Federal Lead-Based Paint Regulations: CDBG/HOME Rehabilitation Programs

Office of Lead Hazard Control and Healthy Homes
U.S. Department of Housing and Urban Development
Karen Griego, Healthy Homes Representative

May 15, 2019
Goals for this Training

• Understand the significance of lead poisoning
• Gain a deeper acquaintance with the lead regulations, specifically those applicable to federally assisted housing rehabilitation programs
• Assess the quality of the documentation
• Identify other available resources and how to use them
What is the Office of Lead Hazard Control and Healthy Homes (OLHCHH)?

• The Office of Lead Hazard Control and Healthy Homes is an office within the Department of Housing and Urban Development (HUD) that protects children and families from health and safety hazards in housing.

• The Office was established in 1991 as the Office of Lead-Based Paint Abatement and Poisoning Prevention.

• The Office began its healthy homes programs in FY 1999.
Defining the Problem

• Lead is a naturally occurring element
• Found in all parts of our environment:
  • Air, soil, water and inside our homes
  • Past use of leaded gasoline, industrial facilities
  • In our homes: lead-based paint, ceramics, pipes and plumbing materials, solders, batteries, ammunition, and cosmetics
Defining the Problem

• Who is at risk?
  • Everyone is at risk if lead is ingested, however:
    • Children under the age of 6
      • Absorb more lead than adults do, and their brains and nervous systems are more sensitive to the effects.
      • They are more likely to ingest lead by putting their hands in their mouths after touching floors or other areas containing lead dust
    • Lead poisoning in pregnant women can result in exposure to the developing baby
    • Workers in certain construction and industrial fields may be exposed to high levels of lead
Children and Exposure to Lead

How do children get lead in their blood?

• Putting their hands or other lead-contaminated objects into their mouths

• Playing in lead-contaminated soil or on floors with lead dust

• Eating paint chips found in homes with peeling or flaking lead-based paint
Housing Quality and Health: Elevated Blood Lead Level

Related Hazards

Lead hazards, from
- Chipping, peeling, flaking, chalking paint in houses built before 1978
- Lead contaminated soil
- Lead containing household items or products

Extent of the Problem

23.2 million homes have at least one lead-based paint hazard.

Lead poisoning Affects

535,000 U.S. children ages 1-5.

Economic Impact

$5.9 billion per year in medical costs and

$50.9 billion per year in lost productivity due to cognitive impairment.

1. OLHCHR, 2014, Healthy Homes Rating System Operating Guidance
2. Dewalt et al., 2015; Jacobs et al., 2002
3. Trasande & Lui, 2011
Risk is based on housing and poverty
Lead Regulations

**HUD/EPA’s Lead Disclosure Rule**
- Applies to all housing, public and private, built before 1978. Effective March, 1996

**HUD’s Lead Safe Housing Rule (LSHR)**
- Applies to Federally-assisted and Federally-owned housing built before 1978. Effective September, 2000
- Amendments (EBLL) effective 2/13/17

**EPA’s Renovation, Repair, and Painting (RRP) Rule**
- Applies to all housing, public and private, built before 1978, including child-occupied facilities such as schools and day-care facilities. Effective April, 2010
Common Findings of Lead Regulatory Violations

**Lead Disclosure Rule**
- Incomplete Disclosures
- Incorrect form (‘Watch out for Lead’ instead of the current Disclosure Form)

**Lead Safe Housing Rule**
- Lack of valid inspection reports
- Incomplete testing
- Incorrect use of exemptions

**Renovation, Repair, Painting Rule**
- Contractor is not RRP Firm certified
- No certified renovator(s)
Case Study: Senior Home Repair Program

An older couple apply for assistance to repair deferred maintenance on their 1952 single-family home. They qualify for a deferred loan up to $20,000 for repairs. The couple watch their grandchildren, ages 5, 7, and 10, after school, until parents pick them up.

The repairs will include exterior painting, a new roof, upgrade kitchen and bath electrical with GFCI outlets, and installation of a wheelchair ramp.

What does your organization need to do to comply with HUD’s LBP rules and regulations and ensure the work is done correctly?
Case Study: Disaster Assistance Program

The POTUS approved a disaster declaration for the county due to a devastating wildfire several months ago. CDBG-DR funds were awarded to the county to repair and restore housing, among other uses.

Mr. and Mrs. Smith, and their two young children, applied for CDBG-DR funding to restore their home and appurtenances to a livable condition; they have been living with relatives since the fires caused significant damage to their historic 1929 home.

