

APPENDIX 2

Information About Key HUD Requirements Regarding Lead-Based Paint and the Responsibilities of Key Federal Agencies

**Summary of U.S. Department of Housing and Urban Development
(HUD) Requirements for Safe Work Practices**

**Responsibilities of Key Federal Agencies
Regarding Lead-Based Paint**



HUD Sets New Requirements to Prevent Childhood Lead Poisoning in Housing Assisted or Being Sold by the Federal Government

SUMMARY

The U.S. Department of Housing and Urban Development (HUD) has issued a new regulation to protect young children from lead-based paint hazards in housing that is financially assisted by the federal government or being sold by the government. The regulation, "Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Federally Owned Residential Property and Housing Receiving Federal Assistance," was published in the Federal Register on September 15, 1999. The hazard reduction requirements in this regulation are based on scientific research and the practical experience of cities, states, and others who have been controlling lead-based paint hazards in low-income housing through HUD assistance. The requirements apply to housing built before 1978, the year lead-based paint was banned nationwide for consumer use.

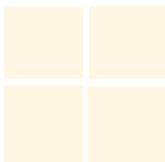
The new regulation puts all of the Department's lead-based paint regulations in one part of the Code of Federal Regulations, making it much easier to find HUD policy on the subject. The new requirements will take effect on September 15, 2000, one year after publication, to allow time for housing owners and state and local agencies to prepare for compliance. HUD estimates that about 2.8 million housing units will be affected by the regulation during its first five years.

LEAD POISONING PREVENTION

Lead poisoning can cause permanent damage to the brain and many other organs, and can result in reduced intelligence and behavioral problems. Lead can also harm the fetus. More than 800,000 children younger than 6 years old living in the United States have lead in their blood that is above the level of concern set by the Centers for Disease Control and Prevention (CDC). A large portion of these children are in families of low income and are living in old homes with heavy concentrations of lead-based paint. The most common sources of childhood exposure to lead are deteriorated lead-based paint and lead-contaminated dust and soil in the residential environment.

HUD estimates that the regulation will protect more than two million children from exposure to lead during its first five years. The estimated net benefits (that is, benefits minus costs) from the first five years are \$2 billion, mostly from increased lifetime earnings but also including reductions in medical and special education costs. Additional benefits that have not been estimated in dollar terms include reduced family time, and anxiety involved in caring for lead-poisoned children, increased stature and hearing ability, reduced hypertension in later life, and reduced juvenile delinquency and crime.

The regulation sets hazard reduction requirements that give much greater emphasis...to reducing lead in house dust.



LEGISLATIVE BACKGROUND

The new regulation is being issued under sections 1012 and 1013 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, which is Title X (“ten”) of the Housing and Community Development Act of 1992. Sections 1012 and 1013 of Title X amended the Lead-Based Paint Poisoning Prevention Act of 1971, which is the basic law covering lead-based paint in federally associated housing. The new regulation appears within title 24 of the Code of Federal Regulations as part 35 (24 CFR 35).

WHAT ARE THE REQUIREMENTS?

The regulation sets hazard reduction requirements that give much greater emphasis than existing regulations to reducing lead in house dust. Scientific research has found that exposure to lead in dust is the most common way young children become lead poisoned. Therefore the new regulation requires dust testing after paint is disturbed to make sure the home is lead-safe. Specific requirements depend on whether the housing is being disposed of or assisted by the federal government, and also on the type and amount of financial assistance, the age of the structure, and whether the dwelling is rental or owner-occupied.

A summary of the hazard reduction requirements for the various types of housing programs is attached to the Questions and Answers issued in association with this regulation. More detailed information is available in training and guidance material, in the regulation itself, and in the Department’s explanation of the regulation, published in the Federal Register.

TYPES OF HOUSING COVERED

- Federally-owned housing being sold
- Housing receiving a federal subsidy that is associated with the property, rather than with the occupants (project-based assistance)
- Public housing
- Housing occupied by a family receiving a tenant-based subsidy (such as a voucher or certificate)
- Multifamily housing for which mortgage insurance is being sought
- Housing receiving federal assistance for rehabilitation, reducing homelessness, and other special needs

TYPES OF HOUSING NOT COVERED

- Housing built since January 1, 1978, when lead paint was banned for residential use
- Housing exclusively for the elderly or people with disabilities, unless a child under age 6 is expected to reside there
- Zero-bedroom dwellings, including efficiency apartments, single-room occupancy housing, dormitories, or military barracks
- Property that has been found to be free of lead-based paint by a certified lead-based paint inspector
- Property where all lead-based paint has been removed
- Unoccupied housing that will remain vacant until it is demolished
- Non-residential property
- Any rehabilitation or housing improvement that does not disturb a painted surface

FOR MORE INFORMATION

If you want copies of the regulation or have general questions, you can call the National Lead Information Center at (800) 424-LEAD, or TDD (800) 526-5456 for the hearing impaired. You can also download the regulation and other educational materials at www.hud.gov/lea. For further information, you may call HUD at (202) 755-1785, ext. 104, or e-mail HUD at lead_regulations@hud.gov.

The new regulation puts all of the Department’s lead-based paint regulations in one part of the Code of Federal Regulations, making it much easier to find HUD policy on the subject.

Summary of U.S. Department of Housing and Urban Development (HUD) Requirements for Safe Work Practices

This appendix describes safe work practices required in HUD-funded work that disturbs paint in housing built before 1978. The regulations can be found in the Code of Federal Regulations (CFR) at 24 CFR 35.1350. They can also be found on the Internet at www.hud.gov/offices/lead. The brief summary of HUD's requirements provided here will be useful if you work now or will work in the future on HUD-funded rehabilitation projects or other federally assisted housing projects.

In most cases, it is the responsibility of the agency (public, nonprofit, or private) that administers the rehabilitation project or the individual / organization that accepts HUD funds to make sure that HUD's requirements are followed. However, the contractors who work on HUD-funded projects are required to know and use the proper practices for set up, safe work practices, and cleanup. Contractors should also cooperate with the agency and property owners to make sure that the job is carried out safely.

The HUD regulations that apply most to contractors who do routine renovation, remodeling and rehabilitation that is funded by HUD relate to:

- Training Requirements
- Occupant Protection;
- Safe Work Practices;
- Cleanup; and
- Clearance.

TRAINING REQUIREMENTS

Contractors who perform rehabilitation, maintenance, repainting, or interim lead-based paint hazard controls on most pre-1978 HUD-associated housing, and are disturbing paint that is known or presumed to be lead-based paint must have taken a HUD-approved course in lead-safe work practices. If workers have not taken such a course, they must be supervised by a certified lead-based paint abatement supervisor who is responsible for assuring that the work is done safely and effectively.

There is an exception to the training requirement for jobs receiving no more than \$5,000 per dwelling unit in Federal rehabilitation funds. In such cases, HUD requires the use of safe work practices, but allows the local recipient of funds to decide how to assure that the workers are trained or supervised to ensure that the work is performed safely.

OCCUPANT PROTECTION

Contractors must take steps to protect occupants from lead-based paint hazards while the work is in progress.

- Occupants may not enter the worksite. Occupants are allowed to return only after the work is done and the home has passed a clearance examination that checks for deteriorated lead-based paint and harmful levels of lead-contaminated dust.
- Occupants' belongings must be protected from lead contamination. This can be done by removing them from the work area or covering them with protective sheeting and sealing it to prevent dust from getting on the items.
- The work site must be set up to prevent the spread of leaded dust and debris.
- Warning signs must be posted at entrances to the worksite when occupants are present; at the main and secondary entrances to the building; and at exterior work sites. The signs must be readable from 20 feet from the edge of the worksite. Signs must be in the occupants' primary language when practicable.
- It may be necessary to temporarily move occupants out of the unit if work will take several days and it involves kitchens, bathrooms, or bedrooms. This is the responsibility of the dwelling's owner.

SAFE WORK PRACTICES

HUD prohibits several practices (see exhibit 1, below). The safe practices described in Module 3 of this training are good alternatives to the prohibited practices listed here. Safe work practices are not required:

- If paint has been tested and found not to be lead-based paint by an EPA or State certified risk assessor or inspector, or
- If the work disturbs a total painted surface area that is:
 - Less than 20 ft.² on exterior surfaces;
 - Less than 2 ft² in any one interior room or space; or
 - Less than 10 percent of the total surface area on an interior or exterior type of component with a small surface area like windowsills, baseboards, and trim.

Exhibit 1: HUD Prohibited Work Practices

- Open flame burning or torching.
- Machine sanding or grinding with out a high-efficiency particulate air (HEPA) local exhaust control.
- Abrasive blasting or sandblasting without HEPA local exhaust control.
- Heat guns operating above 1,100 degrees Fahrenheit, or those that operate high enough to char the paint.
- Dry sanding or dry scraping.
- Paint stripping in a poorly ventilated space using a volatile stripper that is a hazardous substance.

There are several circumstances when limited use of these prohibited methods is allowed under HUD regulations:

- Dry scraping in conjunction with heat guns;
- Dry scraping within 1.0 ft of electrical outlets;
- Dry scraping deteriorated paint spots that total no more than 2 ft.² in any one interior room or space; or
- Dry scraping deteriorated paint spots that total no more than 20 ft.² on exterior surfaces.

Note: Use of paint strippers with methylene chloride can be hazardous and is prohibited in poorly ventilated areas (such as when the concentration will exceed the permissible exposure limit for methylene chloride).

CLEANUP

Worksite cleanup removes dust and debris from the work area. Good cleanup is critical to passing clearance and leaving the unit safe for habitation. Worksite cleanup must be done using methods, products, and devices that are successful in cleaning lead-contaminated dust, such as vacuum cleaners with HEPA filters or equivalent equipment, and wet cleaning with household or lead-specific detergents or equivalent products.

CLEARANCE

Clearance is a process to test the work site to assure that any lead in dust does not exceed HUD standards and that there is no deteriorated paint that might contain lead. After the work is done and before the residents can return, the work area or unit must pass clearance. In a clearance examination, a clearance examiner:

- Performs a visual assessment of the worksite or unit to look for deteriorated paint and visible amounts of dust, debris, paint chips or other residue. If these are found in areas where dust sampling is required they must be eliminated before continuing the clearance examination. If deteriorated paint is found, it must be stabilized using safe work practices. If visible dust and debris is found, it must be cleaned up.
- Takes several dust wipe samples from floors, interior windowsills (stools), and window troughs and sends them to a laboratory for lead analysis. If leaded dust above HUD standards are found, the worksite or unit must be re-cleaned and another dust clearance tested conducted.

It is usually the responsibility of the organization or owner overseeing the work to arrange for the clearance. However, it is often the contractor who is responsible for cleaning sufficiently to pass clearance. Some agencies may state in the construction contract that if clearance is not passed the first time, the contractor will be held responsible for paying for an adequate second cleaning and clearance test.

- Clearance must be performed by a certified examiner (a risk assessor, lead-based paint inspector, or lead sampling/clearance technician), or a trained lead sampling/clearance technician whose work is approved by a certified risk assessor or lead-based paint inspector. Certified sampling technicians cannot conduct clearance after lead abatement, but only after other lead hazard control activities like paint stabilization. State requirements for sampling technicians may vary, so the state regulatory authority should be consulted.
- The contractor cannot perform clearance. The HUD regulations state that the person conducting the lead hazard reduction activities and clearance must be independent of each other. However, an organization or owner that is responsible for regulatory compliance may use a qualified in-house employee to conduct clearance if that same employee does not conduct both 1) a hazard reduction, rehabilitation, or maintenance activity and 2) the clearance examination.

Clearance Standards

If the test results equal or exceed the following HUD interim standards, the dwelling unit, worksite, or common area fails the clearance examination. (Note: EPA's guidance currently has different thresholds. After EPA's lead hazard standards rule goes into effect, HUD will adopt them.)

- Floors: 40 $\mu\text{g}/\text{ft.}^2$
- Interior windows sills (stools): 250 $\mu\text{g}/\text{ft.}^2$
- Window troughs: 800 $\mu\text{g}/\text{ft.}^2$ EPA's rule is set to change this to 400 $\mu\text{g}/\text{ft.}^2$

Clearance is not required when:

- Maintenance or a lead hazard reduction activity at a worksite does not disturb painted surfaces; or
- If the total area of the painted surface disturbed does not exceed the following:
 - 20 ft.^2 on exterior surfaces;
 - 2 ft.^2 in any one interior room or space; or
 - 10 percent of the total surface area on an interior or exterior type of component with a small surface area like windowsills, baseboards, and trim.

RESPONSIBILITIES OF KEY FEDERAL AGENCIES REGARDING LEAD-BASED PAINT

Environmental Protection Agency (EPA) Responsibilities:

EPA is responsible for protecting human health and safeguarding the natural environment. Under the Toxic Substances Control Act (TSCA), Title IV, EPA has developed or is developing regulations regarding the following:

- Training, certification and work practice standards for individuals and firms conducting lead-based paint activities (inspection, risk assessment, abatement) (TSCA section 402(a))
- Authorization of States and Indian Tribes to run their own lead-based paint training and certification program (TSCA section 404)
- Identification of hazardous levels of lead in paint, dust and soil (TSCA section 403)
- Providing a lead hazard information pamphlet to be distributed to persons before they buy or rent a home or before renovation and remodeling activities are conducted in their home (TSCA section 406(b))
- Training, certification and work practice standards for individuals and firms conducting renovation and remodeling activities (TSCA section 402(c))
- EPA information and materials can be obtained on the Internet (www.epa.gov/lead/) or by contacting the National Lead Information Center at 1-800-424-LEAD (800-424-5323).

Department of Housing and Urban Development (HUD) Responsibilities:

HUD is responsible for setting requirements for federally owned or assisted housing and operating the Lead Hazard Control Grant Program for privately owned low-income housing. Most pre-1978 properties receiving HUD funds are subject to HUD requirements for lead-based paint. Under the Residential Lead-Based Paint Hazard Reduction Act of 1992, commonly called Title X ("Title Ten"), HUD has:

- Developed regulations for how contractors and employees must work with lead paint when doing lead hazard reduction or abatement work on HUD-owned/assisted housing (e.g., "public housing" or Section 8 housing rehabilitation funded by CBDG or HOME).
- Developed regulations affecting training and work practices for operations and maintenance work on housing receiving federal assistance.
- Required training in lead-safety for all workers performing rehabilitation activities in units built before 1978.
- HUD guidelines and materials can be obtained on the Internet (www.hud.gov/offices/lead)

Occupational Health and Safety Administration (OHSA) Responsibilities:

OSHA is responsible for developing standards to protect worker health and safety on the job. Under Title X, OSHA has developed:

- A standard to prevent lead exposure on construction jobs (29 Code of Federal Regulations 1926.62, Interim Final Lead Exposure in Construction Standard).
- This training does not address OSHA standards or requirements.

Centers for Disease Control and Prevention (CDC) Responsibilities:

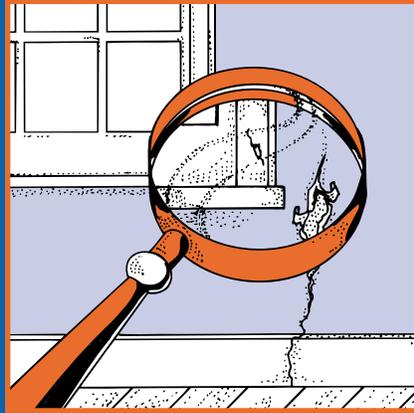
CDC is responsible for promoting health and quality of life by preventing and controlling disease, injury, and disability.

- CDC first published guidance on the prevention of childhood lead poisoning in 1975. CDC issued updates to these guidelines in 1978, 1985, and 1991.
- The current guidance is entitled, "Screening Young Children for Lead Poisoning: Guidance for State and Local Public Health Officials." The guidance makes recommendations to improve the effectiveness of lead screening. Other audiences include public health agencies, health care organizations including managed-care organizations, pediatricians, and other providers of health care to children.
- CDC guidelines and materials can be obtained on the Internet (www.cdc.gov) or by contacting 800-311-3435.

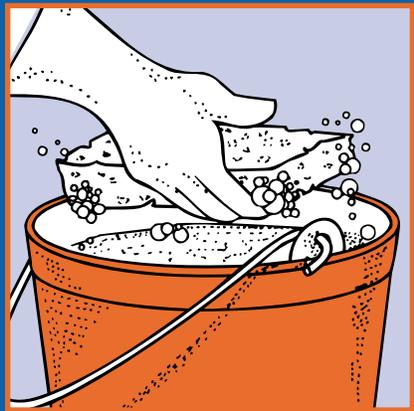
APPENDIX 3

Protect Your Family from Lead in Your Home Pamphlet

Provided by Training Provider



Protect Your Family From Lead In Your Home



 **EPA** United States Environmental Protection Agency



United States Consumer Product Safety Commission



United States Department of Housing and Urban Development

U.S. EPA Washington DC 20460
U.S. CPSC Washington DC 20207
U.S. HUD Washington DC 20410

EPA747-K-99-001
September 2001

Are You Planning To Buy, Rent, or Renovate a Home Built Before 1978?

Many houses and apartments built before 1978 have paint that contains high levels of lead (called lead-based paint). Lead from paint, chips, and dust can pose serious health hazards if not taken care of properly.

Federal law requires that individuals receive certain information before renting, buying, or renovating pre-1978 housing:



LANDLORDS have to disclose known information on lead-based paint and lead-based paint hazards before leases take effect. Leases must include a disclosure form about lead-based paint.



SELLERS have to disclose known information on lead-based paint and lead-based paint hazards before selling a house. Sales contracts must include a disclosure form about lead-based paint. Buyers have up to 10 days to check for lead.



RENOVATORS have to give you this pamphlet before starting work.

IF YOU WANT MORE INFORMATION on these requirements, call the National Lead Information Center at **1-800-424-LEAD (424-5323)**.

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IMPORTANT!

Lead From Paint, Dust, and Soil Can Be Dangerous If Not Managed Properly

- FACT:** Lead exposure can harm young children and babies even before they are born.
- FACT:** Even children who seem healthy can have high levels of lead in their bodies.
- FACT:** People can get lead in their bodies by breathing or swallowing lead dust, or by eating soil or paint chips containing lead.
- FACT:** People have many options for reducing lead hazards. In most cases, lead-based paint that is in good condition is not a hazard.
- FACT:** Removing lead-based paint improperly can increase the danger to your family.

If you think your home might have lead hazards, read this pamphlet to learn some simple steps to protect your family.

Lead Gets in the Body in Many Ways

Childhood lead poisoning remains a major environmental health problem in the U.S.

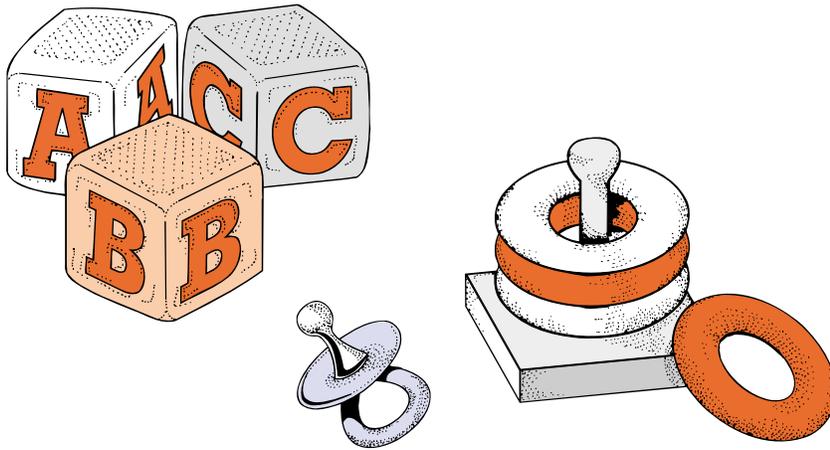
Even children who appear healthy can have dangerous levels of lead in their bodies.

People can get lead in their body if they:

- ◆ Breathe in lead dust (especially during renovations that disturb painted surfaces).
- ◆ Put their hands or other objects covered with lead dust in their mouths.
- ◆ Eat paint chips or soil that contains lead.

Lead is even more dangerous to children than adults because:

- ◆ Children's brains and nervous systems are more sensitive to the damaging effects of lead.
- ◆ Children's growing bodies absorb more lead.
- ◆ Babies and young children often put their hands and other objects in their mouths. These objects can have lead dust on them.



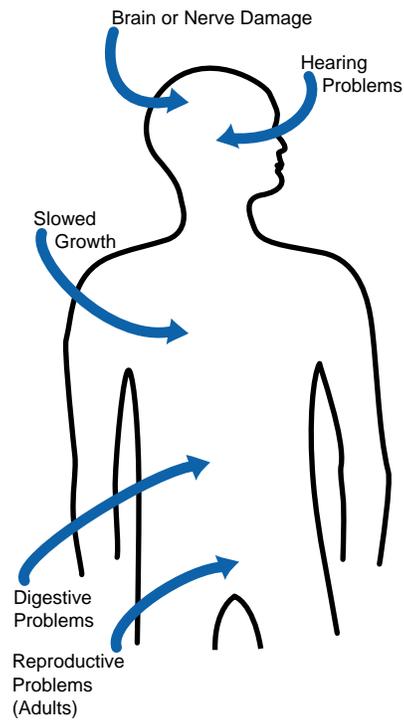
Lead's Effects

If not detected early, children with high levels of lead in their bodies can suffer from:

- ◆ Damage to the brain and nervous system
- ◆ Behavior and learning problems (such as hyperactivity)
- ◆ Slowed growth
- ◆ Hearing problems
- ◆ Headaches

Lead is also harmful to adults. Adults can suffer from:

- ◆ Difficulties during pregnancy
- ◆ Other reproductive problems (in both men and women)
- ◆ High blood pressure
- ◆ Digestive problems
- ◆ Nerve disorders
- ◆ Memory and concentration problems
- ◆ Muscle and joint pain



**Lead affects
the body in
many ways.**

Where Lead-Based Paint Is Found

In general, the older your home, the more likely it has lead-based paint.

Many homes built before 1978 have lead-based paint. The federal government banned lead-based paint from housing in 1978. Some states stopped its use even earlier. Lead can be found:

- ◆ In homes in the city, country, or suburbs.
- ◆ In apartments, single-family homes, and both private and public housing.
- ◆ Inside *and* outside of the house.
- ◆ In soil around a home. (Soil can pick up lead from exterior paint or other sources such as past use of leaded gas in cars.)

Checking Your Family for Lead

Get your children and home tested if you think your home has high levels of lead.

To reduce your child's exposure to lead, get your child checked, have your home tested (especially if your home has paint in poor condition and was built before 1978), and fix any hazards you may have.

Children's blood lead levels tend to increase rapidly from 6 to 12 months of age, and tend to peak at 18 to 24 months of age.

Consult your doctor for advice on testing your children. A simple blood test can detect high levels of lead. Blood tests are usually recommended for:

- ◆ Children at ages 1 and 2.
- ◆ Children or other family members who have been exposed to high levels of lead.
- ◆ Children who should be tested under your state or local health screening plan.

Your doctor can explain what the test results mean and if more testing will be needed.

Identifying Lead Hazards

Lead-based paint is usually not a hazard if it is in good condition, and it is not on an impact or friction surface, like a window. It is defined by the federal government as paint with lead levels greater than or equal to 1.0 milligram per square centimeter, or more than 0.5% by weight.

Deteriorating lead-based paint (peeling, chipping, chalking, cracking or damaged) is a hazard and needs immediate attention. It may also be a hazard when found on surfaces that children can chew or that get a lot of wear-and-tear, such as:

- ◆ Windows and window sills.
- ◆ Doors and door frames.
- ◆ Stairs, railings, banisters, and porches.

Lead dust can form when lead-based paint is dry scraped, dry sanded, or heated. Dust also forms when painted surfaces bump or rub together. Lead chips and dust can get on surfaces and objects that people touch. Settled lead dust can re-enter the air when people vacuum, sweep, or walk through it. The following two federal standards have been set for lead hazards in dust:

- ◆ 40 micrograms per square foot ($\mu\text{g}/\text{ft}^2$) and higher for floors, including carpeted floors.
- ◆ 250 $\mu\text{g}/\text{ft}^2$ and higher for interior window sills.

Lead in soil can be a hazard when children play in bare soil or when people bring soil into the house on their shoes. The following two federal standards have been set for lead hazards in residential soil:

- ◆ 400 parts per million (ppm) and higher in play areas of bare soil.
- ◆ 1,200 ppm (average) and higher in bare soil in the remainder of the yard.

The only way to find out if paint, dust and soil lead hazards exist is to test for them. The next page describes the most common methods used.

Lead from paint chips, which you can see, and lead dust, which you can't always see, can both be serious hazards.

Checking Your Home for Lead

Just knowing that a home has lead-based paint may not tell you if there is a hazard.



You can get your home checked for lead in one of two ways, or both:

- ◆ A paint **inspection** tells you the lead content of every different type of painted surface in your home. It won't tell you whether the paint is a hazard or how you should deal with it.
- ◆ A **risk assessment** tells you if there are any sources of serious lead exposure (such as peeling paint and lead dust). It also tells you what actions to take to address these hazards.

Hire a trained, certified professional who will use a range of reliable methods when checking your home, such as:

- ◆ Visual inspection of paint condition and location.
- ◆ A portable x-ray fluorescence (XRF) machine.
- ◆ Lab tests of paint, dust, and soil samples.

There are standards in place to ensure the work is done safely, reliably, and effectively. Contact your local lead poisoning prevention program for more information, or call **1-800-424-LEAD** for a list of contacts in your area.

Home test kits for lead are available, but may not always be accurate. Consumers should not rely on these tests before doing renovations or to assure safety.

