, commencing retroactive to October 1, 2021 and continuing through September 30, 2026, in the total amount not-to-exceed \$3,945,000, pursuant to an approved budget (the "CLPPP+ Agreement").

It should be noted that the CLPPP+ Agreement will also require the County to indemnify the NYSDOH as follows:

"The Contractor shall be solely responsible and answerable in damages for any and all accidents and/or injuries to persons (including death) or property arising out of or related to the services to be rendered by the Contractor or its subcontractors pursuant to this Master Contract. The Contractor shall indemnify and hold harmless the State and its officers and employees from claims, suits, actions, damages and cost of every nature arising out of the provision of services pursuant to the Master Contract."

The CLPPP+ Program will serve two public purposes: 1) by promoting the public health and general welfare of County residents through the identification of high risk housing units with lead paint hazards, the remediation of the hazards by property owners and the training/education of property owners in the safe abatement and remediation practices of lead hazards and risk factors, which affect lead exposure in children and adults, and 2) by ensuring that County residents receive information on minimizing lead exposure in children and pregnant individuals and that children and pregnant individuals identified as lead poisoned receive timely medical and environmental case management services to assure their medical status is monitored and they live in a lead safe environment.

It should be also noted that effective October 1, 2019, the NYS Public Health Law (§ 1370) and regulations (Part 67 of Title 10 of the New York Codes, Rules, and Regulations) were amended to lower the definition of an elevated blood lead level in a child to 5 micrograms per deciliter ( $\mu\text{g}/\text{dL}$ ) (previously 10  $\mu\text{g}/\text{dL}$ ).

The goals of the CLPPP+ Program are twofold: 1) to preemptively identify high risk housing units and work with property owners to proactively prevent lead poisoning of children from occurring, and provide education and resources to property owners on safe lead removal to ensure housing units are in compliance with housing code requirements. The objective is to minimize the potential lead poisoning of children from occurring; and 2) to ensure that children under the age of three are screened for lead exposure by their medical provider as required by NYS Public Health Regulation. This is accomplished through primary prevention methods that include community and professional provider outreach and education.

CLPPP+ Program staff continually monitors CLPPP+ Program by tracking the number of housing units inspected for lead hazards, the number of hazards found and remediated, children ages six and under who have had prior lead screening or who need to be referred for screening, educating and training property owners and contractors in lead safe cleaning and work practices, and through the submission of quarterly reports to the NYSDOH.

CLPPP+ Program staff also provides surveillance and monitoring of the county's blood lead screening and testing data through the NYSDOH Health Information Network's (HIN) LeadWeb data base. Westchester County has one of the highest screening rates of any county in New York State outside of New York City. Children identified as lead exposed or poisoned are tracked or case managed through the LeadWeb and LPoisoningPP protocols. CLPPP+ Program staff also serve as a critical resource for primary medical care providers to assure that children receive blood lead screening, diagnostic evaluation, medical treatment and other follow-up services if necessary. In 2021, a total of 16,702 children under age 3 had their blood lead level screened. Among them, 452 had elevated blood lead levels ( $\geq 5 \mu\text{g}/\text{dL}$ ). Quarterly reports and statistical data are submitted to the NYSDOH.

I certify that my department, a.) has copies of, or access to, all applicable laws, rules, regulations, grant applications, and grant agreements (including any master grant agreement), as well as any guidance or instructions received from the agency making the grant (the "Grant Terms"), b.) has reviewed the Grant Terms, c.) is aware of and understands all of the Grant Terms, and d.) can and will comply with all of the Grant Terms.

Your approval of the attached resolution is respectfully requested.

/dc  
Attachment

**RESOLUTION**

UPON A COMMUNICATION FROM THE COMMISSIONER OF HEALTH, be it hereby

**RESOLVED**, that the County of Westchester is authorized to enter into an agreement with the New York State Department of Health (“NYSDOH”) to accept funding for the new Childhood Lead Poisoning Prevention Plus Grant Program (“CLPPP+ Program”), commencing retroactive to October 1, 2021 and continuing through September 30, 2026, in the total amount not-to-exceed \$3,945,000, pursuant to an approved budget (the “Agreement”); and, be it further

**RESOLVED**, that the Agreement will also require the County to indemnify the NYSDOH as follows:

“The Contractor shall be solely responsible and answerable in damages for any and all accidents and/or injuries to persons (including death) or property arising out of or related to the services to be rendered by the Contractor or its subcontractors pursuant to this Master Contract. The Contractor shall indemnify and hold harmless the State and its officers and employees from claims, suits, actions, damages and cost of every nature arising out of the provision of services pursuant to the Master Contract.”; and, be it further

**RESOLVED**, that the County Executive or his duly authorized designee be and hereby is authorized and empowered to execute all appropriate contracts or documents necessary to effectuate the purposes of this resolution in the manner prescribed by law.

Department of Health  
County of Westchester  
10 County Center Road, 2<sup>nd</sup> Floor  
White Plains, New York 10607

Original Agreement	\$
First Amendment	\$
This Amendment	\$ _____
<b>TOTAL</b>	<b>\$</b>

Agreement #

Fund	Dept	Major Program, Program & Phase or Unit	Object/ Sub-Object	Trust Account	Dollars
263	27	855W	9853	T855	\$84,110
263	27	855W	9854	T855	\$704,890
263	27	855X	9853	T855	\$84,110
263	27	855X	9854	T855	\$704,890
263	27	855Y	9853	T855	\$84,110
263	27	855Y	9854	T855	\$704,890
263	27	855Z	9853	T855	\$84,110
263	27	855Z	9854	T855	\$704,890
263	27	855A	9853	T855	\$84,110
263	27	855A	9854	T855	\$704,890

Budget Funding Year(s) (must match resolution) 2021-2026 Start Date 10/1/2021 End Date 9/30/2026

Funding Source Tax Dollars \_\_\_\_\_  
State Aid NYS DOH  
**\$3,945,000** Federal Aid Federal Pass Thru  
(must match resolution) Other \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACT - 02/24/2022 - RAMOND SCUKY, SECRETARY