The repairs and restoration work will cost an estimated $40,000.

What does your organization need to do to comply with HUD’s LBP rules and regulations and ensure the work is done correctly?
A young couple (owner occupants) of a single-family home applied for assistance to respond to a broken water supply line in the upstairs bathroom that caused localized interior flooding damage.

The repairs will include replacing the broken pipe and all water damaged building materials in the flooded bathroom including first floor ceiling beneath the flooded bathroom. The cost estimate for the repair is $4700.

What does your organization need to do to comply with HUD’s LBP rules and regulations and ensure the work is done correctly?
Key Steps in LBP Compliance Process

- **DISCLOSURE**
  - Pamphlet

- **LOOK**
  - Enhanced Visual Assessment
  - Risk Assessment
  - Inspection

- **TREAT***
  - Paint Stabilization
  - Interim Controls
  - Hazard Abatement

- **CLEAR***
  - Clearance

- **TELL**
  - Notification to other residents

- **Disclose**
  - Look/Test
  - Treat
  - Clear
  - Tell
Step 1. Lead Disclosure Rule
Lead Disclosure Rule
Subpart A

- Applies to almost all pre-1978 for sale and rental units
- The Owner or Lessor:
  - Provides Pamphlet
  - Provides warning statement
  - Disclose KNOWN information
- Must be completed BEFORE any contract is signed
The Wrong Disclosure
# Lead Disclosure Rule

**Disclosure of Information on Lead-based Paint and/or Lead-based Paint Hazards**

**Lead Warning Statement:**
Housing built before 1978 may contain lead-based paint. Lead in paint, paint chips, and dust can pose health hazards if not managed properly. Lead exposure is especially harmful to young children and pregnant women. Before renting pre-1978 housing, lessors must disclose the presence of known lead-based paint and/or lead-based paint hazards in the dwelling. Lessees must also receive a federally approved pamphlet on lead-paint poisoning prevention.

**Lessor’s Disclosure**
(a) Presence of lead-based paint and/or lead-based paint hazards (check (i) or (ii) below):

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(i)</td>
<td>Known lead-based paint and/or lead-based paint hazards are present in the housing (explain).</td>
</tr>
<tr>
<td>(ii)</td>
<td>Lessor has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.</td>
</tr>
</tbody>
</table>

(b) Records and reports available to the lessor (check (i) or (ii) below):

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(i)</td>
<td>Lessor has provided the lessee with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (list documents below).</td>
</tr>
<tr>
<td>(ii)</td>
<td>Lessor has no reports or reports pertaining to lead-based paint and/or lead-based paint hazards in the housing.</td>
</tr>
</tbody>
</table>

**Lessee’s Acknowledgment (initial)**
(c) Lessor has received copies of all information listed above.
(d) Lessor has received the pamphlet Protect Your Family From Lead In Your Home.

**Agent’s Acknowledgment (initial)**
(e) Agent has informed the lessee of the lessor’s obligations under 42 U.S.C. 4852(b) and is aware of his/her responsibility to ensure compliance.

**Certification of Accuracy**
The following parties have reviewed the information above and certify, to the best of their knowledge, that the information they have provided is true and accurate.

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>Lessor</td>
<td>Date</td>
<td>Lessor</td>
</tr>
<tr>
<td>Lessor</td>
<td>Date</td>
<td>Lessor</td>
</tr>
<tr>
<td>Agent</td>
<td>Date</td>
<td>Agent</td>
</tr>
</tbody>
</table>
Lessor’s Disclosure
(a) Presence of lead-based paint and/or lead-based paint hazards (check (i) or (ii) below):

   (i) ☒, Known lead-based paint and/or lead-based paint hazards are present in the housing (explain).

Mark here if known
Options - If Lead is Known, List building parts that have lead or indicate how you know
lead/lead hazards are present. If an Inspection report from March 2003 or a Risk
Assessment from June 2005.

Mark here if not known

   (ii) ☐, Lessor has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.

(b) Records and reports available to the lessor (check (i) or (ii) below):

   (i) ☒, Lessor has provided the lessee with all available records and reports
pertaining to lead-based paint and/or lead-based paint hazards in the housing (list
documents below).

Use this space to list reports that are available. Also indicate what has been provided
to the tenant, i.e. summaries of reports.

Mark here if there are reports

Mark here if there are no reports

(ii) ☐, Lessor has no reports or records pertaining to lead-based paint and/or lead-based
paint hazards in the housing.