What You Can Do Now To Protect Your Family

If you suspect that your house has lead hazards, you can take some immediate steps to reduce your family's risk:

- ◆ **If you rent, notify your landlord of peeling or chipping paint.**
- ◆ **Clean up paint chips immediately.**
- ◆ **Clean floors, window frames, window sills, and other surfaces weekly.** Use a mop or sponge with warm water and a general all-purpose cleaner or a cleaner made specifically for lead. **REMEMBER: NEVER MIX AMMONIA AND BLEACH PRODUCTS TOGETHER SINCE THEY CAN FORM A DANGEROUS GAS.**
- ◆ **Thoroughly rinse sponges and mop heads after cleaning dirty or dusty areas.**
- ◆ **Wash children's hands often, especially before they eat and before nap time and bed time.**
- ◆ **Keep play areas clean.** Wash bottles, pacifiers, toys, and stuffed animals regularly.
- ◆ **Keep children from chewing window sills or other painted surfaces.**
- ◆ **Clean or remove shoes before entering your home to avoid tracking in lead from soil.**
- ◆ **Make sure children eat nutritious, low-fat meals high in iron and calcium, such as spinach and dairy products.** Children with good diets absorb less lead.



Reducing Lead Hazards In The Home

Removing lead improperly can increase the hazard to your family by spreading even more lead dust around the house.

Always use a professional who is trained to remove lead hazards safely.



In addition to day-to-day cleaning and good nutrition:

- ◆ You can **temporarily** reduce lead hazards by taking actions such as repairing damaged painted surfaces and planting grass to cover soil with high lead levels. These actions (called “interim controls”) are not permanent solutions and will need ongoing attention.
- ◆ To **permanently** remove lead hazards, you should hire a certified lead “abatement” contractor. Abatement (or permanent hazard elimination) methods include removing, sealing, or enclosing lead-based paint with special materials. Just painting over the hazard with regular paint is not permanent removal.

Always hire a person with special training for correcting lead problems—someone who knows how to do this work safely and has the proper equipment to clean up thoroughly. Certified contractors will employ qualified workers and follow strict safety rules as set by their state or by the federal government.

Once the work is completed, dust cleanup activities must be repeated until testing indicates that lead dust levels are below the following:

- ◆ 40 micrograms per square foot ($\mu\text{g}/\text{ft}^2$) for floors, including carpeted floors;
- ◆ 250 $\mu\text{g}/\text{ft}^2$ for interior windows sills; and
- ◆ 400 $\mu\text{g}/\text{ft}^2$ for window troughs.

Call your local agency (see page 11) for help with locating certified contractors in your area and to see if financial assistance is available.

Remodeling or Renovating a Home With Lead-Based Paint

Take precautions before your contractor or you begin remodeling or renovating anything that disturbs painted surfaces (such as scraping off paint or tearing out walls):

- ◆ **Have the area tested for lead-based paint.**
- ◆ **Do not use a belt-sander, propane torch, heat gun, dry scraper, or dry sandpaper** to remove lead-based paint. These actions create large amounts of lead dust and fumes. Lead dust can remain in your home long after the work is done.
- ◆ **Temporarily move your family** (especially children and pregnant women) out of the apartment or house until the work is done and the area is properly cleaned. If you can't move your family, at least completely seal off the work area.
- ◆ **Follow other safety measures to reduce lead hazards.** You can find out about other safety measures by calling 1-800-424-LEAD. Ask for the brochure "Reducing Lead Hazards When Remodeling Your Home." This brochure explains what to do before, during, and after renovations.

If you have already completed renovations or remodeling that could have released lead-based paint or dust, get your young children tested and follow the steps outlined on page 7 of this brochure.



If not conducted properly, certain types of renovations can release lead from paint and dust into the air.



Other Sources of Lead



While paint, dust, and soil are the most common lead hazards, other lead sources also exist.



- ◆ **Drinking water.** Your home might have plumbing with lead or lead solder. Call your local health department or water supplier to find out about testing your water. You cannot see, smell, or taste lead, and boiling your water will not get rid of lead. If you think your plumbing might have lead in it:
 - Use only cold water for drinking and cooking.
 - Run water for 15 to 30 seconds before drinking it, especially if you have not used your water for a few hours.
- ◆ **The job.** If you work with lead, you could bring it home on your hands or clothes. Shower and change clothes before coming home. Launder your work clothes separately from the rest of your family's clothes.
- ◆ Old painted **toys** and **furniture**.
- ◆ Food and liquids stored in **lead crystal** or **lead-glazed pottery or porcelain**.
- ◆ **Lead smelters** or other industries that release lead into the air.
- ◆ **Hobbies** that use lead, such as making pottery or stained glass, or refinishing furniture.
- ◆ **Folk remedies** that contain lead, such as "greta" and "azarcon" used to treat an upset stomach.

For More Information

The National Lead Information Center

Call **1-800-424-LEAD (424-5323)** to learn how to protect children from lead poisoning and for other information on lead hazards. To access lead information via the web, visit **www.epa.gov/lead** and **www.hud.gov/offices/lead/**.

For the hearing impaired, call the Federal Information Relay Service at **1-800-877-8339** and ask for the National Lead Information Center at **1-800-424-LEAD**.

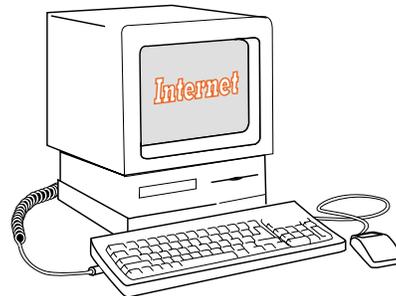


EPA's Safe Drinking Water Hotline

Call **1-800-426-4791** for information about lead in drinking water.

Consumer Product Safety Commission (CPSC) Hotline

To request information on lead in consumer products, or to report an unsafe consumer product or a product-related injury call **1-800-638-2772**, or visit CPSC's website at: **www.cpsc.gov**.



Health and Environmental Agencies

Some cities, states, and tribes have their own rules for lead-based paint activities. Check with your local agency to see which laws apply to you. Most agencies can also provide information on finding a lead abatement firm in your area, and on possible sources of financial aid for reducing lead hazards. Receive up-to-date address and phone information for your local contacts on the Internet at **www.epa.gov/lead** or contact the National Lead Information Center at **1-800-424-LEAD**.

EPA Regional Offices

Your Regional EPA Office can provide further information regarding regulations and lead protection programs.

EPA Regional Offices

Region 1 (Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, Vermont)

Regional Lead Contact
U.S. EPA Region 1
Suite 1100 (CPT)
One Congress Street
Boston, MA 02114-2023
1 (888) 372-7341

Region 2 (New Jersey, New York, Puerto Rico, Virgin Islands)

Regional Lead Contact
U.S. EPA Region 2
2890 Woodbridge Avenue
Building 209, Mail Stop 225
Edison, NJ 08837-3679
(732) 321-6671

Region 3 (Delaware, Maryland, Pennsylvania, Virginia, Washington DC, West Virginia)

Regional Lead Contact
U.S. EPA Region 3 (3WC33)
1650 Arch Street
Philadelphia, PA 19103
(215) 814-5000

Region 4 (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee)

Regional Lead Contact
U.S. EPA Region 4
61 Forsyth Street, SW
Atlanta, GA 30303
(404) 562-8998

Region 5 (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin)

Regional Lead Contact
U.S. EPA Region 5 (DT-8J)
77 West Jackson Boulevard
Chicago, IL 60604-3666
(312) 886-6003

Region 6 (Arkansas, Louisiana, New Mexico, Oklahoma, Texas)

Regional Lead Contact
U.S. EPA Region 6
1445 Ross Avenue, 12th Floor
Dallas, TX 75202-2733
(214) 665-7577

Region 7 (Iowa, Kansas, Missouri, Nebraska)

Regional Lead Contact
U.S. EPA Region 7
(ARTD-RALI)
901 N. 5th Street
Kansas City, KS 66101
(913) 551-7020

Region 8 (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming)

Regional Lead Contact
U.S. EPA Region 8
999 18th Street, Suite 500
Denver, CO 80202-2466
(303) 312-6021

Region 9 (Arizona, California, Hawaii, Nevada)

Regional Lead Contact
U.S. Region 9
75 Hawthorne Street
San Francisco, CA 94105
(415) 947-4164

Region 10 (Alaska, Idaho, Oregon, Washington)

Regional Lead Contact
U.S. EPA Region 10
Toxics Section WCM-128
1200 Sixth Avenue
Seattle, WA 98101-1128
(206) 553-1985

CPSC Regional Offices

Your Regional CPSC Office can provide further information regarding regulations and consumer product safety.

Eastern Regional Center

Consumer Product Safety Commission
201 Varick Street, Room 903
New York, NY 10014
(212) 620-4120

Western Regional Center

Consumer Product Safety Commission
1301 Clay Street, Suite 610-N
Oakland, CA 94612
(510) 637-4050

Central Regional Center

Consumer Product Safety Commission
230 South Dearborn Street, Room 2944
Chicago, IL 60604
(312) 353-8260

HUD Lead Office

Please contact HUD's Office of Healthy Homes and Lead Hazard Control for information on lead regulations, outreach efforts, and lead hazard control and research grant programs.

U.S. Department of Housing and Urban Development

Office of Healthy Homes and Lead Hazard Control
451 Seventh Street, SW, P-3206
Washington, DC 20410
(202) 755-1785

Simple Steps To Protect Your Family From Lead Hazards

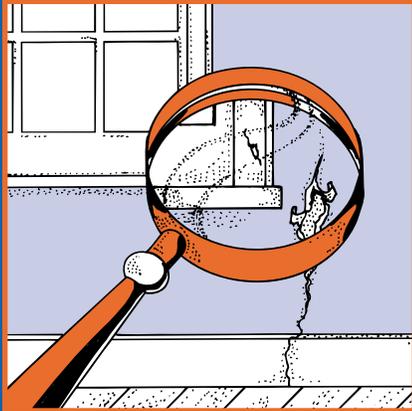
If you think your home has high levels of lead:

- ◆ Get your young children tested for lead, even if they seem healthy.
- ◆ Wash children's hands, bottles, pacifiers, and toys often.
- ◆ Make sure children eat healthy, low-fat foods.
- ◆ Get your home checked for lead hazards.
- ◆ Regularly clean floors, window sills, and other surfaces.
- ◆ Wipe soil off shoes before entering house.
- ◆ Talk to your landlord about fixing surfaces with peeling or chipping paint.
- ◆ Take precautions to avoid exposure to lead dust when remodeling or renovating (call 1-800-424-LEAD for guidelines).
- ◆ Don't use a belt-sander, propane torch, heat gun, dry scraper, or dry sandpaper on painted surfaces that may contain lead.
- ◆ Don't try to remove lead-based paint yourself.

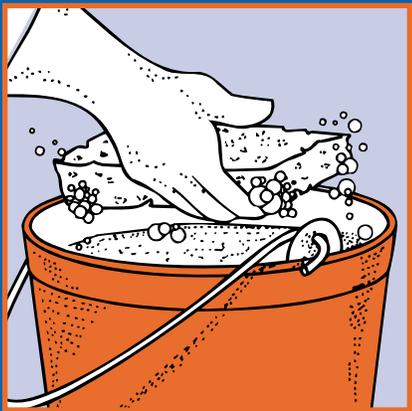


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Proteja a Su Familia en Contra del Plomo en Su Casa



Agencia de Protección
Ambiental de los
Estados Unidos (EPA)



Comisión de Seguridad de los
Productos de Consumo de los
Estados Unidos (CPSC)



Departamento de Desarrollo
Urbano y de la Vivienda de los
Estados Unidos (HUD)

U.S. EPA Washington DC 20460
U.S. CPSC Washington DC 20207
U.S. HUD Washington DC 20410

EPA747-K-01-001
November 2001

¿Está planeando comprar, alquilar o renovar una casa que se construyó antes de 1978?

Muchas casas y apartamentos construidos antes de 1978 tienen pintura que contiene altos niveles de plomo (llamada pintura con base de plomo). El plomo en la pintura, las partículas y el polvo puede ser un riesgo grave para la salud si no se atiende apropiadamente.

La ley federal requiere que las personas reciban cierta información antes de alquilar, comprar o renovar viviendas construidas antes de 1978:



LOS PROPIETARIOS tienen que revelar la información que posean acerca de la pintura con base de plomo y los riesgos relacionados con la misma antes de realizar el alquiler. Los contratos de alquiler deben incluir un formulario de divulgación acerca de la pintura con base de plomo.

LOS VENEDORES tienen que divulgar la información que posean acerca de la pintura con base de plomo y los riesgos relacionados con la misma antes de vender una casa. Los contratos de venta deben incluir un formulario de información acerca de la pintura con base de plomo. Los compradores tienen un plazo de 10 días para revisar si existen riesgos relacionados con el plomo.

LOS RENOVADORES tienen que darle este folleto antes de comenzar el trabajo.

SI DESEA MÁS INFORMACIÓN acerca de estos requisitos, llame a la National Lead Information Center (Centro Nacional de Distribución de Información sobre Plomo) al **1-800-424-LEAD (424-5323)**.

Este documento es del dominio público. Las personas u organizaciones pueden reproducirlo sin permiso. La información proporcionada en este folleto está basada en el entendimiento actual científico y técnico de los asuntos presentados y refleja los límites de jurisdicción establecidos por los estatutos que gobiernan a las agencias coautoras. Seguir los consejos que se ofrecen no proporcionará necesariamente una protección completa en todas las situaciones o contra todos los riesgos de salud que puede causar la exposición al plomo.

¡IMPORTANTE!

El plomo de la pintura, del polvo y de la tierra puede ser peligroso si no se atiende apropiadamente

ES CIERTO QUE: La exposición al plomo puede hacerle daño a los niños pequeños y a los bebés aun antes del nacimiento.

ES CIERTO QUE: Aun los niños que parecen sanos pueden tener altos niveles de plomo en sus organismos.

ES CIERTO QUE: El plomo puede entrar en el organismo al inhalar o tragar polvo de plomo, o al comer tierra o partículas de pintura que contengan plomo.

ES CIERTO QUE: Las personas tienen muchas opciones para reducir los riesgos relacionados con el plomo. En la mayoría de los casos, la pintura con base de plomo que esté en buenas condiciones no es peligrosa.

ES CIERTO QUE: Remover incorrectamente la pintura con base de plomo puede aumentar los riesgos para su familia.

Si cree que su casa podría tener algún riesgo relacionado con el plomo, lea este folleto para aprender algunos pasos sencillos para proteger a su familia.

El plomo entra al organismo de muchas maneras

El envenenamiento infantil con plomo continúa siendo un gran problema de salud ambiental en los Estados Unidos.

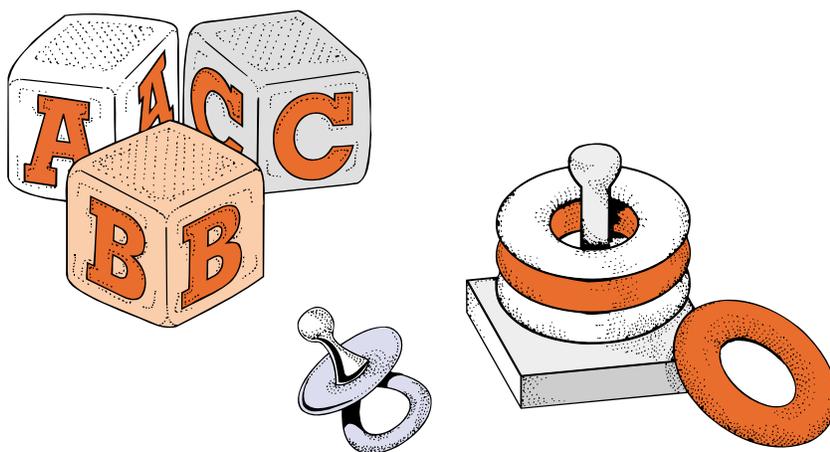
Aun los niños que parecen sanos pueden tener niveles peligrosos de plomo en sus organismos.

El plomo puede entrar en el organismo si:

- ◆ Inhalan el polvo de plomo (especialmente durante las renovaciones que alteran las superficies pintadas).
- ◆ Se llevan a la boca las manos u otros objetos cubiertos con polvo de plomo.
- ◆ Comen partículas de pintura o tierra que contiene plomo.

El plomo es aún más peligroso para los niños que para los adultos ya que:

- ◆ El cerebro y el sistema nervioso de los niños son más sensibles a los efectos dañinos del plomo.
- ◆ El cuerpo en crecimiento de los niños absorbe más plomo.
- ◆ Los bebés y los niños pequeños se llevan las manos y otros objetos a la boca con frecuencia. Dichos objetos pueden estar cubiertos de polvo que contiene plomo.



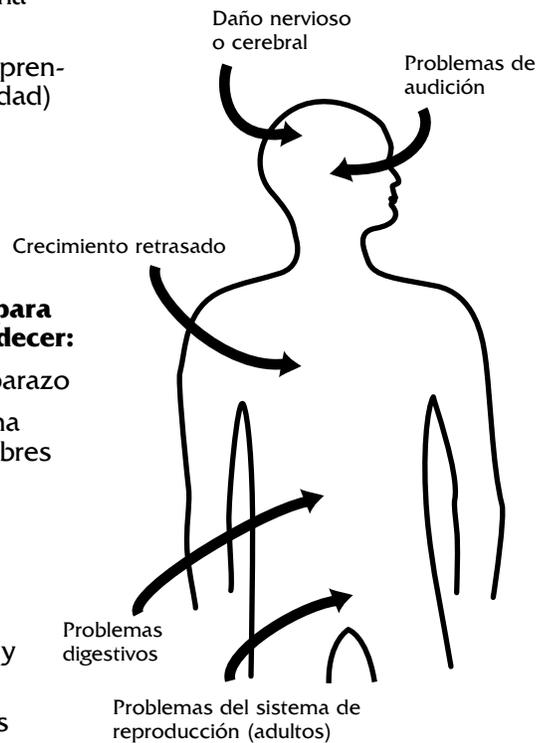
Los efectos del plomo

Si no se detectan pronto, los niños que tienen niveles altos de plomo en sus organismos pueden sufrir:

- ◆ Daños al cerebro y al sistema nervioso
- ◆ Problemas de conducta y aprendizaje (tal como hiperactividad)
- ◆ Crecimiento retrasado
- ◆ Problemas de audición
- ◆ Dolores de cabeza.

El plomo también es dañino para los adultos. Éstos pueden padecer:

- ◆ Dificultades durante el embarazo
- ◆ Otros problemas del sistema reproductor (tanto los hombres como las mujeres)
- ◆ Presión alta
- ◆ Problemas digestivos
- ◆ Padecimientos nerviosos
- ◆ Problemas con la memoria y la concentración
- ◆ Dolores musculares y de las articulaciones.



***El plomo
afecta al
organismo
de muchas
maneras.***

Dónde se encuentra la pintura con base de plomo

Generalmente, entre más vieja sea su casa, la posibilidad de que tenga pintura con base de plomo será mayor.

Muchas viviendas construidas antes de 1978 tienen pintura con base de plomo. El gobierno federal prohibió la pintura con base de plomo en las viviendas en 1978. Algunos estados dejaron de usarla aun antes. El plomo puede encontrarse en:

- ◆ Casas en la ciudad, el campo o los suburbios.
- ◆ En apartamentos, casas y viviendas privadas o públicas.
- ◆ Dentro y fuera de la casa.
- ◆ En la tierra alrededor de la casa. (La tierra puede recoger plomo de la pintura exterior u otras fuentes tales como la gasolina con plomo que se usaba en el pasado, en los automóviles.)

Para realizarle exámenes de plomo a su familia

Haga que examinen a sus niños y su casa si cree que ésta tiene niveles altos de plomo.

Para reducir la exposición de sus niños al plomo, realícele un examen a su niño y a su casa (especialmente si la pintura de su casa está en malas condiciones y se construyó antes de 1978), y arregle los riesgos que puedan existir. El nivel de plomo en la sangre de los niños tiende a incrementarse con rapidez entre los 6 y 12 meses de edad, y tiende a llegar al nivel más alto entre los 18 y 24 meses de edad.

Consulte a su médico para que le aconseje cómo examinar a sus niños. Un sencillo análisis de sangre puede detectar el nivel alto de plomo. Los análisis de sangre se recomiendan generalmente a:

- ◆ Los niños de 1 y 2 años de edad.
- ◆ Los niños u otros miembros de la familia que hayan estado expuestos a niveles altos de plomo.
- ◆ Los niños que deben examinarse bajo el plan local o estatal de exámenes médicos.

Su médico puede explicarle los resultados de las pruebas y decirle si es necesario realizar más análisis.

Identificando los peligros del plomo

La pintura con base de plomo generalmente no es peligrosa si está en buenas condiciones, y no lo es en una superficie de impacto o fricción, como una ventana. El gobierno federal lo define como la pintura con niveles de plomo superiores o iguales a 1.0 miligramos por centímetro cuadrado, o más de 0.5% de peso.

La pintura con base de plomo deteriorada (descascarándose, picándose, pulverizándose o partiéndose) es un riesgo y necesita atención inmediata. También puede ser un riesgo si se encuentra en superficies que los niños puedan morder o que reciban mucho desgaste. Estas áreas incluyen:

- ◆ Ventanas y marcos.
- ◆ Puertas y marcos.
- ◆ Escaleras, pasamanos, barandas y patios.

El **polvo de plomo** puede formarse al lijar o raspar en seco o al calentar la pintura con base de plomo. También puede formarse el polvo cuando las superficies pintadas se golpean o frotan entre sí. Las partículas y el polvo que contienen plomo pueden acumularse en superficies y objetos que las personas tocan. El polvo de plomo que se ha posado puede volver a mezclarse con el aire cuando las personas aspiran, barren o caminan sobre el mismo. Se han establecido las siguientes dos normas federales para los riesgos de plomo en el polvo:

- ◆ 40 microgramos por pie cuadrado ($\mu\text{g}/\text{pie}^2$) y más alto en los pisos, incluyendo los pisos alfombrados.
- ◆ 250 $\mu\text{g}/\text{pie}^2$ y más alto en las repisas de las ventanas.

El **plomo en la tierra** puede ser un riesgo al jugar los niños en tierra descubierta o cuando las personas meten tierra en la casa con los zapatos. Las siguientes dos normas federales se han establecido para los riesgos de plomo en la tierra de las residencias:

- ◆ 400 partes por millón (ppm) y más alto en las áreas de juego de tierra descubierta.
- ◆ 1,200 ppm (promedio) y más alto en la tierra descubierta del resto del jardín.

La única forma de descubrir si existen riesgos de plomo en la pintura, el polvo y la tierra es realizando pruebas. La página siguiente describe los métodos más comúnmente usados.

Tanto el plomo de las partículas de pintura que se pueden ver, como el polvo de plomo, el cual no siempre se puede ver, pueden ser un grave peligro.

Para revisar si su casa tiene plomo

Saber que su casa tiene pintura con base de plomo podría no decirle si hay peligro.

Usted puede hacer que examinen si hay algún riesgo relacionado con el plomo en su casa de una de dos maneras, o de ambas maneras:

- ◆ Una **inspección** de la pintura le dará el contenido de plomo de cada tipo diferente de superficie pintada en su casa. No le dirá si la pintura es un riesgo o cómo deberá atenderla.
- ◆ Una **evaluación de riesgo** le dirá si existe alguna fuente grave de exposición al plomo (tal como pinturas descascarándose y polvo que contiene plomo). También le dirá qué acciones debe realizar para atacar estos riesgos.

Contrate a un profesional certificado, bien capacitado que usará una variedad de métodos confiables al examinar su casa, tales como.

- ◆ Inspección visual de las condiciones y la ubicación de la pintura.
- ◆ Una máquina portátil de fluorescencia por rayos X (XRF).
- ◆ Pruebas de laboratorio de las muestras de la pintura, el polvo y la tierra.

Existen normas establecidas para garantizar que el trabajo se realice de modo seguro, confiable y con eficacia. Comuníquese con el programa estatal para la prevención del envenenamiento con plomo para obtener más información. Llame al **1-800-424-LEAD** para obtener una lista de contactos en su área.

Los estuches caseros para pruebas de plomo están disponibles, pero puede ser que no siempre sean precisos. Los consumidores no deben atenerse a estas pruebas antes de hacer renovaciones o para garantizar la seguridad.



Lo que puede hacer ahora para proteger a su familia

Si sospecha que su casa tiene algún riesgo relacionado con el plomo, puede tomar algunas medidas inmediatas para reducir el riesgo a su familia:

- ◆ Si alquila la casa, infórmele al propietario si hay pintura descascarándose o picándose.
- ◆ Limpie inmediatamente las partículas de pintura.
- ◆ Limpie semanalmente los pisos, los marcos de ventanas, los alféizares y las demás superficies. Use un trapeador o una esponja con agua tibia y un limpiador para usos múltiples o uno hecho específicamente para plomo. RECUERDE: NUNCA MEZCLE PRODUCTOS DE AMONÍACO CON BLANQUEADORES YA QUE PUEDEN FORMAR GASES PELIGROSOS.
- ◆ Enjuague completamente las esponjas y los trapeadores después de limpiar áreas sucias o con polvo.
- ◆ Lávele con frecuencia las manos a los niños, especialmente antes de que coman, antes de las siestas y antes de irse a dormir.
- ◆ Mantenga limpias las áreas de juego. Lave con regularidad los biberones, chupones, juguetes y animales de peluche.
- ◆ No permita que los niños muerdan los marcos de las ventanas ni las demás superficies pintadas.
- ◆ Límpiense o quítese los zapatos antes de entrar a la casa para evitar meter el plomo de la tierra.
- ◆ Asegúrese de que los niños coman alimentos nutritivos, bajos en grasa y altos en hierro y calcio, tales como las espinacas y los productos lácteos. Los niños con una dieta buena absorben menos plomo.



Cómo reducir los riesgos relacionados con el plomo en el hogar

Remover incorrectamente la pintura con plomo puede aumentar el riesgo para su familia ya que esparce aún más el polvo de plomo en la casa.

Siempre use los servicios de un profesional que esté capacitado para remover plomo de modo seguro.



Además de la limpieza diaria y la buena nutrición:

- ◆ Usted puede reducir **temporalmente** los riesgos relacionados con el plomo tomando medidas como la reparación de las superficies pintadas que estén dañadas y plantar césped para cubrir la tierra que tiene niveles altos de plomo. Estas medidas (llamadas “controles provisionales”) no son soluciones permanentes y necesitarán atención continua.
- ◆ Para remover **permanentemente** los riesgos relacionados con el plomo, usted debe contratar a un contratista certificado para que “remueva” el plomo. Los métodos para remover (o eliminar permanentemente el peligro) incluyen la eliminación, el sellado o revestimiento de la pintura con base de plomo con materiales especiales. El pintar simplemente sobre el riesgo con una pintura común no lo remueve permanentemente.

Siempre contrate a una persona con capacitación especial en la corrección de los problemas con plomo—alguien que sepa cómo realizar este trabajo en forma segura y que tenga el equipo apropiado para limpiar minuciosamente. Los contratistas certificados contratarán trabajadores calificados y seguirán reglas estrictas de seguridad según lo dicta el estado o el gobierno federal.

Una vez que se termine el trabajo, deben repetirse las actividades de limpieza del polvo hasta que las pruebas indiquen que los niveles de plomo están por debajo de:

- ◆ 40 microgramos por pie cuadrado ($\mu\text{g}/\text{pie}^2$) en los pisos, incluyendo los pisos alfombrados;
- ◆ 250 $\mu\text{g}/\text{pie}^2$ y más alto en las repisas de las ventanas y
- ◆ 400 $\mu\text{g}/\text{pie}^2$ en los canales de la ventana.

Llame a su agencia local (vea la página 11) para obtener ayuda para localizar contratistas certificados en su localidad y para enterarse si hay ayuda financiera disponible.

Remodelación o renovación de una casa que tiene pintura con base de plomo

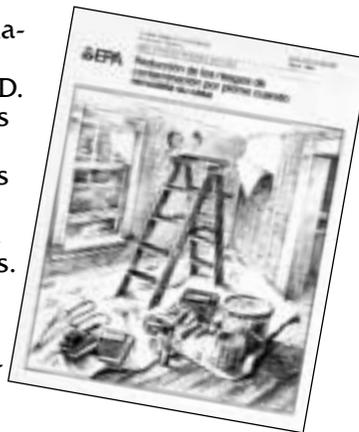
Tome medidas de precaución antes de que el contratista o usted comience la remodelación o cualquier renovación que alterará las superficies pintadas (tales como el raspado de la pintura o la demolición de paredes):

- ◆ **Haga que examinen el área por si hay pintura con base de plomo.**
- ◆ **No use una lijadora de correa, un soplete de gas propano, una pistola de calor, un raspador seco o papel para lijar en seco** para remover la pintura con base de plomo. Estas acciones pueden crear grandes cantidades de gases y polvo que contiene plomo. El polvo que contiene plomo puede permanecer en su hogar mucho tiempo después de finalizar el trabajo.
- ◆ **Mude temporalmente a su familia** (especialmente los niños y las mujeres embarazadas) a otro sitio fuera del apartamento o la casa hasta que se termine el trabajo y el área se limpie correctamente. Si no puede cambiar de lugar a su familia, por lo menos selle completamente el área de trabajo.
- ◆ **Siga otras medidas de seguridad para reducir el riesgo relacionado con el plomo.** Usted puede encontrar información acerca de otras medidas de seguridad llamando al 1-800-424-LEAD. Pida el folleto "Reducing Lead Hazards When Remodeling Your Home (Reducción de los riesgos relacionados con el plomo al remodelar su casa)". Este folleto le explica qué hacer antes, durante y después de las renovaciones.

Si ya terminó las renovaciones o la remodelación de su casa y existe la posibilidad de que se haya emitido pintura o polvo con base de plomo, haga que examinen a sus niños pequeños y siga los pasos que se indican en la página 7 de este folleto.



Si no se realizan correctamente, ciertos tipos de renovación pueden liberar el plomo de la pintura y el polvo al aire.



Otras fuentes de plomo



Aunque la pintura, el polvo y la tierra tienen los riesgos relacionados con plomo más comunes, existen también otras fuentes de plomo.



- ◆ **El agua potable.** Su casa podría tener tuberías de plomo o con soldadura de plomo. Llame al departamento local de salud o al proveedor de agua para averiguar cómo examinar el agua. El plomo no puede verse, olerse ni tiene sabor, y el hervir el agua no eliminará el plomo. Si cree que sus tuberías tienen plomo:
 - Use agua fría para beber y cocinar.
 - Deje correr el agua durante 15 a 30 segundos antes de beberla, especialmente si no se ha usado el agua durante algunas horas.
- ◆ **El trabajo.** Si trabaja con plomo, podría traerlo a su casa en las manos o en la ropa. Báñese y cámbiese la ropa antes de volver a casa. Lave la ropa de su trabajo por separado del resto de la ropa de la familia.
- ◆ **Los juguetes y muebles** viejos pintados.
- ◆ Alimentos y líquidos almacenados en **crystal de plomo** o **cerámica** o **porcelana con esmalte de plomo**.
- ◆ **Los hornos de fundición de plomo** u otras industrias que emiten plomo al aire.
- ◆ **Los pasatiempos** que usan plomo, tales como los cacharros, cerámicas, pinturas y tintes, pintar en vidrio o refinar muebles.
- ◆ **Los remedios** caseros que contengan plomo, tales como “greta” y “azarcón” que se usan para tratar padecimientos estomacales.

Para obtener más información

Centro Nacional de Información Sobre el Plomo

Llame al **1-800-424-LEAD (424-5323)** para averiguar cómo proteger a los niños del envenenamiento por plomo y para otra información sobre los riesgos relacionados con el plomo. Para acceder a información acerca del plomo mediante la red mundial de Internet, visite **www.epa.gov/lead** y **www.hud.gov/offices/lead**.

Para las personas con impedimentos auditivos, llame al Servicio Federal de Retransmisión de Información al **1-800-877-8339** y pida el Centro Nacional de Información sobre el Plomo al **1-800-424-LEAD**.

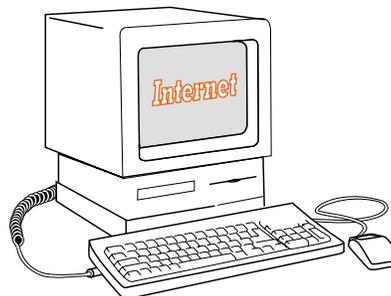


Línea directa de agua potable segura de EPA

Llame al **1-800-426-4791** para obtener información acerca del agua potable.

Línea directa de la Comisión de seguridad de los productos de consumo (CPSC)

Para pedir información relacionada con el plomo en los productos de consumo, o para denunciar un producto de consumo inseguro o una lesión relacionada con un producto llame al **1-800-638-2772** o visite el sitio de Internet de CPSC: **www.cpsc.gov**.



Agencias del Medio Ambiente y de Salud

Algunas ciudades, estados y tribus tienen sus propias reglas para las actividades relacionadas con pintura con base de plomo. Consulte con su agencia estatal para ver si existen leyes estatales o locales que le correspondan. La mayoría de las agencias estatales también pueden proporcionarle información para conseguir una compañía para remover la pintura con plomo en su área, y para conseguir posibles fuentes de ayuda financiera para la reducción de los riesgos relacionados con el plomo. Reciba la última información en direcciones y números telefónicos de contactos locales o estatales por Internet en **www.epa.gov/lead** o comuníquese con el Centro Nacional de Información sobre el Plomo al **1-800-424-LEAD**.

Oficinas Regionales de la Agencia de Protección Ambiental (EPA)

Su oficina regional de EPA puede proporcionarle más información relacionada con las regulaciones y los programas de protección contra el plomo.

Oficinas Regionales de EPA

Región 1 (Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, Vermont)

Contacto regional para el plomo
U.S. EPA Region 1
Suite 1100 (CPT)
One Congress Street
Boston, MA 02114-2023
1 (800) 372-7341

Región 2 (New Jersey, New York, Puerto Rico, Virgin Islands)

Contacto regional para el plomo
U.S. EPA Region 2
2890 Woodbridge Avenue
Building 209, Mail Stop 225
Edison, NJ 08837-3679
(732) 321-6671

Región 3 (Delaware, Maryland, Pennsylvania, Virginia, Washington DC, West Virginia)

Contacto regional para el plomo
U.S. EPA Region 3 (3WC33)
1650 Arch Street
Philadelphia, PA 19103
(215) 814-5000

Región 4 (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee)

Contacto regional para el plomo
U.S. EPA Region 4
61 Forsyth Street, SW
Atlanta, GA 30303
(404) 562-8998

Región 5 (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin)

Contacto regional para el plomo
U.S. EPA Region 5 (DT-8)
77 West Jackson Boulevard
Chicago, IL 60604-3666
(312) 886-6003

Región 6 (Arkansas, Louisiana, New Mexico, Oklahoma, Texas)

Contacto regional para el plomo
U.S. EPA Region 6
1445 Ross Avenue, 12th Floor
Dallas, TX 75202-2733
(214) 665-7577

Región 7 (Iowa, Kansas, Missouri, Nebraska)

Contacto regional para el plomo
U.S. EPA Region 7
(ARTD-RALI)
901 N. 5th Street
Kansas City, KS 66101
(913) 551-7020

Región 8 (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming)

Contacto regional para el plomo
U.S. EPA Region 8
999 18th Street, Suite 500
Denver, CO 80202-2466
(303) 312-6021

Región 9 (Arizona, California, Hawaii, Nevada)

Contacto regional para el plomo
U.S. EPA Region 9
75 Hawthorne Street
San Francisco, CA 94105
(415) 947-4164

Región 10 (Alaska, Idaho, Oregon, Washington)

Contacto regional para el plomo
U.S. EPA Region 10
Toxics Section WCM-128
1200 Sixth Avenue
Seattle, WA 98101-1128
(206) 553-1985

Oficinas Regionales de CPSC

Su oficina regional de CPSC puede proporcionarle más información relacionada con los reglamentos y la seguridad de los productos de consumo.

Centro Regional del Este

Consumer Product Safety Commission
201 Varick Street, Room 903
New York, NY 10014
(212) 620-4120

Centro Regional del Oeste

Consumer Product Safety Commission
1301 Clay Street, Suite 610-N
Oakland, CA 94612
(510) 637-4050

Centro Regional Central

Consumer Product Safety Commission
230 South Dearborn Street, Room 2944
Chicago, IL 60604
(312) 353-8260

Oficina de Asuntos Relacionados Con el Plomo de HUD

Comuníquese con la Oficina de control de riesgos relacionados con el plomo y hogares saludables para obtener más información acerca de los reglamentos relacionados con el plomo, esfuerzos de alcance comunitario y los programas de control de los riesgos relacionados con el plomo y estipendios para investigación.

Departamento de Desarrollo Urbano y de la Vivienda de los Estados Unidos (HUD)

U.S. Department of Housing and Urban Development
Office of Healthy Homes and Lead Hazard Control
451 Seventh Street, SW, P-3206
Washington, DC 20410
(202) 755-1785

Pasos sencillos para proteger a su familia en contra de los riesgos relacionados con el plomo

Si cree que su casa tiene niveles altos de plomo:

- ◆ Haga que examinen a sus niños pequeños para determinar el nivel de plomo, incluso si parecen estar saludables.
- ◆ Lávele con frecuencia las manos a los niños, los biberones, los chupones y los juguetes.
- ◆ Asegúrese de que los niños coman alimentos nutritivos y bajos en grasa.
- ◆ Haga que examinen su casa para descubrir riesgos relacionados con el plomo.
- ◆ Limpie con regularidad los pisos, los marcos de las ventanas y las demás superficies.
- ◆ Limpie la tierra de los zapatos antes de entrar en su casa.
- ◆ Hable con el propietario para que le arregle las superficies con pintura descascarada o picada.
- ◆ Tome medidas para evitar la exposición al polvo que contiene plomo al remodelar o renovar su casa (llame al 1-800-424-LEAD para obtener consejo).
- ◆ No use lijadoras de banda, sopletes de gas propano, pistolas de calor, raspadores en seco ni lijas de papel en seco en las superficies pintadas que pudieran tener plomo.
- ◆ No trate de remover usted mismo la pintura con base de plomo.



Reciclado/Reciclable

Impreso con tintas con base de aceite vegetal en papel reciclado (con un mínimo de 50% de materiales previamente usados) procesado sin cloro.

APPENDIX 4

Information About Lead-Based Paint Pre-Renovation Education Rule

Lead Pre-Renovation Education Rule flyer

**Lead-Based Paint Pre-Renovation Regulation
Tri-fold Pamphlet**

**Pre-Renovation Lead Information Rule:
Questions and Answers**

Pre-Renovation Lead Information Rule: Fact Sheet

**Lead-Based Paint Pre-Renovation Education Rule:
Handbook**

**Lead-Based Paint Pre-Renovation Education Rule:
Interpretative Guidance Part 1**

**Lead-Based Paint Pre-Renovation Education Rule:
Interpretative Guidance Correction to Part 1**

**Lead-Based Paint Pre-Renovation Education Rule:
Interpretative Guidance Part 2**

EPA Regional Offices

Region 1 (CT, MA, ME, NH, RI, VT)
1 Congress Street
Suite 1100 (CPT)
Boston, MA 02114 888-372-7341

Region 2 (NJ, NY, PR, VI)
MS-225
2890 Woodbridge Avenue
Edison, NJ 08837 732-321-6671

Region 3 (DE, DC, MD, PA, VA, WV)
1650 Arch Street
Philadelphia, PA 19103 215-814-5000

Region 4 (AL, FL, GA, KY, MS, NC, SC, TN)
Sam Nunn AFC Tower
12th Floor, 61 Forsyth Street
Atlanta, GA 30303 404-562-8989

Region 5 (IL, IN, MI, MN, OH, WI)
77 West Jackson Blvd.
Chicago, IL 60604 312-886-6003

Region 6 (AR, LA, NM, OK, TX)
First Interstate Bank Tower
1445 Ross Avenue
12th Floor, Suite 1200
Dallas, TX 75202 800-887-6063

Region 7 (IA, KS, MO, NE)
901 N. 5th Street
Kansas City, KS 66101 913-551-7020

Region 8 (CO, MT, ND, SD, UT, WY)
999 18th Street, Suite 500
Denver, CO 80202 303-312-6021

Region 9 (AZ, CA, HI, NV)
75 Hawthorne Street
San Francisco, CA 94105 415-744-1124

Region 10 (ID, OR, WA, AK)
1200 Sixth Avenue, WCM-128
Seattle, WA 98101 206-553-1985



United States
Environmental Protection Agency
(7404)
Washington, DC 20460

Official Business
Penalty for Private Use \$300

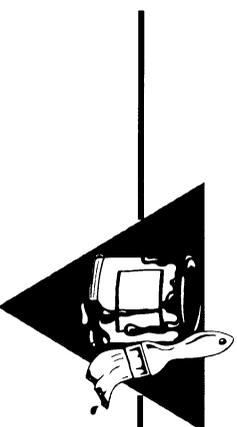
United States
Environmental Protection
Agency EPA 747-F-00-001
March 2000

Prevention, Pesticides and Toxic Substances (7404)



The Lead-Based Paint Pre-Renovation Regulation: Does It Apply to YOU?

- Home Improvement Contractors
- Landlords/Property Managers
- Apartment Maintenance Staff
- Renovators & Remodelers
- Electricians & Plumbers
- Painters
- Carpenters
- Anyone whose work disturbs paint



What is the Lead-Based Paint Pre-Renovation Education Rule (Lead PRE)?

- Lead PRE is a Federal regulation affecting renovations/repairs in residential housing built before 1978.
- Lead PRE is designed to provide residents of pre-1978 housing with information to help prevent lead exposure which can cause serious health effects, especially in children and pregnant women.

Who Must Follow These Requirements?

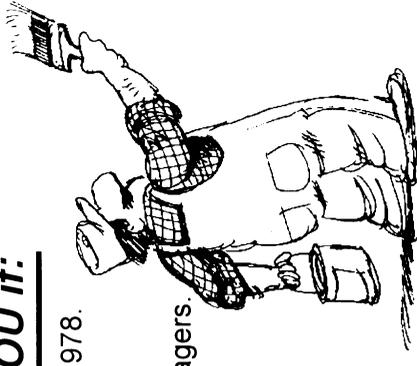
In general, anyone whose compensated work disturbs paint in housing built before 1978, including:

- Residential rental property owners/managers
- General contractors
- Special trade contractors, including:
Painters, Plumbers, Carpenters, Electricians.

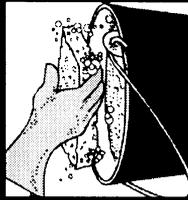
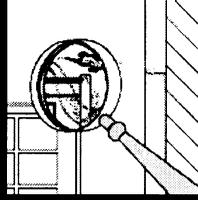


Generally, the New Lead PRE Rule Applies to YOU if:

- Your renovation/repair work involves houses/apartments built before 1978.
- You disturb more than 2 square feet of painted surfaces.
- You are compensated for the work, do the work in exchange for other services (bartering), or you or your staff do the work as property managers.
- Your work is not specifically excluded from this law.



Protect Your Family from Lead In Your Home



EPA United States Environmental Protection Agency
United States Consumer Product Safety Commission
United States Department of Housing and Urban Development
EPA-416-998-001
April 1989

U.S. EPA, Washington, DC 20460
U.S. CPSC, Washington, DC 20537
U.S. HUD, Washington, DC 20410

What Does Lead PRE Require You to Do?

For work in houses or individual apartments:

- Distribute the pamphlet, *Protect Your Family From Lead in Your Home*, to housing owners and occupants before starting renovations or repairs, AND
- Obtain confirmation of receipt of this pamphlet from owner and occupants (OR you may mail the pamphlet and obtain a certificate of mailing from the post office), AND
- Retain records for 3 years.

For work in common areas of multi-family housing:

- Distribute renovation notices to tenants.
- Retain records for 3 years.

What Work is Specifically Excluded from Lead PRE?

- Housing built in 1978 or later
- Housing for the elderly or disabled persons (unless children will reside there)
- Zero-bedroom dwellings (studio apartments, dormitories, etc.)
- Housing or components declared lead-free by a certified lead inspector or certified risk assessor
- Emergency renovations and repairs
- Minor repairs and maintenance that disturb 2 square feet or less of paint per component

To find out more about Lead PRE or to obtain the Protect Your Family From Lead pamphlet:

CALL: 1-800-424-LEAD
VISIT: www.epa.gov/lead
CONTACT: Your EPA Regional Office

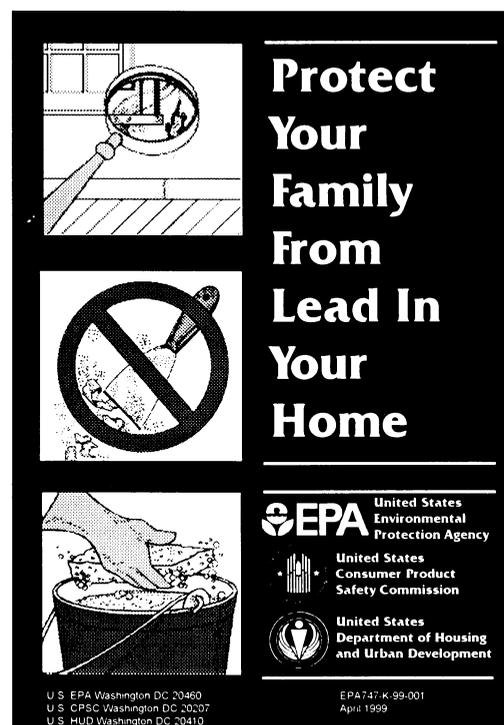
ATTENTION!

Remodeler/Renovator/Contractor/Landlord Does the New Federal Lead-Based Paint Regulation Apply to You?

Yes, if:

- Your work involves pre-1978 houses or apartments
- You receive any form of compensation for your work
- You disturb more than 2 square feet of painted surfaces
- Your work is not specifically excluded from this law

Federal law requires distribution of this lead hazard information pamphlet **BEFORE** starting a renovation. →



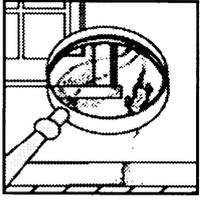
Applicable to:

- Carpenters
- Renovators & Remodelers
- Electricians & Plumbers
- Painters
- Home Improvement Contractors
- Landlords/Property Managers
- Apartment Maintenance Staff
- Anyone whose work disturbs paint

Find Out More on How to Comply

Information on back

The Lead Pre-Renovation Education (PRE) Rule



In general, the Lead PRE Rule applies to:
Renovations performed in pre-1978 housing which are performed for compensation.

“**Renovation**” means any modification of all or part of any existing structure in the housing that disturbs painted surfaces. “Renovation” includes:

- Removal/modification of painted surfaces, components, or structures
- Surface preparation activities (sanding/scraping/ other activities that may create paint dust)
- Window replacement.

“**Compensation**” is the receipt of anything of value (not only money), and may include:

- Exchanges of money, goods, or services
- Payment of rent to landlords/property managers.

Renovation Examples:

- Demolition of painted walls or ceilings
- Large surface replastering
- Major plumbing repairs or improvements
- Any other activities which disturb more than 2 square feet of painted surfaces

Are there exemptions from these requirements? YES...



- Lead abatement activities performed by certified lead abatement contractors
- Emergency renovations
- Renovation of certified lead-based paint free components
- Minor repair/maintenance activities which disturb less than 2 square feet of painted surfaces
- Renovations in dormitories/studio apartments/housing for the elderly or disabled

What am I required to do? Specific requirements depend on the following criteria:

In owner-occupied housing you must:

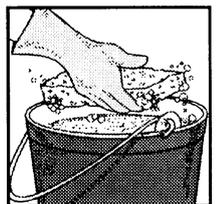
- Provide an EPA-approved lead information pamphlet to owner and get written acknowledgment or receipt from owner, OR
- Mail the pamphlet to owner 7 days prior to renovation and document with certificate of mailing.

In tenant-occupied housing you must:

- Provide an EPA-approved pamphlet to both building owner and an adult occupant by one of above methods.
- If attempted delivery to adult occupant fails, you may comply by leaving the pamphlet at unit and preparing certification describing delivery attempts for your files.

For renovations in “common areas” in multi-family housing (more than 4 units), you must:

- Provide an EPA-approved pamphlet by one of the methods listed under owner-occupied housing above.
- Provide notice to each tenant in the building describing:
 - Nature/location/timing of renovation.
 - Availability of the EPA-approved pamphlet (free upon request).
- Retain written documentation describing notification procedures for 3 years.



For more information or to obtain lead hazard information pamphlets:

1-800-424-LEAD

www.epa.gov/lead



Questions and Answers

Pre-Renovation Lead Information Rule (TSCA 406B)

Following the questions and answers are several example scenarios.

Q: What is the Pre-Renovation Lead Information rule?

A: The Pre-Renovation Lead Information Rule (PLIR), also known as section 406(b) of the Toxic Substances Control Act, is a rule requiring people performing renovation for compensation to distribute a lead hazard information pamphlet prior to commencing the renovation.

Q: Why is the Pre-Renovation Lead Information rule necessary?

A: Through Title IV of the Toxic Substances Control Act, Congress directed EPA to address the public's risk of exposure to lead-based paint hazards through regulations, education, and other activities. Of particular concern to Congress were potential lead exposure risks that could occur during renovations of housing containing lead-based paint.

Congress believed that informed owners and occupants of housing slated for renovation could act to avoid lead exposure to themselves and their families. So Congress directed EPA to:

- create a lead hazard information pamphlet containing information on lead-based paint in housing, the risks of exposure, and the precautions for avoiding exposure
- issue PLIR so that compensated renovators would distribute the pamphlet to owners and occupants of most pre-1978 residential housing before beginning renovations

Q: Does the Pre-Renovation Lead Information rule apply to me?

A: If your job is for compensation and will require you to disturb more than 2ft² of paint in pre-1978 housing, then you are a renovator for the purposes of PLIR. This is not dependent upon whether what you do is typically considered a renovation. Whether you are a plumber, a drywaller, a painter, or an electrician, if your job requires that you disturb more than 2ft² of paint, then you must comply with PLIR.

The term compensation extends beyond money. Providing services in exchange for other services (e.g., bartering) is included within the term. PLIR applies to owners renovating their own apartment buildings using maintenance staff as well as neighborhood handymen providing services to those in the neighborhood for services or goods other than money.

Work that is performed for free (e.g., no exchange of money, goods, or services) or work performed by Do-It-Yourselfers in their own homes is not covered by PLIR. Work that is performed during an emergency (i.e., a hazardous, non-routine situation that could either threaten public health or cause substantial property damage) is also excluded from this rule.

Q: What exactly do I have to do if the Lead Pamphlet Distribution rule applies to me?

A: If you are performing a renovation in pre-1978 housing and that renovation will disturb more than 2 ft² of paint, then you must give the owner of the housing a copy of the pamphlet and get her acknowledgment of receipt. If the housing is tenant occupied, then in addition to giving a copy of the pamphlet to the owner, you must provide a copy to the tenant and get her signature as well. The same requirements apply to apartments in housing with more than four separate dwelling units.

If the renovation is to occur in a common area (e.g., laundry room, hallway, playground) of housing with more than four separate dwelling units, you must provide all residents of the building information on the timing and extent of the renovations slated to occur.

Q: How do I get copies of the pamphlet?

A: The pamphlet has been made available to the general public as well as the regulated community. Single copies of the pamphlet are available in both English and Spanish from the NLIC, by calling 1-800-424-LEAD. Multiple copies are available through the Government Printing Office (GPO), and may be ordered by calling the GPO Order Desk at (202) 512-1800, faxing (202) 512-2233, or writing to Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954. Request the publication by title, Protect Your Family From Lead in Your Home, and/or GPO stock #055-000-00507-9.