Lessee’s Acknowledgment (initial)
(c) ☒, Lessee has received copies of all information listed above.
(d) ☐, Lessee has received the pamphlet Protect Your Family from Lead in Your Home.

Agent’s Acknowledgment (initial)
(e) ☒, Agent has informed the lessor of the lessor’s obligations under 42 U.S.C. 4852(d) and is
aware of his/her responsibility to ensure compliance.

Certification of Accuracy
The following parties have reviewed the information above and certify, to the best of their knowledge, that
the information they have provided is true and accurate.

Owner Signature and Date

Lessor: ___________________________ Date: _______________ Lessor: ___________________________ Date: _______________

Renter Signature and Date

Lessee: ___________________________ Date: _______________ Lessee: ___________________________ Date: _______________

Agent Signature and Date

Agent: ___________________________ Date: _______________ Agent: ___________________________ Date: _______________
Lead Safe Housing Rule
Lead Safe Housing Rule (LSHR)

PURPOSE:

To protect children in assisted target housing through primary prevention
Lead Regulations Apply Except When:

- Property constructed after January 1, 1978
- Zero-bedroom units and SROs (in the works to be removed)
- Housing designated exclusively for the elderly or persons with disabilities except if a child less than 6 resides there
- Properties found to be lead-free by a LBP inspection or where all LBP has been identified, removed, and clearance achieved
- An unoccupied property that is to be demolished, provided that it remains unoccupied until demolition
- Rehab that does not disturb painted surfaces
- Emergency Action necessary to protect life, health and safety, or further damage to the structure (e.g., after a natural disaster or fire)
Exemptions (continued):

- Rehab that does not disturb painted surfaces:
- Safe work practices are not required when maintenance or hazard reduction activities do not disturb painted surfaces that total more than de minimis levels:
  - 2 sq. ft. per interior space
  - 10% of small component type
  - 20 sq. ft. for exterior work
LEAD SAFE HOUSING REQUIREMENTS SCREENING WORKSHEET

This worksheet should be placed in the project file for any residential property that is assisted with Federal funds. Parts 1 and 2 should be completed for all projects. Parts 3 and 4 should be completed for rehabilitation projects.

Property Owner and Address: ____________________________________________

________________________________________

Part 1: Exemptions from All Requirements of 24 CFR Part 35

If the answer to any of the following questions is yes, the property is exempt from the requirements of 24CFR Part 35. The regulatory citation of each exemption is cited as additional guidance.

- Was the property constructed after January 1, 1978? [35.115(a)(1)] ☐ YES ☐ NO
- Is this a zero-bedroom unit? (e.g. SRO, efficiency) [35.115(a)(2)] ☐ YES ☐ NO
- Is this dedicated elderly housing? (i.e. over age 62) [35.115(a)(3)] ☐ YES ☐ NO
- Is this housing dedicated for the disabled? [35.115(a)(3)] ☐ YES ☐ NO
- Has a paint inspection conducted in accordance with 35.1320(a) established that the property is free of lead-based paint? [35.115(a)(4)] ☐ YES ☐ NO
Lead Safe Housing Rule

DOCUMENT, DOCUMENT

- Requires more documentation than any other LBP Rule
- Certifications, training, evaluations, abatement reports, and clearance
- Documents must be kept at least 3 years or as long as maintenance and reevaluation is required
- Actual record keeping is life of the project/building(s)
<table>
<thead>
<tr>
<th>Program</th>
<th>Assistance Type</th>
<th>Subparts</th>
</tr>
</thead>
<tbody>
<tr>
<td>All</td>
<td>Disclosure of Known Lead-Based Paint Hazards Upon Sale or Lease of Residential Property</td>
<td>A</td>
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<tr>
<td>All</td>
<td>General Requirements and Definitions</td>
<td>B</td>
</tr>
<tr>
<td>Non-HUD Federal</td>
<td>Disposal of Housing Project-Based Rental Assistance</td>
<td>C D*</td>
</tr>
<tr>
<td>SF Hsg</td>
<td>HUD-Owned Single Family Property</td>
<td>F</td>
</tr>
<tr>
<td>MF Hsg</td>
<td>Multifamily Mortgage Insurance</td>
<td>G</td>
</tr>
<tr>
<td>Hsg, PIH</td>
<td>Project-Based Rental Assistance</td>
<td>H*</td>
</tr>
<tr>
<td>MF Hsg</td>
<td>HUD-Owned and Mortgagee-in-Possession Multifamily Property</td>
<td>I*</td>
</tr>
<tr>
<td>Programs</td>
<td>Assistance Type</td>
<td>Subparts</td>
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</tr>
<tr>
<td>All</td>
<td>Rehabilitation</td>
<td>J</td>
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<tr>
<td>CPD, PIH</td>
<td>Acquisition, Leasing, Support Services, or Operation</td>
<td>K</td>
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<tr>
<td>PIH</td>
<td>Public Housing Programs</td>
<td>L*</td>
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<td>PIH, CPD</td>
<td>Tenant-Based Rental Assistance</td>
<td>M*</td>
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<tr>
<td>All</td>
<td>Methods and Standards for Lead-Based Paint Hazard Evaluation and Hazard Reduction Activities</td>
<td>R</td>
</tr>
<tr>
<td>Reserved</td>
<td></td>
<td>E, N-Q</td>
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</tbody>
</table>