Q: When do I have to start complying with the Lead Pamphlet Distribution rule?

A: PLIR is effective one year after the date of publication.

Q: What if the tenant or owner won't accept or isn't home to accept the pamphlet?

A: If the tenant or owner refuses or is unavailable to accept the pamphlet, PLIR allows for the renovator to certify the attempt. PLIR also allows the renovator to mail the pamphlet (at least 7 days prior to the renovation) if she purchases a certificate of mailing from the Post Office when mailing the pamphlet.

PRE-RENOVATION INFORMATION RULE EXAMPLES

The following scenarios are designed to facilitate your understanding of how the Pre-Renovation Information Rule (PLIR- also known as the Toxic Substances Control Act (TSCA) §406(b) rule) requirements are likely to be met by regulated parties.

Background

Jane General-Contractor has four impending contracts. One contract is for the re-shingling of the roof and re-painting of the exterior of a home. One contract is for the renovation of the interiors and shared entry-way foyer of a “duplex” (two separate dwelling units, typically one over the other, that occupy a single residential structure). Another contract is for the renovation of several apartments and the re-painting of the outdoor playground equipment of a large apartment building. The last contract is for the renovation of several apartments in a small, six-unit apartment building. Jane is aware of PLIR and plans to take the affirmative steps necessary to comply with the law.

Example 1 - The Home Renovation

The first step that Jane takes is to determine whether PLIR is applicable to this job. Based upon a brief examination of her plans and a brief telephone discussion with the home owner, Jane knows:

- ! The re-painting will disturb more than 2 ft² of exterior paint
- ! The house was built in 1930
- ! The house exterior has not been inspected by a certified inspector
- ! This is not an “emergency” renovation

During a meeting to discuss the plans and costs with the homeowner, Jane gives the owner the lead hazard information pamphlet. The homeowner signs a certification of pamphlet receipt (modeled on the sample language in PLIR) that Jane has added to her contracts. Jane returns to her office and files the certification, aware that the certification must be retained for three years. Jane has met the PLIR requirements.

Example 2 - The Duplex Renovation

As described in Example 1, Jane acts to determine whether PLIR is applicable to this job. Based upon a brief examination of her renovation plans and a brief telephone discussion with the owner, Jane knows:

- ! The renovation is likely to disturb more than 2ft² of paint inside dwelling unit 1
- ! The renovation will not disturb any paint inside dwelling unit 2
- ! The renovation will disturb more than 2ft² of the shared foyer paint
- ! The duplex was built in the 1950's
- ! The duplex has not been inspected by a certified inspector
- ! This is not an “emergency” renovation
- ! The owner does not live in the duplex
- ! The dwelling units in the duplex are rented to two families

During a meeting to discuss the plans and costs with the duplex owner, Jane gives the owner the lead hazard information pamphlet. The duplex owner then signs a certification of pamphlet receipt (modeled on the sample language in PLIR) that Jane has added to her contracts. Jane files the certification.

A few days before the renovation, Jane sends an employee over to the duplex to take a few foyer measurements. She also directs the employee to deliver a lead hazard information pamphlet to an adult occupant of duplex unit 1 and gives him a checklist, a lead hazard information pamphlet, and a pamphlet receipt certification form.

The employee knocks on the door of duplex unit 1 and a child answers the door. After ascertaining that no adult is home, the employee slips the pamphlet under the door and makes note of the address, date, time, and that the pamphlet was delivered when only a child was present. That information is later used by Jane or the employee to complete a certification that a pamphlet was delivered to duplex unit 1 but that an acknowledgment could not be obtained due to the lack of an adult occupant at the time of delivery. Jane puts this certification in her filing cabinet.

Jane knows that she does not have to notify the duplex residents about the activities in the shared foyer of the duplex because the “common area” notification requirements are only applicable to a building with more than four dwelling units. Jane also knows that she does not have to provide a pamphlet to an occupant of duplex unit 2 because no paint will be disturbed. Jane is aware that she must retain the filed certifications for three years. Jane has met the PLIR requirements.

Example 3 - The Large Apartment Building Renovation

As described in Example 1, Jane determines whether PLIR is applicable to this job. Based upon a brief examination of her renovation plans and a brief telephone discussion with the owner, Jane knows:

- ! The apartment renovations are likely to disturb more than 2ft² of paint
- ! The re-painting of the playground equipment may disturb more than 2ft² of paint
- ! The building was built before 1969
- ! Neither the apartments nor the playground equipment have been inspected by a certified inspector
- ! This is not an “emergency” renovation

During a meeting to discuss the plans and cost with the building owner, Jane gives the building owner the lead hazard information pamphlet. The building owner then signs a certification of pamphlet receipt (modeled on the sample language in PLIR) that Jane has added to her contracts.

Jane is aware of the fact that the playground is an apartment building common area. A few days before the scheduled re-painting of the playground equipment, Jane gives two employees several pamphlets and a stack of notices containing information on the general nature, location, and start/end dates of the re-painting. Jane, in creating the notices with a generous time line, has purposefully allowed for work delays. The notices also indicate that copies of the lead hazard information pamphlet can be obtained at the building’s management office. Jane directs the employees to “shove” a notice under the door of each apartment in the building. Jane further directs the employees to leave the pamphlets with the secretary of the owner’s on-site management office (per an agreement between Jane and the owner). After the employees return, Jane certifies a basic description of the steps taken to notify the residents about the playground re-painting activity.

Jane arranges that her secretary send a pamphlet to each to-be-renovated apartment via certificate of mailing at least a week before renovation begins. The secretary accomplishes this by working with the on-site foreman to track renovation progress in the preceding units. Ten days before the renovations are scheduled to begin in each unit, the secretary goes to the Post Office, and mails a pamphlet by purchasing a certificate of mailing from the teller,

Jane puts the common area certification and the certificate of mailing receipts in her filing cabinet, fully aware that they must be retained for three years. Jane has met the PLIR requirements.

Example 4 - The Small Apartment Building Renovation

As described in Example 1, Jane determines whether PLIR is applicable to this job. Based upon a brief examination of her renovation plans and a brief telephone discussion with the owner, Jane knows:

- ! The apartment renovations are likely to disturb more than 2ft² of paint
- ! The building was built in 1987
- ! This is not an “emergency” renovation

Jane correctly concludes that because the building was built after 1978, PLIR is not applicable.



FACT SHEET

EPA Releases Final Rule Requiring Distribution of Lead Hazard Information Prior to Renovations

ACTION

A new EPA regulation will require renovators, working for compensation, to distribute a pamphlet to owners and occupants of most housing built prior to 1978 before commencing renovation activity. The pamphlet, entitled *Protect Your Family From Lead In Your Home*, discusses ways in which individuals can protect themselves and their families from lead-based paint hazards.

The pre-renovation lead information rule differentiates between renovation activities and excluded activities, such as routine maintenance or repair. Sanding, scraping, and other surface preparation activities that disrupt paint and generate dust are the two key sources of lead exposure during renovation.

Renovation activities that disrupt more than 2 square feet of paint per component will be covered by this rule. A general rule-of-thumb would be to include activities not specifically excluded in the rule, that disturb more than 2 square feet of a painted surface.

Specific exclusions include activities that are less likely to pose a risk of exposure to lead-based paint dust or other lead hazards. Prominent examples are minor housing repairs and maintenance activities, emergency renovation operations (specifically defined in the rule), and renovation activities that take place in housing that has already been determined by a certified inspector to be lead free.

The pre-renovation lead information rule will also require that before renovating common areas (e.g., hallways, stair wells) in multi-family housing, a renovator must inform building residents about the nature and extent of the renovations and make the pamphlet available in a central location.

LEGAL AUTHORITY

In an effort to protect families from exposure to the hazards of lead-based paint, Congress amended the *Toxic Substances Control Act* (TSCA) in 1992 to add Title IV, entitled *Lead Exposure Reduction*. Title IV of TSCA directs EPA to address the general public's risk of exposure to lead-based paint hazards through regulations, education, and other activities. One particular concern of Congress and EPA is the potential lead exposure risks that can occur during renovations of housing containing lead-based paint unless certain safety measures are taken.

Recognizing that many families might be unaware that their homes might contain lead-based paint, section 406(a) of TSCA directed EPA to publish, after notice and comment, a lead hazard information pamphlet providing comprehensive information to the general public on lead-based paint in housing, the risks of exposure, and the precautions for avoiding exposure. Section 406(b) of the law directed EPA to issue regulations requiring that compensated renovators distribute the pamphlet to owners and occupants of most pre-1978 residential housing before beginning renovations (1978 is the year that lead-based paint was banned from residential use).

PURPOSE

People have sometimes created a health hazard for their families without realizing it by disturbing surfaces containing lead-based paint during housing renovations. Activities like scraping, sanding, or using a heat gun on surfaces that contain lead-based paint can release large amounts of lead dust and fumes. Lead dust from renovations can remain in the home long after the work is completed.

EPA is promulgating this pre-renovation lead information rule to ensure that families are fully aware

of the importance of preventative measures to protect housing occupants before beginning renovations in housing that may contain lead-based paint.

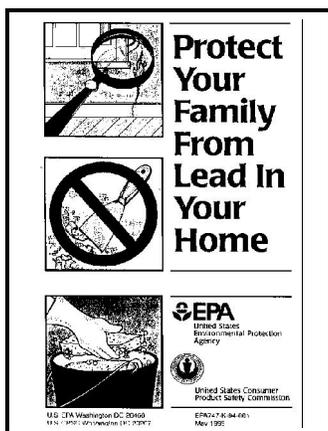
LEAD HAZARDS IN HOUSING

Approximately three quarters of the nation's housing stock contains lead-based paint. When properly managed and maintained, this paint poses little risk. If improperly managed, however, lead from paint can threaten the health of occupants, especially children under 6 years of age. Over time, low-level exposure to lead from paint, dust, and soil can cause a range of health problems including permanent damage to the brain, nervous system and kidneys. In sufficient levels, lead can also cause health problem in adults. Because of its effects on fetal development, lead exposure can also be harmful to pregnant women and women of child-bearing age. Such exposure is largely preventable if individuals take precautionary measures.

PUBLIC COMMENT

EPA published a proposed section 406(b) rule in March 1994. Approximately 30 comments were received in response from such groups as associations representing builders and renovators, State and local health officials, and consumer advocacy groups. The final pre-renovation lead information rule will impose requirements on a large number of businesses and self-employed individuals. While this rule's requirements are minor, its effectiveness is dependent on the regulated community's understanding of their obligations.

LEAD HAZARD PAMPHLET



EPA developed a lead hazard information pamphlet entitled *Protect Your Family From Lead In Your Home*. This pamphlet provides families with prevention tips on reducing exposure to lead hazards from various sources.

FOR MORE INFORMATION

For a copy of *Protect Your Family from Lead in Your Home* (in English or Spanish) or the rule call the National Lead Information Center at 1-(800) 424-LEAD.

Bulk copies of the pamphlet are available from the Government Printing Office (GPO) at (202) 512-1800. Refer to the complete title or GPO Stock Number 055-000-00507-9. The price is \$26.00 for a pack of 50 copies. Alternatively, persons may reproduce the pamphlet, for use or distribution, providing that the text and graphics are reproduced in full. Camera-ready copies of the pamphlet are available from the National Lead Information Center.

For specific questions about lead-based paint and lead-based paint hazards, call the National Lead Information Center at 1-(800) 424-LEAD.

The EPA pamphlet and rule are available electronically and may be accessed through the Internet at the following URL: <http://www.epa.gov/lead>

EFFECTIVE DATE

June 1, 1999

The Lead-Based Paint Pre-Renovation Education Rule

A Handbook for Contractors, Property
Managers, and Maintenance Personnel

*Summary of Requirements Under
Section 406(b) of the Lead-Based Paint
Hazard Reduction Act of 1992*

INTERIM EDITION — JUNE 1999

Prepared by the

**Office of Pollution Prevention and Toxics
U.S. Environmental Protection Agency
Washington, D.C. 20460**

Note:

This Interim Edition of the handbook is being made available to increase public awareness and understanding of the rule requirements pending publication of the Final Edition of this handbook. While every effort has been made to make this handbook accurate and specific to individual circumstances, this handbook does not replace the definitive language of the official rule. Users are encouraged to obtain the official rule from the information sources described on page 6 of the handbook.

What Is The Lead-Based Paint Pre-Renovation Education Rule (Lead PRE)?

- The Lead PRE Rule is a Federal regulation affecting construction contractors, property managers, and others who perform **renovations** for **compensation** in residential housing that may contain lead-based paint.
- It applies to residential houses and apartments built before 1978.
- It requires distribution of the **lead pamphlet**, *Protect Your Family from Lead in Your Home*, to the owners and occupants before starting **renovation** work.
- **Renovation** includes most repair, remodeling, and maintenance activities that disturb painted surfaces.
- Lead PRE implements Section 406(b) of the Toxic Substances Control Act (TCSA).

About This Handbook

- This handbook summarizes Lead PRE and how to comply with it. To ensure compliance, you should also read the rule.
- Key terms are highlighted in **bold** and are explained on pages 8-10.

Who Should Read This Handbook?

- Anyone who owns or manages housing built before 1978.
- Contractors who perform **renovations** (including certain repairs and maintenance) which disturb paint in homes built before 1978.

How Can This Handbook Help Me?

- This handbook presents simple steps to follow to comply with Lead PRE. It also lists ways these steps can be easily incorporated into your work.
- Having demonstrated knowledge of lead requirements and safety practices can mean more business for you.
- Distributing the **lead pamphlet** to your customers and tenants can help them protect themselves and their children from the hazards of lead-based paint.
- This handbook describes the law. It also explains the proper steps to take to avoid potentially significant civil (monetary) and criminal fines and penalties.

What Does Lead PRE Require Me To Do?

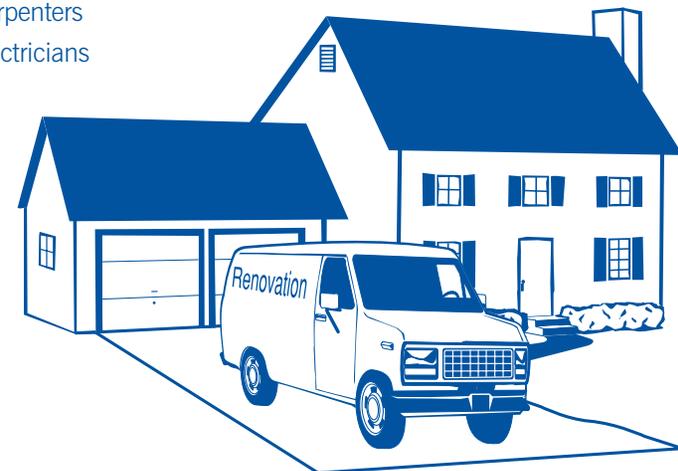
1. Distribute a **lead pamphlet** to the housing **owner** and occupants before **renovation** starts.
2. Obtain **confirmation of receipt of lead pamphlet** (see page 11) from owner and occupants or a **certificate of mailing** from the post office.
3. For work in **common areas** of **multi-family housing**, distribute **renovation notices** to tenants.
4. Retain records for 3 years.

(See page 4 for more details)

Who Must Follow These Requirements?

In general, anyone whose compensated work disturbs paint in housing built before 1978, including:

- Residential rental property owners/managers
- **General contractors**
- **Special trade contractors**, including
 - Painters
 - Plumbers
 - Carpenters
 - Electricians



Bold Type = Key Terms (see pages 8–10)

What Types Of Activities Are Subject To Lead PRE?

In general, any activity that disturbs paint in pre-1978 housing, including:

- Remodeling and repair/maintenance
- Plumbing
- Carpentry
- Electrical work
- Painting
- Window replacement

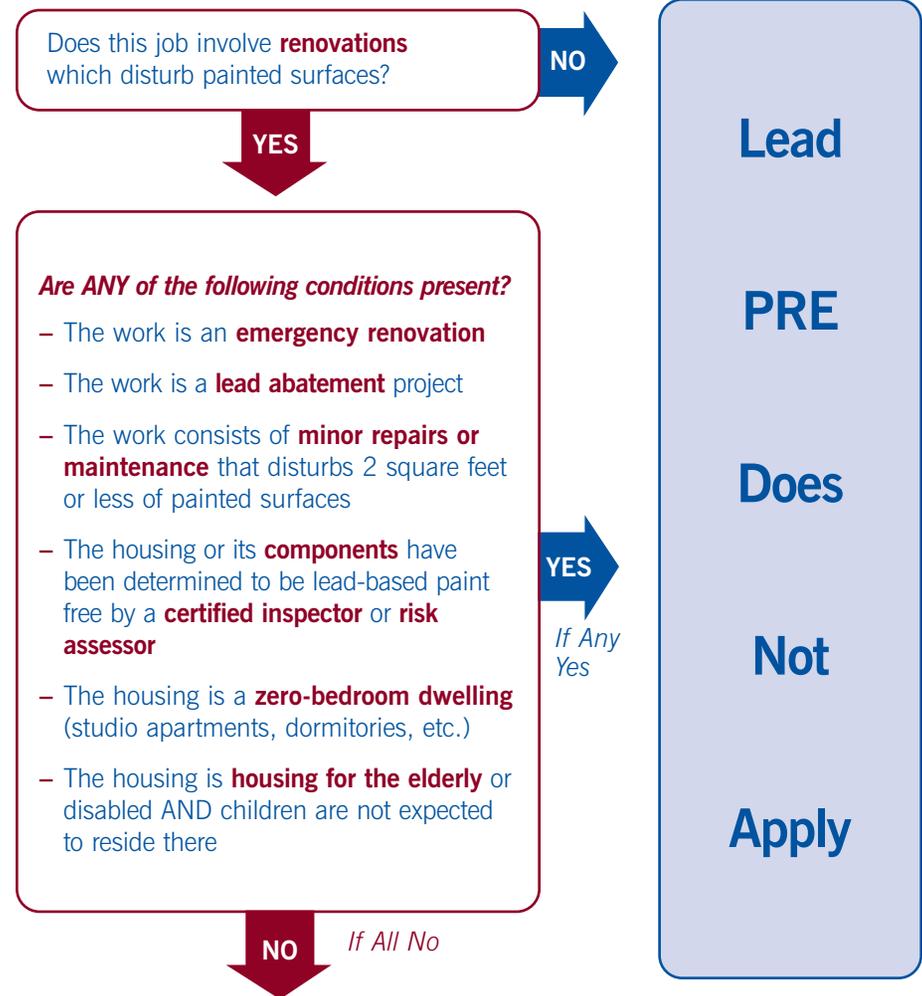


What Housing Or Activities Are Excluded From Lead PRE?

- Housing built in 1978 or later
- **Housing for the elderly** or disabled persons (unless children will reside there)
- **Zero-bedroom dwellings** (studio apartment, dormitories, etc.)
- Housing or **components** declared lead-free by a **certified inspector** or **risk assessor**
- **Emergency renovations** and repairs
- **Minor repairs and maintenance** that disturb two square feet or less of paint per **component**

Lead PRE At-A-Glance

If you will be working for **compensation** in a pre-1978 home or apartment building, answer the questions below to determine if Lead PRE requires you to give the **lead pamphlet** to the **owner** and occupants.



If no, then you need to provide the lead pamphlet (see page 4).

How Do I Meet The Lead PRE Requirements?

Renovation Location

Procedures to Follow

Box 1

Deliver **lead pamphlet** to **owner** before **renovation** begins and obtain **confirmation of receipt**.

OR

Mail lead pamphlet to owner 7 days before renovation begins and document with **certificate of mailing** (*sample form on page 11*).

Box 2

1. Provide **lead pamphlet** to **owner** using either procedure described in Box 1 above.
2. Provide lead pamphlet to tenant by either method below:
 - (a) Deliver pamphlet to dwelling unit before **renovation** begins and document delivery with either a **confirmation of receipt** of lead pamphlet or a **self-certification of delivery**.

OR

- (b) Mail lead pamphlet to tenant at least 7 days prior to renovation and document with a **certificate of mailing** (*sample form on page 11*).

Box 3

1. Provide **owner** with **lead pamphlet** using either procedure described in Box 1 above.
2. Notify tenants and make pamphlet available.
3. Maintain written documentation describing notification procedures.
4. Provide **supplemental renovation notice** if changes occur in location, timing, or scope of renovation occurring.

Renovations in Owner-Occupied Dwelling Units

Renovations in Tenant-Occupied Dwelling Units

Renovations in Common Areas of Multi-Family Housing Units

For all options keep records for 3 years after renovation is completed. (Sample Forms on pages 11 and 12.)

Special Circumstances

Is painting considered renovation, even if no surface preparation activity occurs?

No. If the surface to be painted is not disturbed by sanding, scraping, or other activities that may cause dust, the work is not considered renovation and Lead PRE does *not* apply.

What if I renovate my own home?

Lead PRE applies only to **renovations** performed for **compensation**; therefore, if you work on your own home Lead PRE does not apply.

Is a renovation performed by a landlord or employees of a property management firm considered a compensated renovation under Lead PRE?

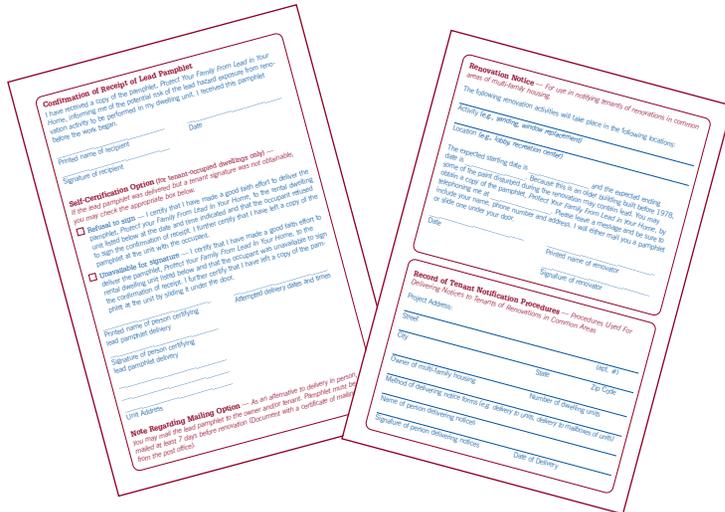
Yes. The receipt of rent payments or salaries derived from rent payments is considered **compensation** under Lead PRE. Therefore, **renovation** activities performed by landlords or employees of landlords are covered.

Do I have to give out the lead pamphlet 7 days prior to beginning renovation activities?

The 7-day advance delivery requirement applies only when you deliver the **lead pamphlet** via mail; otherwise, you may deliver the pamphlet *anytime* before the **renovation** begins. Note, however, that the renovation must begin within 60 days of the date that the pamphlet is delivered. So for example, if your renovation is to begin May 30, you may deliver the pamphlet in person anytime between April 1 and start of the project on May 30, or you may deliver the pamphlet via mail anytime between April 1 and May 23.

Tips For Easy Compliance

1. Copy and use the sample forms on pages 11 and 12 of this handbook.
2. Attach the forms to the back of your customer **renovation** or repair contracts. The completed forms can be filed along with your regular paperwork.
3. If a tenant is not home or refuses to sign the form, you may use the “self-certification” section of the form (*on page 11*) to prove delivery. This will reduce your paperwork.
4. Plan ahead to obtain enough copies of the **lead pamphlet**.



Where Can I Obtain More Information on Lead PRE?

Further information is available from the National Lead Information Clearinghouse (800-424-LEAD) or through the Internet (www.epa.gov/lead). Available resources include:

- Full text version of Lead PRE
- Interactive software which guides the users through the Lead PRE requirements on a step-by-step basis (*available in late June*)
- Interpretive guidance which provides more detailed information on Lead PRE requirements

Why is Lead Paint Dangerous?

People can ingest lead by breathing or swallowing lead-based paint dust or by eating lead-contaminated soil or lead-based paint chips. Household animals are also at risk.

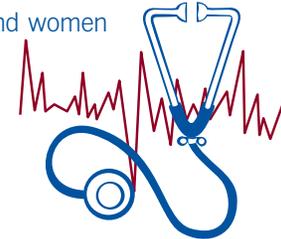
If not detected early, high levels of lead in a child can cause serious effects, including:

- Damage to the brain and nervous system
- Behavior and learning problems
- Slowed growth
- Hearing problems
- Headaches



Lead is also harmful to adults and can, among other effects, cause:

- Difficulties during pregnancy
- Other reproductive problems for men and women
- High blood pressure
- Digestive problems
- Nerve disorders
- Memory and concentration problems
- Muscle and joint pain



Lead can be dangerous to workers and their families if the worker brings equipment and clothing home after a job.

Other Resources

For additional information on how to protect yourself and your customers from lead paint hazards, call the National Lead Information Clearinghouse at 1-800-424-LEAD. Available documents include:

- *Lead-Based Paint: Operations and Maintenance Work Practices Manual for Homes and Buildings*
- *Lead Safety for Property Owners, Developers, and Managers*
- *Reducing Lead Hazards When Remodeling Your Home*
- *Lead in Your Home: A Parents' Reference Guide*
- *Lead Paint Safety: A Field Guide for Painting, Home Maintenance, and Renovation Work*

Key Terms

Certificate of Mailing — written verification from the Postal Service that you mailed the lead pamphlet to an owner or a tenant. This is less expensive than certified mail, which is also acceptable for meeting Lead PRE requirements. (**Note:** *If using this delivery option, you must mail the pamphlet at least 7 days prior to the start of renovation.*)

Certified Inspector or Risk Assessor — an individual who has been trained and is certified by EPA or an authorized state or Indian Tribe to conduct lead-based paint inspections or risk assessments.

Common Area — a portion of a building that is generally accessible to all residents or users. Common areas include (but are not limited to) hallways, stairways, laundry rooms, recreational rooms, playgrounds, community centers, and fenced areas. The term applies to both interiors and exteriors of the building. (**Note:** *Lead PRE requirements related to common areas apply only to multi-family housing.*)

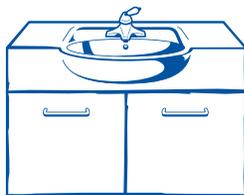
Compensation — payment or goods for services rendered. Payment can be in the form of money, goods, or services (bartering).

Component — specific design or structural element or fixture distinguished by its form, function, and location. A component can be located inside or outside the dwelling.

Examples

Interiors

Ceilings
Crown molding
Walls
Doors and trim
Floors
Fireplaces
Radiators
Shelves
Stair treads
Windows
and trim
Built-in cabinets
Beams
Bathroom vanities
Counter tops
Air conditioners



Exterior

Painted roofing
Chimneys
Flashing
Gutters and
downspouts
Ceilings
Soffits
Doors and trim
Fences
Floors
Joists
Handrails
Window sills and sashes
Air conditioners



Confirmation of Receipt of Lead Pamphlet — a form that is signed by the owner or tenant of the housing confirming that they received a copy of the lead pamphlet before the renovation began. (See *sample on page 11.*)

Key Terms (continued)

Emergency Renovation — unplanned renovation activities done in response to a sudden, unexpected event which, if not immediately attended to presents a safety or public health hazard, or threatens property with significant damage.

Examples 1: *Renovation to repair damage from a tree that fell on a house*
2: *Renovation to repair a water pipe break in an apartment complex*

General Contractor — one who contracts for the construction of an entire building or project, rather than for a portion of the work. The general contractor hires subcontractors (e.g. plumbing, electrical, etc.), coordinates all work, and is responsible for payment to subcontractors.

Housing for the Elderly — retirement communities or similar types of housing specifically reserved for households of one or more persons 62 years of age or older at the time the unit is first occupied.

Lead Abatement — work designed to permanently eliminate lead-based paint hazards. If you are hired to do lead-abatement work only, Lead PRE does not apply. Abatement does not include renovation, remodeling, landscaping, or other activities done to repair, restore, or redesign a given building — even if these activities incidentally reduce lead-based paint hazards. (**Note:** *Some states define this term differently than described above. Consult your state officials if you are not sure how “lead abatement” is defined in your state.*)

Lead Pamphlet — the pamphlet *Protecting Your Family From Lead in Your Home*, or an EPA-approved alternative pamphlet. (See *page 13 for information on obtaining copies.*)

Minor Repair and Maintenance — minor repair and maintenance activities, such as minor electrical work or plumbing, that disturb two square feet or less of painted surface per component.

Examples 1: *Drilling holes in the wall to run an electrical line*
2: *Replacing a piece of window trim*
3: *Replacing a light fixture*

Multi-family Housing — housing property consisting of more than four dwelling units.

Owner — any person or entity that has legal title to housing, including individuals, partnerships, corporations, government agencies, Indian Tribes, and nonprofit organizations.

Record of Notification — written statement documenting the steps taken to notify occupants of renovation activities in common areas of multi-family housing. (See *page 12 for sample.*)

Key Terms (continued)

Renovation — modification of all or part of any existing structure in housing that disturbs a painted surface. Includes:

- Removal/modification of painted surfaces, components, or structures
- Surface preparation activities (sanding/scraping/other activities that may create paint dust)
- Window replacement

Examples 1: Demolition of painted walls or ceilings

2: Large surface replastering

3: Major plumbing repairs or improvements

4: Any other activities which disturb painted surfaces



Renovation Notice — notice to tenants of renovations in common areas of multifamily housing. (See sample form on page 12.) Notice must describe nature, location, and expected timing of renovation activity; and must explain how the lead pamphlet may be obtained free of charge.

Renovator — a person who performs for compensation a renovation, as defined above. (**Note:** Because the term “renovation” is defined broadly by Lead PRE, many contractors who are not generally considered to “renovators,” as that term is commonly used, are considered to be “renovators” under Lead PRE, and must follow Lead PRE requirements.)

Self-Certification of Delivery — an alternative method of documenting delivery of the lead pamphlet to a tenant. This method may be used whenever the tenant is unavailable or unwilling to sign a confirmation of receipt of lead pamphlet. (See sample form on page 11.) (**Note:** This method is not a permissible substitute for delivery of the lead pamphlet to an owner.)

Special Trade Contractors — individuals or companies performing work in specialized occupations such as painting, electrical work, plumbing, or carpentry.

Supplemental Renovation Notice — additional notification that is required when the scope, location, or timing of project changes.

Zero-Bedroom Dwelling — any residential dwelling where the living area is not separated from the sleeping area. This term includes efficiency and studio apartments, dormitory housing, and military barracks.

Sample Forms

The forms on the next two pages are sample forms you can use to make documentation of compliance easier.

Confirmation of Receipt of Lead Pamphlet

I have received a copy of the pamphlet, *Protect Your Family From Lead in Your Home*, informing me of the potential risk of the lead hazard exposure from renovation activity to be performed in my dwelling unit. I received this pamphlet before the work began.

Printed name of recipient

Date

Signature of recipient

Self-Certification Option (for tenant-occupied dwellings only) —

If the lead pamphlet was delivered but a tenant signature was not obtainable, you may check the appropriate box below.

Refusal to sign — I certify that I have made a good faith effort to deliver the pamphlet, *Protect your Family From Lead In Your Home*, to the rental dwelling unit listed below at the date and time indicated and that the occupant refused to sign the confirmation of receipt. I further certify that I have left a copy of the pamphlet at the unit with the occupant.

Unavailable for signature — I certify that I have made a good faith effort to deliver the pamphlet, *Protect Your Family From Lead In Your Home*, to the rental dwelling unit listed below and that the occupant was unavailable to sign the confirmation of receipt. I further certify that I have left a copy of the pamphlet at the unit by sliding it under the door.

Printed name of person certifying lead pamphlet delivery

Attempted delivery dates and times

Signature of person certifying lead pamphlet delivery

Unit Address

Note Regarding Mailing Option — As an alternative to delivery in person, you may mail the lead pamphlet to the owner and/or tenant. Pamphlet must be mailed at least 7 days before renovation (Document with a certificate of mailing from the post office).

Sample Forms (continued)

Renovation Notice — *For use in notifying tenants of renovations in common areas of multi-family housing.*

The following renovation activities will take place in the following locations:

Activity (e.g., sanding, window replacement)

Location (e.g., lobby, recreation center)

The expected starting date is _____ and the expected ending date is _____. Because this is an older building built before 1978, some of the paint disturbed during the renovation may contain lead. You may obtain a copy of the pamphlet, *Protect Your Family From Lead in Your Home*, by telephoning me at _____. Please leave a message and be sure to include your name, phone number and address. I will either mail you a pamphlet or slide one under your door.

Date

Printed name of renovator

Signature of renovator

Record of Tenant Notification Procedures — *Procedures Used For Delivering Notices to Tenants of Renovations in Common Areas*

Project Address:

_____ (apt. #)

Street

City State Zip Code

Owner of multi-family housing Number of dwelling units

Method of delivering notice forms (e.g. delivery to units, delivery to mailboxes of units)

Name of person delivering notices

Signature of person delivering notices Date of Delivery

Where Can I Get Copies of the Lead Pamphlet?

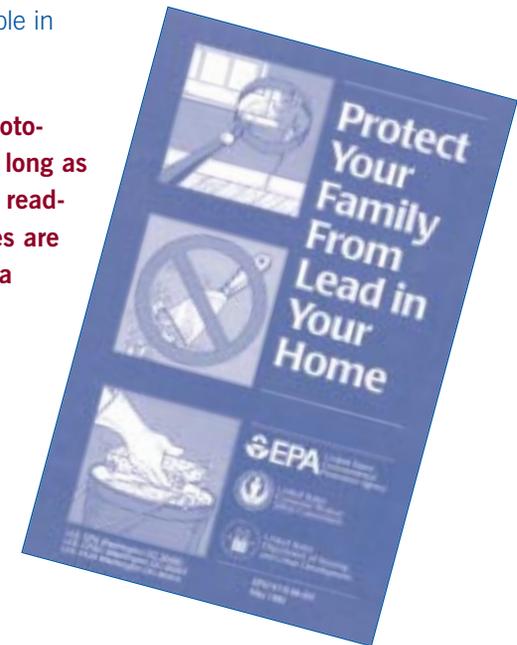
For single copies of *Protect Your Family From Lead in Your Home* (in Spanish or English), call the National Lead Information Clearinghouse (NLIC) at 1-800-424-LEAD. For any orders, be sure to use the stock reference number **EPA747-K-99-001**.

There are four ways to get multiple copies:

1. Call the Government Printing Office order desk at **(202) 512-1800**.
2. Send fax requests to **(202) 512-2233**.
3. Request copies in writing from:
Superintendent of Documents
P.O. Box 371954
Pittsburgh, PA 15250-7954
4. Obtain via the Internet at **www.epa.gov/lead**

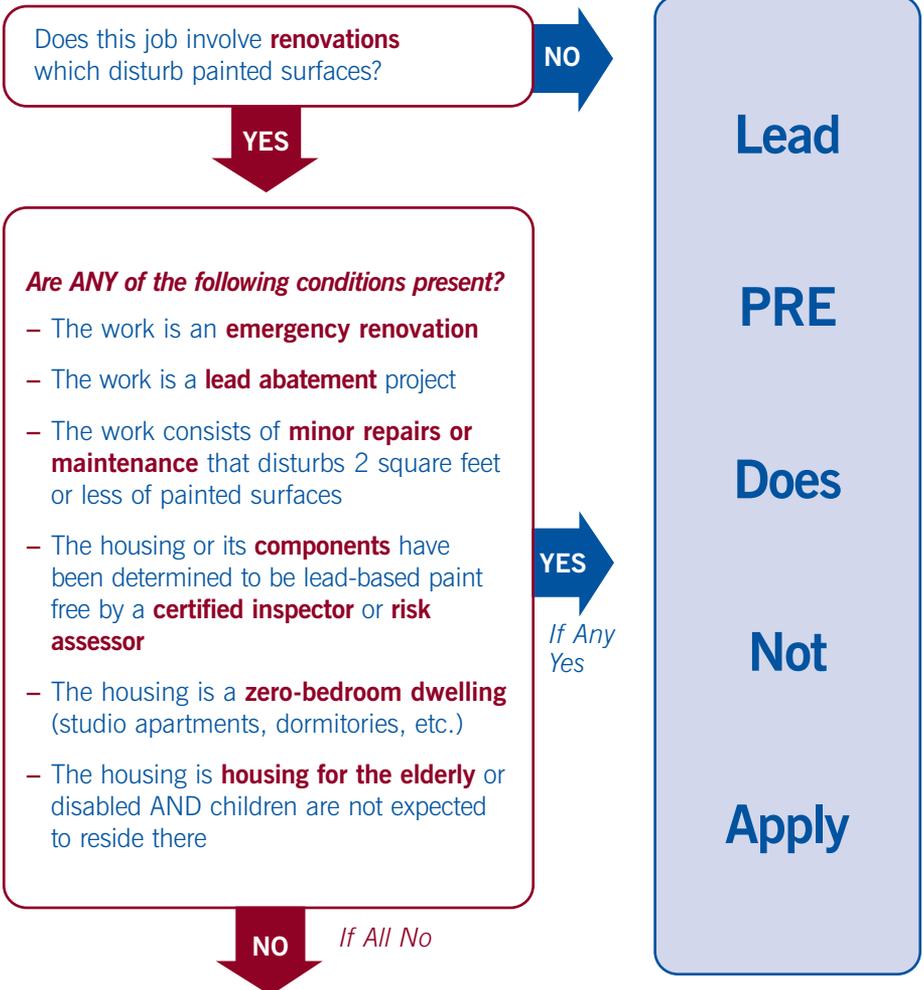
Single copies are available at no charge. Bulk copies available in packs of 50.

The pamphlet may be photocopied for distribution as long as the text and graphics are readable. Camera-ready copies are available from NLIC or via the Internet.



The Lead Pre-Renovation Education Rule (Lead PRE) At-A-Glance

If you will be working for **compensation** in a pre-1978 home or apartment building, answer the questions below to determine if Lead PRE requires you to give the **lead pamphlet** to the **owner** and occupants.



***If no, then you need to read this book!
Rental property owners and managers,
renovators, and maintenance personnel
are affected by Lead PRE.***

Bold Type = Key Terms (see pages 8–10 inside)

**THE LEAD-BASED PAINT PRE-RENOVATION
EDUCATION RULE**

**INTERPRETIVE GUIDANCE FOR CONTRACTORS,
PROPERTY MANAGERS, AND MAINTENANCE
PERSONNEL UNDER SECTION 406(b) OF THE LEAD-
BASED PAINT HAZARD REDUCTION ACT OF 1992**

**Correction and Clarification to Part I Interpretive Guidance
Regarding Timing of Pamphlet Delivery**

June 25, 1999

Prepared by the

Office of Pollution Prevention and Toxics
U.S. Environmental Protection Agency
Washington, D.C. 20460

Correction and Clarification Regarding Timing of Pamphlet Delivery

EPA wishes to issue the following correction and clarification regarding timing of the lead hazard pamphlet distribution, addressed in the May 28, 1999 Interpretive Guidance:

In response to question number 3. of the Interpretive Guidance, it was stated that an

“owner/manager may attach or incorporate the required [lead pamphlet] acknowledgment statement into any existing repair request forms, and may distribute a copy of the pamphlet along with the form to all tenants on a one-time basis. Whenever a repair is needed, the tenant would simply fill out a repair request form and acknowledge receipt of the lead information pamphlet at the same time.”

The portion of the above statement related to distribution of the lead hazard pamphlet is incorrect: although copies of the acknowledgment form may be provided to all tenants on a one-time basis, section 745.85(a) of the regulations clearly states that the lead hazard pamphlet must be distributed no more than 60 days before the subject renovation begins. Therefore, although an owner/manager may choose to distribute copies of the acknowledgment form and pamphlet to all tenants on a one-time basis to introduce tenants to the new pre-renovation rule requirements, an additional pamphlet delivery would be needed if any renovation is to begin more than 60 days after such a mass distribution.

In comments on the proposed section 745.85(a), several persons and organizations pointed out that the requirement to deliver the pamphlet no more than 60 days in advance of any renovation activity covered by the rule would result in some tenants receiving multiple copies of the pamphlet. In developing the final pre-renovation education rule, EPA carefully weighed whether a one-time pamphlet distribution would be adequate to meet the objectives of section 406(b) of the lead statute, and concluded that many, if not most, tenants would benefit from receiving the information in the lead pamphlet closer to the time that a renovation is to begin. Although some tenants may read lead information delivered on a “for-your-information” basis, many others are not likely to focus on potential lead hazards until a renovation affecting their unit is imminent, and would welcome receiving information on protecting their families from lead in a more timely fashion. To alleviate potential delays in performing repairs when tenant acknowledgments are not obtainable, section 745.85(a)(2)(i) of the final rule permits owners/managers to “self-certify” that a pamphlet has been delivered to the unit before the renovation begins.

THE LEAD-BASED PAINT PRE-RENOVATION
EDUCATION RULE

INTERPRETIVE GUIDANCE FOR CONTRACTORS, PROPERTY MANAGERS, AND
MAINTENANCE PERSONNEL UNDER SECTION 406(b) OF THE LEAD- BASED PAINT
HAZARD REDUCTION ACT OF 1992

PART I

May 28, 1999
[Revised June 25, 1999]

Prepared by the

Office of Pollution Prevention and Toxics
U.S. Environmental Protection Agency
Washington, D.C. 20460

1. When a home or an apartment unit is re-painted in preparation for a new tenant, is the painting activity always considered a “renovation” for purposes of the 406(b) rule even if no surface preparation activity is performed prior to painting ?

No. The primary determinant of whether a given activity constitutes a “renovation” under the rule is whether that activity disturbs painted surfaces. The practice of recoating painted surfaces in preparation of new tenants would not constitute “renovation” unless accompanied by surface preparation activities (sanding, scraping, or other activities that may generate paint dust). Minor “spot” scraping or sanding can qualify for the exemption from the rule for “minor repair and maintenance activities” if no more than 2 square feet of paint is disturbed on any component to be painted. (See question 5 below for further explanation of that exemption). Washing down of walls or other components prior to painting does not constitute “surface preparation” for purposes of the rule.

2. If the letter of the regulation is strictly followed, tenants in a large apartment complex will receive several notices regarding repairs to common areas every month, sometimes several in a single week. Is there anyway to avoid such duplication?

EPA believes that in enacting section 406(b) of the Residential Lead-Based Paint Hazard Reduction Act of 1992, Congress intended to provide persons residing in both single family and multi-family housing with information needed to protect against exposure to lead-based paint and lead-based paint hazards during renovations. In multi-family housing, advance knowledge of location and timing of renovation activities in lobbies, hallways, and other common areas is essential for residents wishing to minimize exposures to lead, especially those residents with young children. At the same time, however, neither residents nor owners/managers are well-served if duplicative notifications are issued repeatedly for essentially similar renovation activities. For this reason, EPA wishes to encourage owners/managers to use one or more of the methods described below to provide residents with needed information in the most efficient manner.

(1) **Category Notices** – When renovation activities fall within distinct categories which are performed on a cyclical or recurring basis (e.g., hallway painting), they may be grouped into a single notice which describes the categories and provides a description of the locations affected. To fulfill the requirement for providing timing information for the renovations, owners/managers may either list the expected starting and ending dates, or employ one of the other methods for meeting the timing requirements described below.

(2) **Bi-monthly Notices** – Section 745.85(a) of the rule requires that notifications be

given no more than 60 days before renovation activities begin. To minimize the number of notices required, owners/managers may group all of the renovation activities expected to occur over a 60-day period into a single notice distributed bi-monthly (every other month). Renovation activities which were expected to occur within a given 60-day period, but which were canceled or postponed, would simply be addressed in the subsequent bi-monthly notice. Including renovation notices in, or as an attachment to, a pre-existing newsletter is acceptable provided that the cover of the newsletter prominently indicates that lead-based paint renovation notices are contained in or attached to the newsletter.

(3) Descriptions of Renovation Timing -- Section 745.85(b)(2) of the rule requires that notices contain the “expected starting and ending dates” of the proposed common area renovations. Although providing specific dates is preferable wherever possible, the Agency is aware that unexpected events or circumstances often result in delays and/or cancellations of planned renovation activities. To provide sufficient flexibility without unduly compromising residents’ rights to information on timing of renovations in common areas, owners/managers may employ the following terminology to address the following timing scenarios to avoid the needing to issue supplemental notices:

--“On or about” -- acceptable when the expected starting or ending dates occurs one week before or after the date given.

--“Early [insert month name]” -- acceptable when the expected starting or ending dates occurs during the first half of the specified month.

--“Late [insert month name]” -- acceptable when the expected starting or ending dates occurs during the second half of the specified month.

--“Ongoing for the 12-month period beginning [insert month name]” -- acceptable when the renovation commences within 60 days of the issuance of the notice and continues throughout the 12-month period. If an interruption of more than 60 days occurs anytime after commencement of such activity, a new notice will be required before the activity may restart.

(4) Descriptions of Renovation Ending Dates -- Due to the inherent difficulties in estimating the duration of many renovation activities, owners/managers are encouraged to make allowances for unexpected delays when providing descriptions of ending days under Section 745.85(b)(2) of the rule. Any estimated ending date with a rational basis is acceptable.

3. Pamphlet distribution requirements may interfere with prompt responses to maintenance/repair requests. Specifically, the requirement for obtaining a tenant's signature on an acknowledgment of receipt prior to commencement of the work may delay the repairs for a day or more.

EPA believes that potential delays in making requested repairs can be readily avoided either through minor revisions of existing administrative procedures or by employing the “self-certification” delivery procedures enumerated in section 745.85(a)(2) of the rule. *[Regarding the former, an owner/manager may attach or incorporate the required acknowledgment statement into any existing repair request forms, and may distribute a copy of the pamphlet along with the form to all tenants on a one-time basis. Whenever a repair is needed, the tenant would simply fill out a repair request form and acknowledge receipt of the lead information pamphlet at the same time.]* Alternatively, the self-certification provisions provide that a person delivering a pamphlet to a unit where an adult occupant is unavailable for signing an acknowledgment may sign and date a statement attesting to that unavailability and to the delivery of the pamphlet to the unit. Owners/managers are reminded that they may also employ the “emergency renovation operations” exemption under section 745.82 where the needed repairs pose a safety or health hazard, or threaten significant equipment or property damage. See section 745.83 for the specific definition of this term.

[NOTE: The bracketed language in italics above contains incorrect information regarding timing of pamphlet delivery. Consult the June 25, 1999 Correction and Clarification for amended guidance.]

4. Must notifications for common area renovations be provided to every unit in a multifamily housing complex in all cases?

Section 745.85(b)(2) states that notification of renovations in common areas of multi-family housing “shall be accomplished by distributing written notice to each affected unit.” (Emphasis added). In most cases where such renovations are performed, all units in the housing are “affected units” because a common area is, by definition, “a portion of a building that is generally accessible to all occupants.” Section 745.103. In some limited instances in large apartment buildings, however, EPA recognizes that certain areas of the building, while meeting the literal definition of a common area, are, in practice, used almost exclusively by an identifiable subset of tenants, e.g., a hallway on an upper floor of a multi-story building. EPA believes that providing notices to every unit in a large building when renovations are occurring in only one such “limited use common area” is unduly burdensome and does not result in appreciable reductions in lead exposures. Therefore, for purposes of this rule, EPA will interpret the common area notification requirements of the rule as follows: First, where renovation activity takes place in an area within a common area which is used almost exclusively by an identifiable subset of residents of a large apartment building, the Agency will interpret the term “affected units” to refer only to those units

serviced by, or in close proximity to, the limited use common area. Second, the term “large apartment building” shall mean multifamily housing with 50 or more dwelling units. EPA believes that need for special treatment for limited use common areas is less compelling when dealing with apartment buildings with fewer than 50 units because (1) the burden of providing notifications to every unit in the building is not unreasonable, and (2) in general, there are fewer areas within smaller apartment buildings which would meet the criteria for a limited use common area designation. Third, to ensure notification of tenants who may enter a limited use common area but are not among the subset of tenants identified for individual notification, the renovator must post placards at all accessible entrances to the renovation work site which prominently conveys the same information required under section 745.85(b)(2).

5. Please provide guidance on how the Agency will interpret the exemption for “minor repair and maintenance activities,” e.g., what constitutes a “component”? May the 2 square feet value be aggregated among several components? Does the exemption apply to window replacement activities?

The exemption applies to “minor repair and maintenance activities (including minor electrical work and plumbing) that disrupt 2 square feet or less of painted surface per component.” 40 C.F.R. section 745.82(b)(1). The term “component[s]” is defined, in relevant part, in the section 402 rule as

“ . . . specific design or structural elements or fixtures of a . . . dwelling . . . that are distinguished from each other by form, function, and location. These include, but are not limited to, interior components such as: ceilings, crown molding, walls, chair rails, doors, door trim, floors, fireplaces, radiators and other heating units, shelves, shelf supports, stair treads, stair risers, stair balustrades, windows and trim (including sashes, window heads, jambs, sills or stools and troughs), built-in cabinets, columns, beams, bathroom vanities, counter tops, and air conditioners; and exterior components such as: painted roofing, chimneys, flashing, gutters and downspouts, ceilings, soffits, fascias, rake boards, cornerboards, bulkheads, doors and door trim, fences, floors, joists, lattice work, railings and railing caps, siding, handrails, stair risers and treads, stair stringers, columns, balustrades, window sills or wells, and air conditioners.” 40 C.F.R. 745.223

The Agency wishes to emphasize several aspects of this exemption which have been overlooked by some readers of the final rule. First, the central tenet of the exemption was that it was designed to apply only to activities which can reasonably be characterized as “minor repair and maintenance.” Any over-emphasis on the mechanics of the exemption serves to inappropriately divert attention from the central purpose of the exemption: to provide regulatory relief for those activities which are truly minor in scope. Common examples of the types of activities the Agency

wanted to exempt in the final rule were repairs to electrical outlets and switches, replacement/repair of plumbing fixtures, and spot repairs of painted walls, ceilings, trim, and molding. Second, the exemption was not intended to provide an avenue to circumvent the requirements of the rule; some have questioned the permissibility of dividing up a renovation project into separate sub-projects, each of which disturbs 2 square feet or less of painted surfaces, or of multiplying the number of components in a room by 2 square feet to come up with an overall *de minimis* value . If any aspect of a renovation project results in disturbance of more than 2 square feet on any component in the area renovated, the entire project is subject to the rule. Finally, EPA wishes to clearly state that window replacements do not qualify for this exemption to the rule because (a) the definition of the term “renovation” specifically includes window replacement; and (b) replacement of a window(s) cannot reasonably be classified as “minor repair and maintenance activities.”

THE LEAD-BASED PAINT PRE-RENOVATION
EDUCATION RULE

INTERPRETIVE GUIDANCE FOR CONTRACTORS, PROPERTY MANAGERS, AND
MAINTENANCE PERSONNEL UNDER SECTION 406(b) OF THE LEAD- BASED PAINT
HAZARD REDUCTION ACT OF 1992

PART II

October 15, 1999

Prepared by the

Office of Pollution Prevention and Toxics
U.S. Environmental Protection Agency
Washington, D.C. 20460

[See Part I for questions 1. - 5.]