* Subparts D, H, I, L, and M have provisions dealing with children under age 6 who have environmental intervention/elevated blood lead levels, depending on the date of funding.
Housing Rehabilitation Programs
Occupants are provided the “Renovate Right” pamphlet prior to commencing rehabilitation activities.

After testing - Occupants are provided a Notice of Evaluation within 15 days of receipt of the report.

After Clearance – Occupants are provided a Notice of Lead Hazard Reduction within 15 days of the clearance test results.

A certified lead Risk Assessor/Inspector completes paint testing on all surfaces to be disturbed by the rehabilitation.

Lead safe work practices and occupant protection are incorporated into the work write-up if paint testing shows lead on surfaces to be disturbed.

Designated party documents safe work practices and occupant protection were implemented where required.

Certified lead Risk Assessor/Inspector conducts a clearance test prior to re-occupancy.

≤ $5000
Notification (RRP)

- Occupants are provided the “Renovate Right” pamphlet prior to commencing rehabilitation activities
- After testing - Occupants are provided a Notice of Evaluation within 15 days of receipt of the risk assessment report
- After Clearance – Occupants are provided a Notice of Lead Hazard Reduction within 15 days of the clearance test results

LBP Evaluation & Responsibilities (Subpart J)

- A certified lead Risk Assessor/Inspector completes a risk assessment of the property and paint testing on surfaces to be disturbed
- If the risk assessment found lead hazards, the work write-up incorporates the recommendations for **interim controls** using safe work practices and occupant protection
- Designated party verifies the contractor is certified RRP Firm and workers are certified RRP renovators.
- Designated party documents safe work practices and occupant protection were implemented where required
- Certified lead Risk Assessor/Inspector conducts a clearance test prior to re-occupancy
Notification (RRP)

- Occupants are provided the “Renovate Right” pamphlet prior to commencing rehabilitation activities.
- After testing - Occupants are provided a Notice of Evaluation within 15 days of receipt of the risk assessment report.
- After Clearance – Occupants are provided a Notice of Lead Hazard Reduction within 15 days of the clearance test results.

LBP Evaluation & Responsibilities (Subpart J)

- A certified lead Risk Assessor/Inspector completes a risk assessment of the property and paint testing of surfaces to be disturbed.
- Abatement of all identified lead hazards is required and must be incorporated into the work write-up using safe work practices and occupant protection (Interim controls are permitted on the exterior).
- Designated party verifies the contractor has a lead abatement certification for the firm, and that supervisors, and workers are certified and licensed to perform abatement.
- Designated party documents safe work practices and occupant protection were implemented where required.
- Certified lead Risk Assessor/Inspector conducts a clearance test prior to re-occupancy.
<table>
<thead>
<tr>
<th>Subpart J – Rehabilitation Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Approach to Lead Hazard Evaluation &amp; Reduction</strong></td>
</tr>
<tr>
<td>1. Do no harm</td>
</tr>
<tr>
<td>3. Identify &amp; control lead hazards</td>
</tr>
<tr>
<td>4. Identify &amp; abate lead hazards</td>
</tr>
<tr>
<td><strong>Notification</strong></td>
</tr>
<tr>
<td><strong>Lead Hazard Evaluation</strong></td>
</tr>
<tr>
<td><strong>Lead Hazard Reduction</strong></td>
</tr>
<tr>
<td><strong>Ongoing Maintenance</strong></td>
</tr>
<tr>
<td><strong>EBLL Requirements</strong></td>
</tr>
<tr>
<td><strong>Options</strong></td>
</tr>
</tbody>
</table>
Step 2. Look
LBP Testing
An older couple apply for assistance to repair deferred maintenance on their 1952 single-family home. They qualify for a deferred loan up to $20,000 for repairs. The couple watch their grandchildren, ages 5, 7, and 10, after school, until parents pick them up.