6. Who is responsible for providing required notifications when multiple contractors are involved in a given renovation?

If the renovation activity on a given job is overseen by a general contractor, the general contractor is considered to be the “renovator” under the rule, and thus is responsible for ensuring that the requirements of the rule are met. A subcontractor would not be considered a “renovator” so long as he/she has no direct contractual relationship with the property owner or manager relating to the given job. If a general contractor is not involved, any contractor who performs work on a job which constitutes “renovation” under the rule is responsible for complying with the information distribution and recordkeeping requirements of the rule. However, after those requirements have been met by one contractor on a given job, subsequent contractors working on the same job need not provide additional distributions/notifications. To verify that an earlier contractor has complied with the rule, subsequent contractors are advised to personally review and, if possible, obtain copies of pamphlet delivery confirmations and related records. If such records or copies thereof are not present at the job site or otherwise not readily available, however, subsequent contractors may rely upon representations by the earlier contractor, a property manager, or a property owner that the rule requirements have been met, provided that such representations are documented in writing and signed by the party making the representations. Subsequent contractors who rely upon verbal representations of a prior contractor’s compliance with the rule may be held liable for non-compliance if those representations are incorrect.

7. If an outside contractor is hired to perform a renovation in an apartment building, can the contractor effect delivery of the lead hazard pamphlet to the owner of the building via the property manager?

The statutory language of section 406(b) specifically requires that the pamphlet be provided to both owners and occupants of target housing. This provision underscores the importance of notifying building owners of the potential hazards of lead-based paint during renovations. Awareness of these potential hazards helps not only to ensure protection of tenants, but also to alert building owners of potential liabilities if appropriate work practices are not followed. In many apartment buildings, however, it is the property managers who are the day-to-day operators of the facilities, and as such, they are acting in the capacity of agents for the building owners. For this reason, EPA believes it is appropriate to permit a property manager to receive, and acknowledge receipt of, the lead hazard pamphlet on behalf of the owner.

In situations where property managers or their employees are performing the renovations themselves, they are acting both as “renovators” and as agents for the owner under the rule, and thus no separate action is required to satisfy the requirement to deliver the lead hazard pamphlet to the owner because documents in the possession of an agent are deemed to be also on the

possession of the person or entity represented by the agent.

8. Is a renovation performed by a landlord or by employees of a management firm considered a “compensated” renovation under the rule?

Yes. By paying rent, tenants are, in virtually all instances, contracting for both the right to occupy a unit, and for repair/maintenance services to the unit. Therefore, even though money does not typically change hands at the time repair or maintenance services are rendered, such services, if they meet the definition of “renovation” under the rule, are considered to be compensated renovations for purposes of section 406(b).

9. Is the installation of new exterior siding over an existing painted surface considered a “renovation” under the rule?

Installation of new exterior siding requiring any removal or modification of existing painted surfaces or painted components to ensure a uniform and structurally secure underlayment for the new siding is considered “renovation” under the section 406(b) rule. In some cases, however, installation activities consist solely of attaching the new siding to the existing painted surface or structural members under the existing painted surface with nails, screws, or other fastening devices or materials. In these cases, the Agency believes that the disturbance to the existing painted surfaces is minimal, and therefore does not consider these latter types of re-siding activities to be “renovation” for purposes of the section 406(b) rule.

10. Does the “limited uses common area” rule discussed in the Part I Interpretive Guidance (question no. 4) apply to multi-building apartment complexes?

Yes. The Agency determined that it was reasonable to permit alternative notification procedures in large apartment buildings where the renovations were occurring in an area within a common area which is used almost exclusively by an identifiable subset of residents. The Agency stated that in such “limited use common areas”, the section 406(b) notification requirements would be satisfied if (1) individual renovation notices were distributed to those units serviced by, or in close proximity to, the limited use common area, and (2) placards were posted at all accessible entrances to the renovation work site which prominently conveyed the information required under section 745.85(b)(2) of the regulations. The Agency believes that the same logic should be applied to multi-building apartment complexes; therefore, whenever a renovation occurs in a limited use common area, multi-building apartment complex comprised of 50 or more dwelling units on a contiguous site, the notification procedures described above are adequate under the

rule.

11. Is the exterior of a building included within the meaning of a “common area”? If an apartment complex consists of several separate buildings, does a common area renovation in one building trigger the requirement to notify tenants in all buildings?

The examples cited in the definition of the term “common area” under section 745.103 clearly indicate that both interiors and exteriors of buildings are included within the meaning of the term. If a renovation is being performed in a common area on the interior of one building in a multi-building complex, then only the units located in that building need to receive renovation notices. If the renovation is being performed on the exterior of one of the buildings or elsewhere on the complex grounds, however, written notice of the renovation must be provided to every unit in the complex unless the renovation is occurring in an area which qualifies as a “limited use common area” as described in questions 4 and 9 above.

12. If renovation activity is being performed on a balcony of a unit, does that activity trigger the common area notification requirements?

Under section 745.103 of the rule, a “common area” is defined as “a portion of a building that is generally accessible to all occupants.” A balcony which is generally accessible only by the occupants of an individual dwelling unit does not fall within this definition. Therefore, renovation activities taking place within the confines of a balcony would be subject only to the requirements applicable to renovations within an individual unit. Note, however, that if such renovations are not confined to the balcony, i.e., result in the release of dust, paint chips, or other construction debris to the outside of the building, the persons performing the renovation would be required to follow the rule requirements applicable to renovations in common areas.

13. Can common area renovation notices be delivered to the mailboxes of a unit, or only to the unit itself?

The requirement to distribute common area renovation notices to dwelling units in multi-family housing may be satisfied either through delivery of the notices directly to tenant units or through delivery to tenant mailboxes. If mailbox delivery is used, both hand delivery and delivery via U.S. mail is acceptable; however, U.S. mail deliveries must be sent 7 days prior to the commencement of renovations and documented with a certificate of mailing.

14. If you “seal off” a common area for the duration of a renovation, does the renovator

still have to provide notifications to all tenants?

When tenant accessibility to a work site within a common area can be precluded for the duration of a renovation, the Agency considers that work site to be temporarily excluded from the common area of the building because it is not accessible to the residents and users of the building. To qualify for this exclusion, however, the work site must be in an area which is enclosed by a wall, fence, or other permanent or temporary physical barrier which prevents access by tenants and other building users. Rope, tape lines, pylons, and similar work area designation devices which can be easily surmounted or bypassed are not acceptable barriers.

15. Does the “emergency repair” exemption apply to the entire repair, or only that portion of the repair which addresses the source of the emergency.

The exemption for emergency renovations was added to the final rule to address situations in which non-routine failures of equipment necessitate immediate action to address safety or public health hazards or threats of significant damage to equipment and/or property. In these types of situations, the need for immediate action clearly outweighs the need to provide lead hazard information to tenants before the renovation is commenced. Once the portion of the repair that addresses the source of the emergency is completed, however, the justification for the exemption from the rule is no longer operative; therefore, any additional renovation activity needed to return the renovation work area to its pre-emergency condition would be subject to the requirements of the rule. Thus, for example, repairing a hole in a wall after a broken water pipe has been repaired would be subject to the rule, as would repainting any water-stained walls or ceilings resulting from the pipe break.

16. Does a renovator need to attempt personal delivery of the lead information pamphlet to a tenant more than one time before utilizing the “self-certification of pamphlet delivery” option?

Personal delivery of the lead information pamphlet is preferable, wherever possible, because EPA believes that tenants will be more likely to read the information if it is handed directly to them. It also affords tenants an opportunity to raise concerns and ask questions about the renovation. In drafting the final rule, however, the Agency recognized that personal delivery would not always be a viable option, especially when a renovation needs to be commenced on short notice and an adult occupant of the apartment is not available. For this reason, the Agency included a provision in the final rule which permits the person delivering the pamphlet to “self-certify” the delivery (40 C.F.R. 745.85(a)(2)(i)). Although it is recommended that delivery be attempted on more than one occasion, a single good faith delivery attempt is acceptable for purposes of the rule.

SPECIAL NOTE: the self certification provisions of the rule apply only to pamphlet deliveries to rental units; renovators cannot self-certify a pamphlet delivery to the owner of the dwelling unit. Pamphlet deliveries to unit owners must be made directly to the owner, an agent of the owner, or

via mailing.

17. In a typical co-operative apartment building, occupants do not own the individual units; rather they “own” an undifferentiated share in the entire building and then “rent” back a specific unit from the co-operative corporation. Similarly, in a typical condominium building, owners of individual units jointly own the common areas of the building. For purposes of the rule, who are the “owners” in such situations?

EPA recognizes that co-operative apartments (“co-ops”) and condominiums (“condos”) can be structured in a variety of ways. For example, in the case of co-ops, a corporation (sometimes referred to as a “co-op association”) is often established and owns all the units and common areas comprising the co-op; in such circumstances, individual unit “shareholders” own shares in the corporation and also own occupancy rights or lease a unit from the corporation. In the case of many condos, individuals hold title to their individual units, and all condo unit owners jointly own the common areas (with a condo association established to represent the interests of all the unit owners).

For purposes of this rule, the following general principles will be applied:

(a) if title to a building is held by a corporation which leases back dwelling units to individual corporation shareholders, as in typical co-op apartment buildings, the corporation/association will generally be considered to be the “owner” of the entire building, and individual resident shareholders, or persons who rent from individual shareholders, will generally be considered to be tenants.

(b) In buildings where individuals hold title to specific dwelling units and jointly hold title to common areas of the building, as in typical condo buildings, the individual owners each will be considered to be the owners of his/her individual units, and the association (or its equivalent body composed of, or representing, the group of owners) will be considered the owner of the common areas of the building.

See the attached Table A for more specific guidance on meeting the requirements of the rule as they relate to various renovation scenarios in co-ops and condos.

TABLE A
COMPLIANCE WITH §406(b) PRE-RENOVATION RULE FOR
COOPERATIVE APARTMENTS AND CONDOMINIUMS

RENOVATION LOCATION	RULE REQUIREMENT	COMPLIANCE FOR CO-OPs	COMPLIANCE FOR CONDOS
Renovations Inside Individual Unit	<ol style="list-style-type: none"> 1. Deliver Pamphlet to Owner §745.85(a)(1) 2. Deliver Pamphlet to Adult Occupant (Tenant) §745.85(a)(2) 	<ol style="list-style-type: none"> 1. Deliver Pamphlet to Co-op Corp./Assoc. or Property Manager 2. Deliver Pamphlet to Resident Co-op Share holder or Adult Occupant 	<ol style="list-style-type: none"> 1. Deliver Pamphlet to Condo Unit Owner (Or Agent of Owner) 2. If Condo is Leased, Deliver Pamphlet to Adult Occupant
Renovations In a Common Area	<ol style="list-style-type: none"> 1. Deliver Pamphlet to Owner §745.85(b)(1) 2. Deliver Notice to Each Unit §745.85(b)(2) 	<ol style="list-style-type: none"> 1. Deliver Pamphlet to Co-op Corp./Assoc. or Property Manager 2. Deliver Notice to Each Unit 	<ol style="list-style-type: none"> 1. Deliver Pamphlet to Condo Association or Property Manager 2. Deliver Notice to Each Unit

APPENDIX 5

Liability Insurance Summary Fact Sheet

FACT SHEET

Liability Insurance Summary

There are three types of liability insurance that individuals and firms involved in residential renovation, remodeling and painting should consider when evaluating their insurance needs:

- Commercial General Liability (CGL);
- Professional liability errors and omissions (E&O); and
- Pollution liability.

In addition, there are two coverage “triggers” in liability insurance policies:

- Occurrence-based; and
- Claims-made.

This document discusses the types of insurance and policy coverage triggers, and then provides a list of questions to consider when deciding what type of insurance to purchase.

Types of Insurance

Commercial General Liability Insurance. Contractors and contracting firms typically carry CGL policies. They cover claims arising from business premises liability exposures, on-site contracting operations liability, liability assumed in a construction contract, liability arising out of the work performed by hired independent contractors, liability arising out of products that are manufactured, sold or installed, and liability arising out completed work or projects.

Professional Liability Errors and Omissions Insurance. E&O policies are usually carried by those persons and firms that render “professional services,” such as architects, engineers, designers, management planners, risk assessors, lead paint inspectors and others that design and write specifications for renovation, remodeling and painting projects. These policies cover liability that results from providing or failing to provide such professional services.

Under the law, “professionals” are held to a higher standard of care than laymen, and most CGL policies have exclusions for claims that result from the performance, or failure, of the professional service. E&O policies cover only the professional act itself; therefore, they cover a far narrower range of potential claims than CGL policies. CGL coverage protects contractors from liability due to accidents while E&O coverage protects professionals from liability that results from giving advice or providing other professional services. For example, a lead inspector who drops a flashlight onto and injures a passing tenant will be covered by CGL insurance if a claim is brought. If the lead inspector fails to identify lead-containing materials and there is a resulting claim, he or she will be covered by E&O insurance. An architect who designs a defective containment scaffold that collapses would be covered by E&O. If a worker incorrectly assembles a properly designed scaffold, any resulting accidents would be covered by CGL.

Pollution Liability Insurance. Standard CGL and E&O insurance almost always contains a “pollution exclusion” or other clause that excludes coverage for liability caused by “pollution.” To the extent that residential renovation, remodeling and painting projects generate lead-related “pollutants” or “contaminants,” CGL and E&O policies may not cover any resulting claims. Therefore, it may also be necessary to consider acquiring special pollution liability insurance and/or a CGL or E&O policy that has been specifically written or endorsed to include coverage of claims and suits for bodily injury and property damage contamination caused by lead.

Occurrence-based Versus Claims-made Insurance

Liability insurance policies are written as either “occurrence-based” or “claims-made.” An **occurrence-based** policy is one that covers claims that result from an accident that occurs during the term of the insurance policy, regardless of how long it takes for the claim to be made. It does not matter if the policy expired years before the claim finally arises; as long as the accident or exposure to injurious conditions or substances happened or “occurred” during the policy term, the resulting claim will be covered by the insurance. Some occurrence-based policies may include **sunset clauses**. A sunset clause states that the coverage lasts for a limited time beyond the expiration date of the policy. For example, if a policy has a sunset clause after five years, and expires on December 31, 2001, then any claims made after December 31, 2006 will not be covered. These clauses are not very prevalent although they sometimes appear in pollution liability policies.

A **claims-made** policy covers a claim for an accident, as long as both the accident and the claim take place while the policy is in force. The policyholder must have a claims-made policy in effect when the claim is first made against the policyholder and reported to the insurance company in order to have coverage. If the policy has expired or been canceled after the accident but before the claim comes in, the policyholder has no insurance coverage. Most claims-made policies include a **retroactive or retro-date clause**. The retroactive clause states that the policy will not cover any claims resulting from accidents that happened more than a specified amount of time before the inception date of the policy.

Insurance companies may be willing to modify insurance policy provisions during negotiations and before policy inception. Some insurers offering occurrence-based insurance will drop or extend the periods of sunset clauses prior to writing the policy. Some insurers offering claims-made insurance can be persuaded to push the retro-date back to an earlier time, so that the policyholder will be covered for all claims arising from the insured’s previous activities. Also, most insurers now provide or offer **extended discovery periods** endorsements for claims-made policies. For an additional premium, the policyholder gains an extension of time during which to file claims after the policy expires, as long as the accident occurred during a time period covered by the expiring policy. Extended discovery periods of one year are common. Longer periods are less common.

Generally, most CGL policies are occurrence-based while most E&O policies are claims-made.

Financial Viability of Insurers

Regulation of insurance is left to the states and, depending on the structure of insurance companies and the types of insurance coverage being offered, that regulation and financial oversight might be extensive, limited or non-existent. Pre-approval of policy forms and rates, and periodic financial and operational audits may or may not be required. However, most insurance companies have some minimum capitalization requirements before they can write any business. Yearly financial statements should be available that provide details on the company’s financial viability.

Additionally, there are independent commercial rating services that report on the insurance company’s relative financial strength, balance sheet, profit and loss statement, investments, financial reserves to pay for claims, claims payment history, management expertise and lines of business written. These services include A. M. Best Company and Moody’s. The reports published by A. M. Best and Moody’s provide another source of information on insurers’ financial viability and stability.

Insurance Availability

CGL and E&O policies are widely available in the commercial insurance market, but lead-specific and other pollution liability policies are not. Further, those pollution liability policies currently available have high minimum premiums and vary in terms of the coverage provided. This coverage is often very

narrowly written and may have a number of conditions and exclusions that will limit applicability to certain claim and/or suit situations.

Questions to Ask When Choosing Insurance

To determine what types of insurance are appropriate for residential renovation, remodeling and painting projects and whether a particular insurer is financially viable and stable, individuals and firms engaged in this work should consult with their insurance agent or broker, professional risk manager and/or attorney. Questions that should be asked and answered include the following:

1. Is CGL insurance adequate for the types of claims exposures my work will create?
2. Does my work specifically include providing professional services for which E&O insurance is intended?
3. Does my existing insurance cover "bodily injury" or "property damage" caused by exposure to lead?
4. Will I be working in properties that might contain lead-based paint and result in my work generating lead contamination and exposure?
5. Is my exposure to lead-specific or pollution-related claims so small as to eliminate the need for special pollution liability insurance? How often will painted surfaces and components in properties where I work be tested for lead-based paint?
6. If I choose not to purchase CGL, E&O or special pollution liability insurance policies that cover lead liability claims, will it limit my ability to bid on projects or to be deemed acceptable for some residential renovation, remodeling or painting projects? If so, is that acceptable to me?
7. If I choose not to purchase CGL, E&O and/or special pollution liability insurance policies that cover lead liability, can I afford to bear the out-of-pocket cost and responsibility of handling, investigating, defending and paying for any claims or suits against me?
8. For those insurance policies that I am considering, what are the financial ratings of the insurers under consideration, as determined by independent insurance company rating services such as the A. M. Best Company and Moody's? Have any state insurance departments placed such insurers on a financial "watch" list or under supervision?
9. For those insurance policies that I am considering, are there any policy conditions or exclusions that would limit coverage of a claim or lawsuit?

APPENDIX 6

OSHA Respiratory Protection Standard Overview

**OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
LEAD EXPOSURE IN CONSTRUCTION (#5 IN A SERIES OF 6)
RESPIRATORY PROTECTION**

Although engineering and work practice controls are the primary means of protecting workers, source control at construction sites is often not sufficient to control exposure, and airborne lead concentrations may be high or may vary widely.

Presently, in the construction industry, respirators must often be used to supplement engineering controls and work practices whenever these controls are technologically incapable of reducing worker exposures to lead to or below 50 $\mu\text{g}/\text{m}^3$.

To provide adequate respiratory protection, respirators must be donned before entering the work area and should not be removed until the worker has left the area, or as part of a decontamination procedure. Employers must assure that the respirator issued to the employee is properly selected and properly fitted so that it exhibits minimum face piece leakage. Respirators must be supplied by the employer at no cost to employees. Employers must perform either qualitative or quantitative fit tests for each employee wearing negative pressure respirators. Fit testing is to be performed at the time of the initial fitting and at least semiannually thereafter.

RESPIRATOR PROGRAM: When respirators are provided, the employer must establish a respiratory protection program in accordance with the OSHA standard on respirator protection, 29 CFR 1910.134.

Minimum requirements for an acceptable respirator program for lead include the following elements:

- * Written standard operating procedures governing the selection and use of respirators;
- * Selection of respirators on the basis of hazards to which the worker is exposed;
- * Instruction and training in the proper use of respirators and their limitations;
- * Regular inspection and cleaning, maintenance and disinfection; worn or deteriorated parts must be replaced, including replacement of the filter element in an air-purifying respirator whenever an increase in breathing resistance is detected.
- * Storage in a convenient, clean, and sanitary location and protection against sunlight and physical damage;
- * Appropriate surveillance of work area conditions and degree of worker exposure or stress (physiological or psychological) must be maintained;
- * Evaluation to determine the continued effectiveness of the program;
- * Physician's determination that the employee is physically able to perform the work and wear a respirator while performing the work (respirator user's medical capacity to wear and work with a respirator should be reviewed annually);
- * Use of Mine Safety and Health Administration/National Institute for Occupational Safety and Health (MSHA/NIOSH) certified respirators;
- * Fit testing of negative-pressure respirators;
- * Breathing air used for supplied-air respirators must meet the requirements prescribed in 1910.134(d)(1); and

* Standing permission for employees to leave the work area to wash their faces and respirator face pieces whenever necessary to prevent skin irritation associated with respirator use.

RESPIRATOR SELECTION: Lead concentrations may vary substantially throughout a work shift as well as from day-to-day. The highest anticipated work concentration is to be used in the initial selection of an appropriate respirator.

Fact Sheet 92-50, "Exposure Ranges for Construction Activities," provides potential airborne exposure ranges associated with various activities commonly found in construction. These values may not be correct in every instance but can be used as guidance in making preliminary selection of respiratory types. The table, "NIOSH-recommended Respiratory Protection for Workers Exposed to Inorganic Lead," which appears here provides specific recommendations for the type of respirator to use when the actual workplace exposure reaches certain multiples of a 50 $\mu\text{g}/\text{m}^3$ permissible exposure limit (PEL). When an employer finds that exposures are lower or higher by personal air monitoring, then respirator selection can be adjusted accordingly.

In addition, if exposure monitoring or experience indicates airborne exposures to contaminants other than lead, such as solvents or polyurethane coatings, these exposures must be considered when selecting respiratory protection. A reevaluation of the respiratory protection program is required when a worker demonstrates a continued increase in blood lead levels.

ABRASIVE BLASTING AND RELATED OPERATIONS: NIOSH type CE respirators are required for use by abrasive blasting operators. Currently, NIOSH certifies both continuous flow and positive pressure respirators for abrasive blasting operations. The continuous-flow respirators are recommended by NIOSH only for airborne concentrations less than or equal to 25 times the OSHA PEL of 50 $\mu\text{g}/\text{m}^3$. Positive pressure respirators are recommended by NIOSH for airborne concentrations less than 2,000 times the OSHA PEL (50 $\mu\text{g}/\text{m}^3$). Furthermore, manufacturer's instructions regarding quality of air, air pressure, and inside diameter and length of hoses must be strictly followed. Use of longer hoses or smaller inside diameter hoses than the manufacture's specifications, or hoses with bends or kinks may restrict the flow of air to a respirator.

This is one of a series of fact sheets highlighting U.S. Department of Labor programs. It is intended as a general description only and does not carry the force of legal opinion. This information will be made available to sensory impaired individuals upon request. Voice phone: (202) 693-8151. TDD message referral phone: 1-800-326-2577.

APPENDIX 7

OSHA Lead in Construction Standard Summary

OSHA Standard 29 CFR 1926.62
Lead Exposure In Construction; Interim Final Rule

Employee Standard Summary - 29 CFR 1926.62 Appendix B

This appendix summarizes key provisions of the interim final standard for lead in construction that you as a worker should become familiar with.

I. Permissible Exposure Limit (PEL) - Paragraph (C)

The standard sets a permissible exposure limit (PEL) of 50 micrograms of lead per cubic meter of air (50 ug/m³), averaged over an 8-hour workday which is referred to as a time-weighted average (TWA). This is the highest level of lead in air to which you may be permissibly exposed over an 8-hour workday. However, since this is an 8-hour average, short exposures above the PEL are permitted so long as for each 8-hour workday your average exposure does not exceed this level. This interim final standard, however, takes into account the fact that your daily exposure to lead can extend beyond a typical 8-hour workday as the result of overtime or other alterations in your work schedule. To deal with this situation, the standard contains a formula that reduces your permissible exposure when you are exposed more than 8 hours. For example, if you are exposed to lead for 10 hours a day, the maximum permitted average exposure would be 40 ug/m³.

II. Exposure Assessment - Paragraph (D)

If lead is present in your workplace in any quantity, your employer is required to make an initial determination of whether any employee's exposure to lead exceeds the action level (30 ug/m³ averaged over an 8-hour day). Employee exposure is that exposure which would occur if the employee were not using a respirator. This initial determination requires your employer to monitor workers' exposures unless he or she has objective data that can demonstrate conclusively that no employee will be exposed to lead in excess of the action level. Where objective data is used in lieu of actual monitoring the employer must establish and maintain an accurate record, documenting its relevancy in assessing exposure levels for current job conditions. If such objective data is available, the employer need proceed no further on employee exposure assessment until such time that conditions have changed and the determination is no longer valid.

Objective data may be compiled from various sources, e.g., insurance companies and trade associations and information from suppliers or exposure data collected from similar operations. Objective data may also comprise previously - collected sampling data including area monitoring. If it cannot be determined through using objective data that worker exposure is less than the action level, your employer must conduct monitoring or must rely on relevant previous personal sampling, if available. Where monitoring is required for the initial determination, it may be limited to a representative number of employees who are reasonably expected to have the highest exposure levels. If your employer has conducted appropriate air sampling for lead in the past 12 months, he or she may use these results, provided they are applicable to the same employee tasks and exposure conditions and meet the requirements for accuracy as specified in the standard. As with objective data, if such results are relied upon for the initial determination, your employer must establish and maintain a record as to the relevancy of such data to current job conditions.

If there have been any employee complaints of symptoms which may be attributable to exposure to lead or if there is any other information or observations which would indicate employee exposure to lead, this must also be considered as part of the initial determination.

If this initial determination shows that a reasonable possibility exists that any employee may be exposed, without regard to respirators, over the action level, your employer must set up an air-monitoring program to determine the exposure level representative of each employee exposed to lead at your workplace. In

carrying out this air monitoring program, your employer is not required to monitor the exposure of every employee, but he or she must monitor a representative number of employees and job types. Enough sampling must be done to enable each employee's exposure level to be reasonably representing full shift exposure. In addition, these air samples must be taken under conditions that represent each employee's regular, daily exposure to lead. Sampling performed in the past 12 months may be used to determine exposures above the action level if such sampling was conducted during work activities essentially similar to present work conditions.

The standard lists certain tasks that may likely result in exposures to lead in excess of the PEL and, in some cases, exposures in excess of 50 times the PEL. If you are performing any of these tasks, your employer must provide you with appropriate respiratory protection, protective clothing and equipment, change areas, hand washing facilities, biological monitoring, and training until such time that an exposure assessment is conducted which demonstrates that your exposure level is below the PEL.

If you are exposed to lead and air sampling is performed, your employer is required to notify you in writing within 5 working days of the air monitoring results that represent your exposure. If the results indicate that your exposure exceeds the PEL (without regard to your use of a respirator), then your employer must also notify you of this in writing, and provide you with a description of the corrective action that has been taken or will be taken to reduce your exposure.

Your exposure must be rechecked by monitoring at least every six months if your exposure is at or over the action level but below the PEL. Your employer may discontinue monitoring for you if 2 consecutive measurements, taken at least 7 days apart, are at or below the action level. Air monitoring must be repeated every 3 months if you are exposed over the PEL. Your employer must continue monitoring for you at this frequency until 2 consecutive measurements, taken at least 7 days apart, are below the PEL but above the action level, at which time your employer must repeat monitoring of your exposure every six months and may discontinue monitoring only after your exposure drops to or below the action level. However, whenever there is a change of equipment, process, control, or personnel or a new type of job is added at your workplace that may result in new or additional exposure to lead, your employer must perform additional monitoring.

III. Methods of Compliance - Paragraph (E)

Your employer is required to assure that no employee is exposed to lead in excess of the PEL as an 8-hour TWA. The interim final standard for lead in construction requires employers to institute engineering and work practice controls including administrative controls to the extent feasible to reduce employee exposure to lead. Where such controls are feasible but not adequate to reduce exposures below the PEL they must be used nonetheless to reduce exposures to the lowest level that can be accomplished by these means and then supplemented with appropriate respiratory protection.

Your employer is required to develop and implement a written compliance program prior to the commencement of any job where employee exposures may reach the PEL as an 8-hour TWA. The interim final standard identifies the various elements that must be included in the plan. For example, employers are required to include a description of operations in which lead is emitted, detailing other relevant information about the operation such as the type of equipment used, the type of material involved, employee job responsibilities, operating procedures and maintenance practices. In addition, your employer's compliance plan must specify the means that will be used to achieve compliance and, where engineering controls are required, include any engineering plans or studies that have been used to select the control methods. If administrative controls involving job rotation are used to reduce employee exposure to lead, the job rotation schedule must be included in the compliance plan. The plan must also detail the type of protective clothing and equipment, including respirators, housekeeping and hygiene practices that will be used to protect you from the adverse effects of exposure to lead.

The written compliance program must be made available, upon request, to affected employees and their

designated representatives, the Assistant Secretary and the Director.

Finally, the plan must be reviewed and updated at least every 6 months to assure it reflects the current status in exposure control.

IV. Respiratory Protection - Paragraph (F)

Your employer is required to provide and assure your use of respirators when your exposure to lead is not controlled below the PEL by other means. The employer must pay the cost of the respirator. Whenever you request one, your employer is also required to provide you a respirator even if your air exposure level is not above the PEL. You might desire a respirator when, for example, you have received medical advice that your lead absorption should be decreased. Or, you may intend to have children in the near future, and want to reduce the level of lead in your body to minimize adverse reproductive effects. While respirators are the least satisfactory means of controlling your exposure, they are capable of providing significant protection if properly chosen, fitted, worn, cleaned, maintained, and replaced when they stop providing adequate protection.

Your employer is required to select respirators from the types listed in Table I of the Respiratory Protection section of the standard. Any respirator chosen must be approved by the Mine Safety and Health Administration (MSHA) or the National Institute for Occupational Safety and Health (NIOSH). This respirator selection table will enable your employer to choose a type of respirator which will give you a proper amount of protection based on your airborne lead exposure. Your employer may select a type of respirator that provides greater protection than that required by the standard; that is, one recommended for a higher concentration of lead than is present in your workplace. For example, a powered air purifying respirator (PAPR) is much more protective than a typical negative pressure respirator, and may also be more comfortable to wear. A PAPR has a filter, cartridge or canister to clean the air, and a power source that continuously blows filtered air into your breathing zone. Your employer might make a PAPR available to you to ease the burden of having to wear a respirator for long periods of time. The standard provides that you can obtain a PAPR upon request.

Your employer must also start a Respiratory Protection Program. This program must include written procedures for the proper selection, use, cleaning, storage, and maintenance of respirators.

Your employer is required to select respirators from the types listed in Table I of the Respiratory Protection section of the standard (Sec. 1926.62 (f)). Any respirator chosen must be approved by the National Institute for Occupational Safety and Health (NIOSH) under the provisions of 42 CFR part 84. This respirator selection table will enable your employer to choose a type of respirator that will give you a proper amount of protection based on your airborne lead exposure. Your employer may select a type of respirator that provides greater protection than that required by the standard; that is, one recommended for a higher concentration of lead than is present in your workplace. For example, a powered air-purifying respirator (PAPR) is much more protective than a typical negative pressure respirator, and may also be more comfortable to wear. A PAPR has a filter, cartridge, or canister to clean the air, and a power source that continuously blows filtered air into your breathing zone. Your employer might make a PAPR available to you to ease the burden of having to wear a respirator for long periods of time. The standard provides that you can obtain a PAPR upon request.

You must also receive from your employer proper training in the use of respirators. Your employer is required to teach you how to wear a respirator, to know why it is needed, and to understand its limitations.

Your employer must ensure that your respirator face piece fits properly. Proper fit of a respirator face piece is critical to your protection from airborne lead. Obtaining a proper fit on each employee may require your employer to make available several different types of respirator masks. To ensure that your respirator fits properly and that face piece leakage is minimal, your employer must give you either a qualitative or quantitative fit test as specified in Appendix A of the Respiratory Protection standard located

at 29 CFR 1910.134.

The standard provides that if your respirator uses filter elements, you must be given an opportunity to change the filter elements whenever an increase in breathing resistance is detected. You also must be permitted to periodically leave your work area to wash your face and respirator face piece whenever necessary to prevent skin irritation. If you ever have difficulty in breathing during a fit test or while using a respirator, your employer must make a medical examination available to you to determine whether you can safely wear a respirator. The result of this examination may be to give you a positive pressure respirator (which reduces breathing resistance) or to provide alternative means of protection.

V. Protective Work Clothing and Equipment - Paragraph (G)

If you are exposed to lead above the PEL as an 8-hour TWA, without regard to your use of a respirator, or if you are exposed to lead compounds such as lead arsenate or lead azide which can cause skin and eye irritation, your employer must provide you with protective work clothing and equipment appropriate for the hazard. If work clothing is provided, it must be provided in a clean and dry condition at least weekly, and daily if your airborne exposure to lead is greater than 200 ug/m³. Appropriate protective work clothing and equipment can include coveralls or similar full-body work clothing, gloves, hats, shoes or disposable shoe coverlets, and face shields or vented goggles. Your employer is required to provide all such equipment at no cost to you. In addition, your employer is responsible for providing repairs and replacement as necessary, and also is responsible for the cleaning, laundering or disposal of protective clothing and equipment.

The interim final standard requires that your employer assure that you follow good work practices when you are working in areas where your exposure to lead may exceed the PEL. With respect to protective clothing and equipment, where appropriate, the following procedures should be observed prior to beginning work:

1. Change into work clothing and shoe covers in the clean section of the designated changing areas;
2. Use work garments of appropriate protective gear, including respirators before entering the work area; and
3. Store any clothing not worn under protective clothing in the designated changing area.

Workers should follow these procedures upon leaving the work area:

1. HEPA vacuum heavily contaminated protective work clothing while it is still being worn. At no time may lead be removed from protective clothing by any means which result in uncontrolled dispersal of lead into the air;
2. Remove shoe covers and leave them in the work area;
3. Remove protective clothing and gear in the dirty area of the designated changing area. Remove protective coveralls by carefully rolling down the garment to reduce exposure to dust.
4. Remove respirators last; and
5. Wash hands and face.

Workers should follow these procedures upon finishing work for the day (in addition to procedures described above):

1. Where applicable, place disposal coveralls and shoe covers with the abatement waste;

2. Contaminated clothing that is to be cleaned, laundered or disposed of must be placed in closed containers in the change room.

3. Clean protective gear, including respirators, according to standard procedures;

4. Wash hands and face again. If showers are available, take a shower and wash hair. If shower facilities are not available at the work site, shower immediately at home and wash hair.

VI. Housekeeping - Paragraph (H)

Your employer must establish a housekeeping program sufficient to maintain all surfaces as free as practicable of accumulations of lead dust. Vacuuming is the preferred method of meeting this requirement, and the use of compressed air to clean floors and other surfaces is generally prohibited unless removal with compressed air is done in conjunction with ventilation systems designed to contain dispersal of the lead dust. Dry or wet sweeping, shoveling, or brushing may not be used except where vacuuming or other equally effective methods have been tried and do not work. Vacuums must be used equipped with a special filter called a high-efficiency particulate air (HEPA) filter and emptied in a manner which minimizes the reentry of lead into the workplace.

VII. Hygiene Facilities and Practices - Paragraph (I)

The standard requires that hand washing facilities be provided where occupational exposure to lead occurs. In addition, change areas, showers (where feasible), and lunchrooms or eating areas are to be made available to workers exposed to lead above the PEL. Your employer must assure that except in these facilities, food and beverage is not present or consumed, tobacco products are not present or used, and cosmetics are not applied, where airborne exposures are above the PEL. Change rooms provided by your employer must be equipped with separate storage facilities for your protective clothing and equipment and street clothes to avoid cross-contamination. After showering, no required protective clothing or equipment worn during the shift may be worn home. It is important that contaminated clothing or equipment be removed in change areas and not be worn home or you will extend your exposure and expose your family since lead from your clothing can accumulate in your house, car, etc.

Lunchrooms or eating areas may not be entered with protective clothing or equipment unless surface dust has been removed by vacuuming, downdraft booth, or other cleaning method. Finally, workers exposed above the PEL must wash both their hands and faces prior to eating, drinking, smoking or applying cosmetics.

All of the facilities and hygiene practices just discussed are essential to minimize additional sources of lead absorption from inhalation or ingestion of lead that may accumulate on you, your clothes, or your possessions. Strict compliance with these provisions can virtually eliminate several sources of lead exposure that significantly contribute to excessive lead absorption.

VIII. Medical surveillance - Paragraph (J)

The medical surveillance program is part of the standard's comprehensive approach to the prevention of lead-related disease. Its purpose is to supplement the main thrust of the standard that is aimed at minimizing airborne concentrations of lead and sources of ingestion. Only medical surveillance can determine if the other provisions of the standard have effectively protected you as an individual. Compliance with the standard's provision will protect most workers from the adverse effects of lead exposure, but may not be satisfactory to protect individual workers (1) who have high body burdens of lead acquired over past years, (2) who have additional uncontrolled sources of non-occupational lead exposure, (3) who exhibit unusual variations in lead absorption rates, or (4) who have specific non-work related medical conditions which could be aggravated by lead exposure (e.g., renal disease, anemia). In

addition, control systems may fail, or hygiene and respirator programs may be inadequate. Periodic medical surveillance of individual workers will help detect those failures. Medical surveillance will also be important to protect your reproductive ability - regardless of whether you are a man or woman.

All medical surveillance required by the interim final standard must be performed by or under the supervision of a licensed physician. The employer must provide required medical surveillance without cost to employees and at a reasonable time and place. The standard's medical surveillance program has two parts -- periodic biological monitoring and medical examinations. Your employer's obligation to offer you medical surveillance is triggered by the results of the air-monitoring program. Full medical surveillance must be made available to all employees who are or may be exposed to lead in excess of the action level for more than 30 days a year and whose blood lead level exceeds 40 ug/dl. Initial medical surveillance consisting of blood sampling and analysis for lead and zinc protoporphyrin must be provided to all employees exposed at any time (1 day) above the action level.

Biological monitoring under the standard must be provided at least every 2 months for the first 6 months and every 6 months thereafter until your blood lead level is below 40 ug/dl. A zinc protoporphyrin (ZPP) test is a very useful blood test that measures an adverse metabolic effect of lead on your body and is therefore an indicator of lead toxicity.

If your BLL exceeds 40 ug/dl the monitoring frequency must be increased from every 6 months to at least every 2 months and not reduced until two consecutive BLLs indicate a blood lead level below 40 ug/dl. Each time your BLL is determined to be over 40 ug/dl, your employer must notify you of this in writing within five working days of his or her receipt of the test results. The employer must also inform you that the standard requires temporary medical removal with economic protection when your BLL exceeds 50 ug/dl. (See Discussion of Medical Removal Protection - Paragraph (k).) Anytime your BLL exceeds 50 ug/dl your employer must make available to you within two weeks of receipt of these test results a second follow-up BLL test to confirm your BLL. If the two tests both exceed 50 ug/dl, and you are temporarily removed, then your employer must make successive BLL tests available to you on a monthly basis during the period of your removal.

Medical examinations beyond the initial one must be made available on an annual basis if your blood lead level exceeds 40 ug/dl at any time during the preceding year and you are being exposed above the airborne action level of 30 ug/m³ for 30 or more days per year. The initial examination will provide information to establish a baseline to which subsequent data can be compared.

An initial medical examination to consist of blood sampling and analysis for lead and zinc protoporphyrin must also be made available (prior to assignment) for each employee being assigned for the first time to an area where the airborne concentration of lead equals or exceeds the action level at any time. In addition, a medical examination or consultation must be made available as soon as possible if you notify your employer that you are experiencing signs or symptoms commonly associated with lead poisoning or that you have difficulty breathing while wearing a respirator or during a respirator fit test. You must also be provided a medical examination or consultation if you notify your employer that you desire medical advice concerning the effects of current or past exposure to lead on your ability to procreate a healthy child.

Finally, appropriate follow-up medical examinations or consultations may also be provided for employees who have been temporarily removed from exposure under the medical removal protection provisions of the standard. (See Part IX, below.)

The standard specifies the minimum content of pre-assignment and annual medical examinations. The content of other types of medical examinations and consultations is left up to the sound discretion of the examining physician. Pre-assignment and annual medical examinations must include (1) a detailed work history and medical history; (2) a thorough physical examination, including an evaluation of your pulmonary status if you will be required to use a respirator; (3) a blood pressure measurement; and (4) a

series of laboratory tests designed to check your blood chemistry and your kidney function. In addition, at any time upon your request, a laboratory evaluation of male fertility will be made (microscopic examination of a sperm sample), or a pregnancy test will be given.

The standard does not require that you participate in any of the medical procedures, tests, etc. which your employer is required to make available to you. Medical surveillance can, however, play a very important role in protecting your health. You are strongly encouraged, therefore, to participate in a meaningful fashion. The standard contains a multiple physician review mechanism that will give you a chance to have a physician of your choice directly participate in the medical surveillance program. If you are dissatisfied with an examination by a physician chosen by your employer, you can select a second physician to conduct an independent analysis. The two doctors would attempt to resolve any differences of opinion, and select a third physician to resolve any firm dispute. Generally your employer will choose the physician who conducts medical surveillance under the lead standard - unless you and your employer can agree on the choice of a physician or physicians. Some companies and unions have agreed in advance, for example, to use certain independent medical laboratories or panels of physicians. Any of these arrangements are acceptable so long as required medical surveillance is made available to workers.

The standard requires your employer to provide certain information to a physician to aid in his or her examination of you. This information includes (1) the standard and its appendices, (2) a description of your duties as they relate to occupational lead exposure, (3) your exposure level or anticipated exposure level, (4) a description of any personal protective equipment you wear, (5) prior blood lead level results, and (6) prior written medical opinions concerning you that the employer has. After a medical examination or consultation the physician must prepare a written report which must contain (1) the physician's opinion as to whether you have any medical condition which places you at increased risk of material impairment to health from exposure to lead, (2) any recommended special protective measures to be provided to you, (3) any blood lead level determinations, and (4) any recommended limitation on your use of respirators. This last element must include a determination of whether you can wear a powered air-purifying respirator (PAPR) if you are found unable to wear a negative pressure respirator.

The medical surveillance program of the interim lead standard may at some point in time serve to notify certain workers that they have acquired a disease or other adverse medical condition as a result of occupational lead exposure. If this is true, these workers might have legal rights to compensation from public agencies, their employers, firms that supply hazardous products to their employers, or other persons. Some states have laws, including worker compensation laws, which disallow a worker who learns of a job - related health impairment to sue, unless the worker sues within a short period of time after learning of the impairment. (This period of time may be a matter of months or years.) An attorney can be consulted about these possibilities. It should be stressed that OSHA is in no way trying to either encourage or discourage claims or lawsuits. However, since results of the standard's medical surveillance program can significantly affect the legal remedies of a worker who has acquired a job - related disease or impairment, it is proper for OSHA to make you aware of this.

The medical surveillance section of the standard also contains provisions dealing with chelation. Chelation is the use of certain drugs (administered in pill form or injected into the body) to reduce the amount of lead absorbed in body tissues. Experience accumulated by the medical and scientific communities has largely confirmed the effectiveness of this type of therapy for the treatment of very severe lead poisoning. On the other hand, it has also been established that there can be a long list of extremely harmful side effects associated with the use of chelating agents. The medical community has balanced the advantages and disadvantages resulting from the use of chelating agents in various circumstances and has established when the use of these agents is acceptable. The standard includes these accepted limitations due to a history of abuse of chelation therapy by some lead companies. The most widely used chelating agents are calcium disodium EDTA, (Ca Na₂ EDTA), Calcium Disodium Versenate (Versenate), and d-penicillamine (penicillamine or Cupramine).

The standard prohibits "prophylactic chelation" of any employee by any person the employer retains, supervises or controls. "Prophylactic chelation" is the routine use of chelating or similarly acting drugs to prevent elevated blood levels in workers who are occupationally exposed to lead, or the use of these drugs to routinely lower blood lead levels to predesignated concentrations believed to be "safe". It should be emphasized that where an employer takes a worker who has no symptoms of lead poisoning and has chelation carried out by a physician (either inside or outside of a hospital) solely to reduce the worker's blood lead level, which will generally be considered prophylactic chelation. The use of a hospital and a physician does not mean that prophylactic chelation is not being performed. Routine chelation to prevent increased or reduce current blood lead levels is unacceptable whatever the setting.

The standard allows the use of "therapeutic" or "diagnostic" chelation if administered under the supervision of a licensed physician in a clinical setting with thorough and appropriate medical monitoring. Therapeutic chelation responds to severe lead poisoning where there are marked symptoms. Diagnostic chelation involved giving a patient a dose of the drug then collecting all urine excreted for some period of time as an aid to the diagnosis of lead poisoning.

In cases where the examining physician determines that chelation is appropriate, you must be notified in writing of this fact before such treatment. This will inform you of a potentially harmful treatment, and allow you to obtain a second opinion.

IX. Medical Removal Protection - Paragraph (K)

Excessive lead absorption subjects you to increased risk of disease. Medical removal protection (MRP) is a means of protecting you when, for whatever reasons, other methods, such as engineering controls, work practices, and respirators, have failed to provide the protection you need. MRP involves the temporary removal of a worker from his or her regular job to a place of significantly lower exposure without any loss of earnings, seniority, or other employment rights or benefits. The purpose of this program is to cease further lead absorption and allow your body to naturally excrete lead that has previously been absorbed. Temporary medical removal can result from an elevated blood lead level, or a medical opinion. For up to 18 months, or for as long as the job the employee was removed from lasts, protection is provided as a result of either form of removal. The vast majority of removed workers, however, will return to their former jobs long before this eighteen-month period expires.

You may also be removed from exposure even if your blood lead level is below 50 ug/dl if a final medical determination indicates that you temporarily need reduced lead exposure for medical reasons. If the physician who is implementing your employers medical program makes a final written opinion recommending your removal or other special protective measures, your employer must implement the physician's recommendation. If you are removed in this manner, you may only be returned when the doctor indicates that it is safe for you to do so.

The standard does not give specific instructions dealing with what an employer must do with a removed worker. Your job assignment upon removal is a matter for you, your employer and your union (if any) to work out consistent with existing procedures for job assignments. Each removal must be accomplished in a manner consistent with existing collective bargaining relationships. Your employer is given broad discretion to implement temporary removals so long as no attempt is made to override existing agreements. Similarly, a removed worker is provided no right to veto an employer's choice that satisfies the standard.

In most cases, employers will likely transfer removed employees to other jobs with sufficiently low lead exposure. Alternatively, a worker's hours may be reduced so that the time weighted average exposure is reduced, or he or she may be temporarily laid off if no other alternative is feasible.

In all of these situation, MRP benefits must be provided during the period of removal - i.e., you continue to receive the same earnings, seniority, and other rights and benefits you would have had if you had not

been removed. Earnings include more than just your base wage; it includes overtime, shift differentials, incentives, and other compensation you would have earned if you had not been removed. During the period of removal you must also be provided with appropriate follow-up medical surveillance. If you were removed because your blood lead level was too high, you must be provided with a monthly blood test. If a medical opinion caused your removal, you must be provided medical tests or examinations that the doctor believes to be appropriate. If you do not participate in this follow up medical surveillance, you may lose your eligibility for MRP benefits.

When you are medically eligible to return to your former job, your employer must return you to your "former job status." This means that you are entitled to the position, wages, benefits, etc., you would have had if you had not been removed. If you would still be in your old job if no removal had occurred that is where you go back. If not, you are returned consistent with whatever job assignment discretion your employer would have had if no removal had occurred. MRP only seeks to maintain your rights, not expand them or diminish them.

If you are removed under MRP and you are also eligible for worker compensation or other compensation for lost wages, your employer's MRP benefits obligation is reduced by the amount that you actually receive from these other sources. This is also true if you obtain other employment during the time you are laid off with MRP benefits.

The standard also covers situations where an employer voluntarily removes a worker from exposure to lead due to the effects of lead on the employee's medical condition, even though the standard does not require removal. In these situations MRP benefits must still be provided as though the standard required removal. Finally, it is important to note that in all cases where removal is required, respirators cannot be used as a substitute. Respirators may be used before removal becomes necessary, but not as an alternative to a transfer to a low exposure job, or to a lay-off with MRP benefits.

X. Employee Information and Training - Paragraph (L)

Your employer is required to provide an information and training program for all employees exposed to lead above the action level or who may suffer skin or eye irritation from lead compounds such as lead arsenate or lead azide. The program must train these employees regarding the specific hazards associated with their work environment, protective measures which can be taken, including the contents of any compliance plan in effect, the danger of lead to their bodies (including their reproductive systems), and their rights under the standard. All employees must be trained prior to initial assignment to areas where there is a possibility of exposure over the action level.

This training program must also be provided at least annually thereafter unless further exposure above the action level will not occur.

XI. Signs - Paragraph (M)

The standard requires that the following warning sign be posted in work areas where the exposure to lead exceeds the PEL:

WARNING
LEAD WORK AREA
POISON
NO SMOKING OR EATING

These signs are to be posted and maintained in a manner that assures that the legend is readily visible.

XII. Record keeping - Paragraph (N)

Your employer is required to keep all records of exposure monitoring for airborne lead. These records must include the name and job classification of employees measured, details of the sampling and analytical techniques, the results of this sampling, and the type of respiratory protection being worn by the person sampled. Such records are to be retained for at least 30 years. Your employer is also required to keep all records of biological monitoring and medical examination results. These records must include the names of the employees, the physician's written opinion, and a copy of the results of the examination. Medical records must be preserved and maintained for the duration of employment plus 30 years. However, if the employee's duration of employment is less than one year, the employer need not retain that employee's medical records beyond the period of employment if they are provided to the employee upon termination of employment.

Record keeping is also required if you are temporarily removed from your job under the medical removal protection program. This record must include your name and social security number, the date of your removal and return, how the removal was or is being accomplished, and whether or not the reason for the removal was an elevated blood lead level. Your employer is required to keep each medical removal record only for as long as the duration of an employee's employment.

The standard requires that if you request to see or copy environmental monitoring, blood lead level monitoring, or medical removal records, they must be made available to you or to a representative that you authorize. Your union also has access to these records. Medical records other than BLLs must also be provided upon request to you, to your physician or to any other person whom you may specifically designate. Your union does not have access to your personal medical records unless you authorize their access.

XIII. Observation of Monitoring - Paragraph (O)

When air monitoring for lead is performed at your workplace as required by this standard, your employer must allow you or someone you designate to act as an observer of the monitoring. Observers are entitled to an explanation of the measurement procedure, and to record the results obtained. Since results will not normally be available at the time of the monitoring, observers are entitled to record or receive the results of the monitoring when returned by the laboratory. Your employer is required to provide the observer with any personal protective devices required to be worn by employees working in the area that is being monitored. The employer must require the observer to wear all such equipment and to comply with all other applicable safety and health procedures.

XIV. Effective Date - Paragraph (P)

The standard's effective date is June 3, 1993. Employer obligations under the standard begin as of that date with full implementation of engineering controls as soon as possible but no later than within 4 months, and all other provisions completed as soon as possible, but no later than within 2 months from the effective date.

XV. For Additional Information

A. A copy of the interim standard for lead in construction can be obtained free of charge by calling or writing the OSHA Office of Publications, room N-3101, United States Department of Labor, Washington, D.C. 20210; Telephone (202) 219-4667.

B. Additional information about the standard, its enforcement, and your employer's compliance can be obtained from the nearest OSHA Area Office listed in your telephone directory under United States Government/Department of Labor.

[57 FR 26627, May 4, 1993, as amended at 58 FR 34218, June 24, 1993; 63 FR 1152, Jan. 8, 1998]

APPENDIX 8

OSHA Substance Data Sheet For Occupational Exposure To Lead

OSHA Standard 29 CFR 1926.62
Lead Exposure In Construction; Interim Final Rule

Substance Data Sheet for Occupational Exposure to Lead
29 CFR 1926.62 Appendix A

I. SUBSTANCE IDENTIFICATION

A. "Substance": Pure lead (Pb) is a heavy metal at room temperature and pressure and is a basic chemical element. It can combine with various other substances to form numerous lead compounds.

B. "Compounds Covered by the Standard": The word "lead" when used in this interim final standard means elemental lead, all inorganic lead compounds and a class of organic lead compounds called lead soaps. This standard does not apply to other organic lead compounds.