The repairs will include exterior painting, a new roof, upgrade kitchen and bath electrical with GFCI outlets, and installation of a wheelchair ramp.

What does your organization need to do to comply with HUD’s LBP rules and regulations and ensure the work is done correctly?
Case Study: Disaster Assistance Program

The POTUS approved a disaster declaration for the county due to a devastating wildfire several months ago. CDBG-DR funds were awarded to the county to repair and restore housing, among other uses.

Mr. and Mrs. Smith, and their two young children, applied for CDBG-DR funding to restore their home and appurtenances to a livable condition; they have been living with relatives since the fires caused significant damage to their historic 1929 home.

The repairs and restoration work will cost an estimated $40,000.

What does your organization need to do to comply with HUD’s LBP rules and regulations and ensure the work is done correctly?
Case Study: Emergency Home Repair Program

A young couple (owner occupants) of a single-family home applied for assistance to respond to a broken water supply line in the upstairs bathroom that caused localized interior flooding damage.

The repairs will include replacing the broken pipe and all water damaged building materials in the flooded bathroom including first floor ceiling beneath the flooded bathroom. The cost estimate for the repair is $4700.

What does your organization need to do to comply with HUD’s LBP rules and regulations and ensure the work is done correctly?
LBP Evaluations

LBP Inspection
- Surface-by-surface investigation to determine if LBP is present above HUD thresholds; does NOT determine whether the paint presents an immediate hazard
- Sampling of painted surfaces (dust, bare soil, and water testing is optional)
- Purpose – Abatement, renovation/weatherization, sale or turnover of property, remodeling/repainting
- Final Report - Whether LBP is present, where it is located, and at what concentrations
- Combined Risk Assessment & Inspection may prove more cost effective than separate investigations

Risk Assessment
- Identifies LBP hazards - Sampling of deteriorated paint, dust, bare soil (risk based), water (optional)
- Purpose - Interim controls, sale of property or turnover, documentation of absence of lead hazards
- Final report - Lead Hazard Control Plan with options for interim controls or certification of LBP compliance
- Environmental Investigation is an enhanced Risk Assessment with review of other sources of lead exposure

Visual Assessment
- Conducted to locate potential lead-based paint hazards and evaluate the magnitude of the hazard
- In dwellings where no inspection has been conducted, any painted surface that has not been replaced after 1977 must be assumed to contain lead-based paint
- Identifies deteriorated paint; visible surface dust, debris, and residue as part of a risk assessment or clearance exam; or confirms completion or failure of a hazard reduction measure

Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing - Chapter 5
# Federal Lead Hazard Levels

<table>
<thead>
<tr>
<th>Media</th>
<th>Lead Level – Risk Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paint</td>
<td>1 mg/ cm²</td>
</tr>
<tr>
<td>Dust (wipe sampling only; single-surface or composite)</td>
<td></td>
</tr>
<tr>
<td>Carpeted Floors</td>
<td>40 µm/ft²</td>
</tr>
<tr>
<td>Hard Floors</td>
<td>40 µm/ft²</td>
</tr>
<tr>
<td>Interior Window Sills</td>
<td>250 µm/ft²</td>
</tr>
<tr>
<td>Bare Soil:</td>
<td></td>
</tr>
<tr>
<td>Bare soil in play areas</td>
<td>400 µm/ft²</td>
</tr>
<tr>
<td>Bare soil in non-play areas</td>
<td>1,200 µm/ft²</td>
</tr>
<tr>
<td>Water (optional) – first draw, 250mL</td>
<td>20 ppb (µm/L)</td>
</tr>
</tbody>
</table>
X-Ray Refractive Fluorescence (XRF) Device
Locate Certified Inspection, Risk Assessment Firm

https://cfpub.epa.gov/flpp/pub/index.cfm?do=main.firmSearchAbatement

Locate Certified Inspection, Risk Assessment, and Abatement Firms

Include any criteria that you would like to use to limit the search results. For example, you could select a state where a firm is located, the jurisdictions in which they are certified, or enter the name of a specific firm to find out if it is certified. The more criteria you add the more restrictive your search and the fewer results will be returned.