C. "Uses": Exposure to lead occurs in several different occupations in the construction industry, including demolition or salvage of structures where lead or lead - containing materials are present; removal or encapsulation of lead - containing materials, new construction, alteration, repair, or renovation of structures that contain lead or materials containing lead; installation of products containing lead. In addition, there are construction related activities where exposure to lead may occur, including transportation, disposal, storage, or containment of lead or materials containing lead on construction sites, and maintenance operations associated with construction activities.

D. "Permissible Exposure": The permissible exposure limit (PEL) set by the standard is 50 micrograms of lead per cubic meter of air (50 ug/m^3), averaged over an 8-hour workday.

E. "Action Level": The interim final standard establishes an action level of 30 micrograms of lead per cubic meter of air (30 ug/m^3), averaged over an 8-hour workday. The action level triggers several ancillary provisions of the standard such as exposure monitoring, medical surveillance, and training.

II. HEALTH HAZARD DATA

A. "Ways in which lead enters your body". When absorbed into your body in certain doses, lead is a toxic substance. The object of the lead standard is to prevent absorption of harmful quantities of lead. The standard is intended to protect you not only from the immediate toxic effects of lead, but also from the serious toxic effects that may not become apparent until years of exposure have passed. Lead can be absorbed into your body by inhalation (breathing) and ingestion (eating). Lead (except for certain organic lead compounds not covered by the standard, such as tetraethyl lead) is not absorbed through your skin. When lead is scattered in the air as a dust, fume, or mist it can be inhaled and absorbed through your lungs and upper respiratory tract. Inhalation of airborne lead is generally the most important source of occupational lead absorption. You can also absorb lead through your digestive system if lead gets into your mouth and is swallowed. If you handle food, cigarettes, chewing tobacco, or make-up that have lead on them or handle them with hands contaminated with lead, this will contribute to ingestion. A significant portion of the lead that you inhale or ingest gets into your blood stream. Once in your blood stream, lead is circulated throughout your body and stored in various organs and body tissues. Some of this lead is quickly filtered out of your body and excreted, but some remains in the blood and other tissues. As exposure to lead continues, the amount stored in your body will increase if you are absorbing more lead than your body is excreting. Even though you may not be aware of any immediate symptoms of disease, this lead stored in your tissues can be slowly causing irreversible damage, first to individual cells, then to your organs and whole body systems.

B. "Effects of overexposure to lead" - (1) "Short term (acute) overexposure". Lead is a potent, systemic poison that serves no known useful function once absorbed by your body. Taken in large enough doses, lead can kill you in a matter of days. A condition affecting the brain called acute encephalopathy may

arise which develops quickly to seizures, coma, and death from cardio-respiratory arrest. A short-term dose of lead can lead to acute encephalopathy. Short-term occupational exposures of this magnitude are highly unusual, but not impossible. Similar forms of encephalopathy may, however, arise from extended, chronic exposure to lower doses of lead. There is no sharp dividing line between rapidly developing acute effects of lead, and chronic effects which take longer to acquire. Lead adversely affects numerous body systems, and causes forms of health impairment and disease that arise after periods of exposure as short as days or as long as several years.

(2) "Long-term (chronic) overexposure". Chronic overexposure to lead may result in severe damage to your blood - forming, nervous, urinary and reproductive systems. Some common symptoms of chronic overexposure include loss of appetite, metallic taste in the mouth, anxiety, constipation, nausea, pallor, excessive tiredness, weakness, insomnia, headache, nervous irritability, muscle and joint pain or soreness, fine tremors, numbness, dizziness, hyperactivity and colic. In lead colic there may be severe abdominal pain. Damage to the central nervous system in general and the brain (encephalopathy) in particular is one of the most severe forms of lead poisoning. The most severe, often fatal, form of encephalopathy may be preceded by vomiting, a feeling of dullness progressing to drowsiness and stupor, poor memory, restlessness, irritability, tremor, and convulsions. It may arise suddenly with the onset of seizures, followed by coma, and death. There is a tendency for muscular weakness to develop at the same time. This weakness may progress to paralysis often observed as a characteristic "wrist drop" or "foot drop" and is a manifestation of a disease to the nervous system called peripheral neuropathy. Chronic overexposure to lead also results in kidney disease with few, if any, symptoms appearing until extensive and most likely permanent kidney damage has occurred. Routine laboratory tests reveal the presence of this kidney disease only after about two-thirds of kidney function is lost. When overt symptoms of urinary dysfunction arise, it is often too late to correct or prevent worsening conditions, and progression to kidney dialysis or death is possible. Chronic overexposure to lead impairs the reproductive systems of both men and women. Overexposure to lead may result in decreased sex drive, impotence and sterility in men. Lead can alter the structure of sperm cells raising the risk of birth defects. There is evidence of miscarriage and stillbirth in women whose husbands were exposed to lead or who were exposed to lead themselves. Lead exposure also may result in decreased fertility, and abnormal menstrual cycles in women. The course of pregnancy may be adversely affected by exposure to lead since lead crosses the placental barrier and poses risks to developing fetuses. Children born of parents either one of whom were exposed to excess lead levels are more likely to have birth defects, mental retardation, behavioral disorders or die during the first year of childhood. Overexposure to lead also disrupts the blood - forming system resulting in decreased hemoglobin (the substance in the blood that carries oxygen to the cells) and ultimately anemia. Anemia is characterized by weakness, pallor and fatigability as a result of decreased oxygen carrying capacity in the blood.

(3) "Health protection goals of the standard". Prevention of adverse health effects for most workers from exposure to lead throughout a working lifetime requires that a worker's blood lead level (BLL, also expressed as PbB) be maintained at or below forty micrograms per deciliter of whole blood (40 ug/dl). The blood lead levels of workers (both male and female workers) who intend to have children should be maintained below 30 ug/dl to minimize adverse reproductive health effects to the parents and to the developing fetus. The measurement of your blood lead level (BLL) is the most useful indicator of the amount of lead being absorbed by your body. Blood lead levels are most often reported in units of milligrams (mg) or micrograms (ug) of lead (1 mg=1000 ug) per 100 grams (100 g), 100 milliliters (100 ml) or deciliter (dl) of blood. These three units are essentially the same. Sometime BLLs are expressed in the form of mg percent or ug percent. This is a shorthand notation for 100g, 100 ml, or dl. (References to BLL measurements in this standard are expressed in the form of ug/dl.)

BLL measurements show the amount of lead circulating in your blood stream, but do not give any information about the amount of lead stored in your various tissues. BLL measurements merely show current absorption of lead, not the effect that lead is having on your body or the effects that past lead exposure may have already caused. Past research into lead - related diseases, however, has focused heavily on associations between BLLs and various diseases. As a result, your BLL is an important

indicator of the likelihood that you will gradually acquire a lead - related health impairment or disease.

Once your blood lead level climbs above 40 ug/dl, your risk of disease increases. There is a wide variability of individual response to lead, thus it is difficult to say that a particular BLL in a given person will cause a particular effect. Studies have associated fatal encephalopathy with BLLs as low as 150 ug/dl. Other studies have shown other forms of diseases in some workers with BLLs well below 80 ug/dl. Your BLL is a crucial indicator of the risks to your health, but one other factor is also extremely important. This factor is the length of time you have had elevated BLLs. The longer you have an elevated BLL, the greater the risk that large quantities of lead are being gradually stored in your organs and tissues (body burden). The greater your overall body burden, the greater the chances of substantial permanent damage. The best way to prevent all forms of lead - related impairments and diseases -- both short term and long term -- is to maintain your BLL below 40 ug/dl. The provisions of the standard are designed with this end in mind.

Your employer has prime responsibility to assure that the provisions of the standard are complied with both by the company and by individual workers. You, as a worker, however, also have a responsibility to assist your employer in complying with the standard. You can play a key role in protecting your own health by learning about the lead hazards and their control, learning what the standard requires, following the standard where it governs your own actions, and seeing that your employer complies with provisions governing his or her actions.

(4) "Reporting signs and symptoms of health problems". You should immediately notify your employer if you develop signs or symptoms associated with lead poisoning or if you desire medical advice concerning the effects of current or past exposure to lead or your ability to have a healthy child. You should also notify your employer if you have difficulty breathing during a respirator fit test or while wearing a respirator. In each of these cases, your employer must make available to you appropriate medical examinations or consultations. These must be provided at no cost to you and at a reasonable time and place. The standard contains a procedure whereby you can obtain a second opinion by a physician of your choice if your employer selected the initial physician.

[57 FR 26627, May 4, 1993, as amended at 58 FR 34218, June 24, 1993]

APPENDIX 9

Overview of EPA and State Requirements

Certification and Interim Controls

Waste



EPA

United States
Environmental Protection Agency

Office of Pollution Prevention
and Toxics

Lead-based Paint for Residential Contractors
Lead-Based Paint is Household Waste
August 2000

Agency Policy

Aiming to further reduce lead poisoning in children, the Environmental Protection Agency (EPA) clarified that contractors can manage residential lead-based paint (LBP) waste as household waste. Allowing LBP waste to be managed this way makes it more affordable for people to reduce lead in and around their homes.

Contractor Waste

Residential contractors frequently work on residential dwellings like single-family homes, apartment buildings, row houses, military barracks, or college dormitories. They routinely generate LBP waste during lead abatement, remodeling, or rehabilitation work on these residences. The waste consists mostly of building parts, such as doors, window frames, painted woodwork, and paint chips. Because the standards were unclear, contractors who needed to dispose of lead-based paint waste were uncertain about how to properly manage it.

EPA's policy statement allows contractor-generated LBP waste to be disposed of as household waste. Household waste is regular garbage or trash that is disposed of as municipal waste, and managed according to state and local requirements. Residents are already entitled to manage their own LBP waste in this manner. Extending this option to contractors simplifies abatement work and lowers its cost, which will allow more lead paint removal from more homes nationwide. Consequently, people's homes everywhere will be safer for both children and adults.

Safe Handling

EPA encourages everyone who handles lead-based paint to follow several common sense measures:

Collect paint chips, dust, dirt, and rubble in plastic trash bags for disposal. Store larger LBP building parts in containers until ready for disposal. If possible, use a covered mobile dumpster (such as a roll-off container) to store LBP debris until the job is done. Contact local solid waste authorities to determine where and how LBP debris can be disposed of.

The Toxic Substances Control Act (TSCA) contains training and certification requirements that contractors also should learn and follow. These requirements are under TSCA 402/404, and can be found on the Internet at <http://www.epa.gov/lead/leadcert.htm>. Note also that the US Department of Housing and Urban Development (HUD) established guidelines for contractors performing lead-based paint activities (see <http://www.hud.gov/lea/learules.html>).

Proposed TSCA Standards

EPA intends to pursue additional measures to promote LBP abatement activities. For example, in 1998 the Agency proposed new standards under TSCA that would replace existing Resource Conservation and Recovery Act (RCRA) hazardous waste regulations covering the disposal of LBP. This change, if adopted, would provide greater waste management flexibility and efficiency in numerous circumstances where lead-based paint is generated. Full details of the LBP proposal are available on the Internet at <http://www.epa.gov/lead>.

For More Information

For general information on lead-based paint and lead-based paint hazards, call the National Lead Information Center at 1 800 424 LEAD (5323). You may also obtain information by calling the RCRA Hotline. Callers within the Washington Metropolitan Area must dial 703-412-9810 or TDD 703-412-3323 (hearing impaired). Long-distance callers may call 1-800-424- 9346 or TDD 1-800-553-7672. The RCRA Hotline operates weekdays, 9:00

a.m. to 6:00 p.m. Write to the RCRA Information Center (5305W), US EPA, Ariel Rios Building, 1200 Pennsylvania Avenue, NW, Washington, DC 20460.

EPA AND STATE CERTIFICATION PROGRAMS AND THEIR TREATMENT OF INTERIM CONTROLS

I. EPA and State Certification. On March 1, 2000, the training and certification requirements of TSCA section 402 were in full effect in the Federal program operating in non-authorized States and Tribes. All individuals and firms performing “lead-based paint activities” as defined in 745.223 must be certified under 745.226 and must perform lead-based paint activities according to the work practice standards in 745.227.

EPA has developed regulations under TSCA sections 402/404 covering individuals and firms who are conducting lead-based paint activities in target housing and child-occupied facilities. Lead-based paint activities include inspection, risk assessment, and abatement. The requirements that individuals and firms must meet depend where they wish to work. Some States and Indian tribes are running their own programs that were authorized by EPA (“EPA-authorized programs”). In other States and Tribes that do not have an authorized program, EPA is running the program (“Federal program”).

On March 1, 2000, EPA’s Federal program under 40 CFR part 745 subpart L became fully effective in every State and Tribe that did not already have an EPA-approved authorized program in operation. Therefore, since March 1, 2000, anyone conducting inspections, risk assessments and/or abatements in target housing or child-occupied facilities has been subject to training, certification and work practice standard requirements either under EPA’s Federal Program or an EPA-authorized State or Tribal program.

In EPA’s Federal program, individuals who want to work as inspectors, risk assessors, abatement supervisors, abatement workers, and/or project designers, must be certified first. Each of the five disciplines has different education, experience and training requirements. Individuals who wish to be certified as inspectors, risk assessors, or abatement supervisors must also take a third party certification exam. Certification is granted after individuals have sent in an application indicating they have completed an accredited training course, met any other qualifications, and sent in a certification fee. Certified individuals agree to follow EPA’s work practice standards. EPA’s federal program also requires that firms whose employees conduct lead-based paint activities also be certified. In the EPA application, the firm agrees (1) to use only certified employees for inspection, risk assessment and abatement; (2) to use the work practice standards that EPA requires; and (3) to keep appropriate records.

Some EPA-authorized programs (State Lead Programs) may have certification requirements for different individual disciplines than EPA’s Federal program and may or may not certify firms. There may also be differences in the types of activities regulated by EPA-authorized programs. For this reason, it is important for individuals and firms to understand the specific regulations that apply in the locations where they intend to work.

II. Qualification for Interim Controls. EPA, under the Federal program, does not regulate interim controls. However, EPA-authorized State and Tribal programs may regulate interim controls. Therefore, it is important for individuals and firms to review the specific regulations for the locations where they will be working.

HUD’s Lead Safe Housing rule requires individuals conducting interim controls to be trained in one of the acceptable training courses listed in the rule. Among courses listed are (1) an accredited lead-based paint abatement supervisor course, or (2) an accredited lead-based paint abatement worker course. Those two courses refer to courses accredited in EPA’s Federal program or an EPA authorized program.

EPA-AUTHORIZED STATES

As of January 1, 2001, the following states operate their own lead programs:

Alabama	Mississippi
Arkansas	Missouri
California	New Hampshire
Colorado	New Jersey
Connecticut	North Carolina
Delaware	Ohio
District of Columbia	Oklahoma
Georgia	Oregon
Illinois	Pennsylvania
Indiana	Puerto Rico
Iowa	Rhode Island
Kansas	Tennessee
Kentucky	Texas
Louisiana	Utah
Maine	Vermont
Maryland	Virginia
Massachusetts	West Virginia
Michigan	Wisconsin
Minnesota	

EPA LEAD PROGRAM STATES

As of January 1, 2001, the EPA operates the lead programs on behalf of the state:

Alaska, EPA Reg 10	New Mexico, EPA Reg 6
Arizona, EPA Reg 9	New York, EPA Reg 2
Florida, EPA Reg 4	North Dakota, EPA Reg 8
Guam, EPA Reg 9	South Carolina, EPA Reg 4
Hawaii, EPA Reg 9	South Dakota, EPA Reg 8
Idaho, EPA Reg 10	Virgin Islands, EPA Reg 2
Montana, EPA Reg 8	Washington, EPA Reg 10
Nebraska, EPA Reg 7	Wyoming, EPA Reg 8
Nevada, EPA Reg 9	

For more information and a list of state lead contacts, visit the web site of the National Conference of State Legislatures: www.ncsl.org/programs/ESNR/pplans-99.htm, or call 1-800-424-LEAD.

July 31, 2000

MEMORANDUM

From: /s/ Elizabeth A. Cotsworth, Director
Office of Solid Waste

To: RCRA Senior Policy Advisors
EPA Regions 1 - 10

Subject: Regulatory Status of Waste Generated by Contractors and Residents from Lead-Based Paint Activities Conducted in Households

What is the purpose of this interpretation?

This memorandum clarifies the regulatory status of waste generated as a result of lead-based paint (LBP) activities (including abatement, renovation and remodeling) in homes and other residences. Since 1980, EPA has excluded "household waste" from the universe of RCRA hazardous wastes under 40 CFR 261.4(b)(1). In the 1998 temporary toxicity characteristic (TC) suspension proposal, we clarified that the household waste exclusion applies to "all LBP waste generated as a result of actions by residents of households (hereinafter referred to as "residents") to renovate, remodel or abate their homes on their own." 63 FR 70233, 70241 (Dec. 18, 1998). In this memorandum, EPA is explaining that we believe lead paint debris generated by contractors in households is also "household waste" and thus excluded from the RCRA Subtitle C hazardous waste regulations. Thus, the household exclusion applies to waste generated by either residents or contractors conducting LBP activities in residences.

What is the practical significance of classifying LBP waste as a household waste?

As a result of this clarification, contractors may dispose of hazardous-LBP wastes from residential lead paint abatements as household garbage subject to applicable State regulations. This practice will simplify many lead abatement activities and reduce their costs. In this way, the clarification in today's memorandum will facilitate additional residential abatement, renovation and remodeling, and rehabilitation activities, thus protecting children from continued exposure to lead paint in homes and making residential dwellings lead safe for children and adults.

LBP debris (such as architectural building components -- doors, window frames, painted wood work) that does not exhibit the TC for lead need not be managed as hazardous waste. However, LBP waste such as debris, paint chips, dust, and sludge generated from abatement and de-leading activities that exhibit the TC for lead (that is, exceed the TC regulatory limit of 5 mg/L lead in the waste leachate), are hazardous wastes and must be managed and disposed of in accordance with the applicable RCRA subtitle C requirements (including land disposal restrictions) except when it is "household waste." Under 40 CFR 261.4(b)(1), household wastes are excluded from the hazardous waste management requirements. Today, EPA is clarifying that waste generated as part of

LBP activities conducted at residences (which include single family homes, apartment buildings, public housing, and military barracks) is also household waste, that such wastes are no longer hazardous wastes and that such wastes thus are excluded from RCRA's hazardous waste management and disposal regulations. Generators of residential LBP waste do not have to make a RCRA hazardous waste determination. This interpretation holds regardless of whether the waste exhibits the toxicity characteristic or whether the LBP activities were performed by the residents themselves or by a contractor.

Where can I dispose of my household LBP waste?

LBP waste from residences can be discarded in a municipal solid waste landfill (MSWLF) or a municipal solid waste combustor. Dumping and open burning of residential LBP waste is not allowed. Certain LBP waste (such as large quantities of concentrated lead paint waste -- paint chips, dust, or sludge) from residential de-leading activities may be subject to more stringent requirements of State, local, and/or tribal authorities.

What is the basis for this interpretation?

The household waste exclusion implements Congress's intent that the hazardous waste regulations are "not to be used either to control the disposal of substances used in households or to extend control over general municipal wastes based on the presence of such substances." S. Rep. No. 94-988, 94th Cong., 2nd Sess., at 16. EPA regulations define "household waste" to include "any waste material (including garbage, trash, and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas)." 40 CFR 261.4(b)(1). The Agency has applied two criteria to define the scope of the exclusion: (1) the waste must be generated by individuals on the premises of a household, and (2) the waste must be composed primarily of materials found in the wastes generated by consumers in their homes (49 FR 44978 and 63 FR 70241).

In 1998, EPA concluded that LBP waste resulting from renovation and remodeling efforts by residents of households met these criteria. (63 FR 70241-42, Dec. 18, 1998). In short, the Agency found that more and more residents are engaged in these activities and thus the waste can be considered to be generated by individuals in a household and of the type that consumers generate routinely in their homes. Wastes from LBP abatements performed by residents were also considered household wastes.

EPA clarifies that this interpretation also applies to contractor-generated LBP waste from renovations, remodeling and abatements in residences. Both the definition of household waste in section 261.4(b)(1) and the Agency's criteria for determining the scope of the exclusion focus on the type of waste generated and the place of generation rather than who generated the waste (e.g., a resident or a contractor). This approach is consistent with prior Agency policy.¹ Since contractor-generated LBP waste from

¹In the final rule establishing standards for the tracking and management of medical waste, EPA concluded

residential renovations, remodeling, rehabilitation, and abatements are of the type generated by consumers in their homes, it is appropriate to conclude that such waste, whether generated by a resident or contractor, falls within the household waste exclusion. This clarification will facilitate lead abatements and de-leading activities in target housing by reducing the costs of managing and disposing of LBP waste from residences.

What is the relationship of this interpretation to the on-going LBP debris rulemaking?

On December 18, 1998, EPA proposed new TSCA standards for management and disposal of LBP debris (63 FR 70190) and simultaneously proposed to suspend temporarily the applicability of the RCRA hazardous waste regulations that currently apply to LBP debris (63 FR 70233). This memorandum responds to stakeholders' requests that EPA clarify whether the existing household waste exclusion applies to both homeowners and contractors conducting LBP activities in residences. While the Agency still intends to finalize aspects of the two proposals, we are making this clarification in advance of the final rule to facilitate LBP abatement in residences without unnecessary delay.

How does this interpretation affect EPA's enforcement authorities?

Under this clarification, LBP wastes generated by residents or contractors from the renovation, remodeling, rehabilitation, and/or abatement of residences are household wastes that are excluded from EPA's hazardous waste requirements in 40 CFR Parts 124, and 262 through 271. The household waste provision of 40 CFR 261.4(b)(1) only excludes such wastes from the RCRA regulatory requirements. However, it does not affect EPA's ability to reach those wastes under its statutory authorities, such as RCRA §3007 (inspection) and §7003 (imminent hazard). See 40 CFR §261.1(b).

What are the "best management practices" for handling residential LBP waste?

Although excluded from the hazardous waste regulations, EPA encourages residents and contractors managing LBP waste from households to take common sense measures to minimize the generation of lead dust, limit access to stored LBP wastes including debris, and maintain the integrity of waste packaging material during transfer of LBP waste. In particular, we continue to endorse the basic steps outlined in the 1998 proposals for the proper handling and disposal of LBP waste (63 FR 70242) as the best

that waste generated by health care providers (e.g., contractors) in private homes would be covered by the household waste exclusion. 54 FR 12326, 12339 (March 24, 1989). In the specific context of LBP, the Agency stated in a March 1990 "EPA Hotline Report" (RCRA Question 6) that lead paint chips and dust resulting from stripping and re-painting of residential walls by homeowner or contractors (as part of routine household maintenance) would be part of the household waste stream and not subject to RCRA Subtitle C regulations. Similarly, in a March 1995 memorandum on the "Applicability of the Household Waste Exclusion to Lead- Contaminated Soils," we found that if the source of the lead contamination was as a result of either routine residential maintenance or the weathering or chalking of lead-based paint from the residence, the hazardous waste regulations do not apply so long as the lead-contaminated soil is managed onsite or disposed offsite according to applicable solid waste regulations and/or State law mandated by RCRA.

management practices (BMPs) including:

- ☐ Collect paint chips and dust, and dirt and rubble in plastic trash bags for disposal.
- ☐ Store larger LBP architectural debris pieces in containers until ready for disposal.
- ☐ Consider using a covered mobile dumpster (such as a roll-off container) for storage of LBP debris until the job is done.
- ☐ Contact local municipalities or county solid waste offices to determine where and how LBP debris can be disposed.

In addition, contractors working in residential dwellings are subject to either one or both of the following:

- ☐ The HUD Guidance for contractors doing publicly-funded rehabilitation/renovation projects in public housing. (See Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing. U.S. Department of Housing and Urban Development, June 1995) The HUD guidelines can be accessed via the Internet at: <http://www.hud.gov/lea/learules.html>
- ☐ TSCA 402/404 training and certification requirements. (See 40 CFR Part 745; 61 FR 45778, August 29, 1996) and the proposed TSCA onsite management standards (See 40 CFR Part 745, Subpart P; 63 FR 70227 - 70230, Dec. 18, 1998). [EPA expects to issue the final rule next year.]

The above-mentioned BMPs for households are similar to those included in the HUD Guidelines for individuals controlling LBP hazards in housing. HUD requires that contractors using HUD funding adhere to LBP hazard control guidelines. Non-adherence to these guidelines can potentially result in the loss of funding.

Does this interpretation apply in my State and/or locality?

We encourage contractors and residents to contact their state, local and/or tribal government to determine whether any restrictions apply to the disposal of residential LBP waste. This verification is necessary since, under RCRA, States, local and tribal governments can enforce regulations that are more stringent or broader in scope than the federal requirements. Thus, under such circumstances, LBP waste from households may still be regulated as a hazardous waste as a matter of State regulations.

We are distributing this memorandum to all 56 States and Territories, and Tribal Programs and various trade associations. We encourage States to arrange for implementation of the interpretation discussed in this memo in their States to facilitate residential LBP abatements making residential dwellings lead-safe. We encourage trade associations to inform their memberships about this memo and instruct them about ways to manage residential LBP waste.

Whom should I contact for more information?

If you have additional questions concerning the regulatory status of waste generated from lead-based paint activities in residences, please contact Ms. Rajani D. Joglekar of my staff at 703/308- 8806 or Mr. Malcolm Woolf of the EPA General Counsel's Office at 202/564-5526.

cc: Key RCRA Contacts, Regions 1 - 10
RCRA Regional Council Contacts, Regions 1 - 10
RCRA Enforcement Council Contacts, Regions 1 - 10
Association of State and Territorial Solid Waste Management Officials
(ASTSWMO)

Appendix 10

Supervisory and Business Issues

See PowerPoint files