Note: This locator only identifies certified firms in jurisdictions where EPA administers the lead-based paint training and certification program. For assistance identifying firms in one of EPA's 44 authorized programs (38 States, 4 Tribes, Puerto Rico, and Washington D.C.) contact the National Lead Information Center. We also provide helpful links to the websites of the authorized programs on our training and certification page.

Find an Abatement Firm
To find your nearest EPA certified abatement firm, search by the criteria below.

Discipline:
- Inspection, Risk Assessment
- Abatement

Location:
Search Results
Vail, CO

- Firm Location: vail (within 100 miles)
- Discipline: Inspection, Risk Assessment

<table>
<thead>
<tr>
<th>Firm</th>
<th>Discipline</th>
<th>Certification Number</th>
<th>Expiration Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>BUILD3, LLC</td>
<td>Evaluation (Inspection, Risk Assessment, Clearance, Dust Sampling Technician), Renovation</td>
<td>NAT-F147052-1</td>
<td>10/08/2019</td>
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<td>BS Environmental Consulting, Inc.</td>
<td>Evaluation (Inspection, Risk Assessment, Clearance, Dust Sampling Technician), Renovation</td>
<td>NAT-99709-2</td>
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<td>Evaluation (Inspection, Risk Assessment, Clearance)</td>
<td>LBP-12149-1</td>
<td>06/12/2020</td>
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<td>24-7 Restoration, Inc.</td>
<td>Evaluation (Inspection, Risk Assessment, Clearance, Dust Sampling Technician), Lead Abatement</td>
<td>LBP-F124917-1</td>
<td>08/14/2020</td>
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<td>Evaluation (Inspection, Risk Assessment, Clearance)</td>
<td>LBP-F184729-1</td>
<td>04/13/2021</td>
</tr>
</tbody>
</table>
HUD LSHR incorporates EPA Regulations

- 24 CFR 35.1320
  - (a) Lead-based paint inspections and paint testing. Lead-based paint inspections shall be performed in accordance with methods and standards established either by a State or Tribal program authorized by the EPA under 40 CFR 745.324, or by the EPA at 40 CFR 745.227(b) and (h). Paint testing to determine the presence or absence of lead-based paint on deteriorated paint surfaces or surfaces to be disturbed or replaced shall be performed by a certified lead-based paint inspector or risk assessor.
Report Requirements 40 CFR 745.227 (b)

- (i) Date of each inspection.
- (ii) Address of building.
- (iii) Date of construction.
- (iv) Apartment numbers (if applicable).
The Who and Where

• (v) Name, address, and telephone number of the owner or owners of each residential dwelling or child-occupied facility.

• (vi) Name, signature, and certification number of each certified inspector and/or risk assessor conducting testing.

• (vii) Name, address, and telephone number of the certified firm employing each inspector and/or risk assessor, if applicable.
A well designed cover page has a large amount of the required information.
Limited Lead-Based Paint
Building Survey and Lead Dust Sampling
July 8, 2016

Prepared for:
Denver Housing Authority
777 Grant Street
Denver, Colorado 80203

Prepared by:
Environmental Technical Solutions, LLC
2432 S. Downing Street
Denver, Colorado 80210

- A simpler version
- Other information located elsewhere
Limited Lead-Based Paint
Building Survey and Lead Dust Sampling

Project:
2365 Ivanhoe Street
Denver, Colorado 80207

July 8, 2016
Project Number: E16.229
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Appendix D: Building Condition Forms
Appendix E: Laboratory Results/Lead Hazard Risk Assessment Chart
Appendix F: Certifications
Examine this Cover
Are there any concerns?
Certificate

Note Address

Go back one slide
Examine this Cover

Are there any concerns?
Certificate

Note

Address

CERTIFICATE OF LEAD-BASED PAINT COMPLIANCE

I hereby certify that on 1-5-07, the dwelling located at 631 Maple Avenue also known as Maple, in Cincinnati, Ohio, meets at least the minimum criteria established by the Department of Housing and Urban Development for lead safety. Either no lead-based paint hazards were identified or all lead-based paint hazards have been corrected.

Authorized Signature

Risk Assessor License #: P-047
Expiration Date: 03-31-07

SHARPE ENVIRONMENTAL LEAD COMPLIANCE Certificate
The meat of the report

• (viii) Each testing method and device and/or sampling procedure employed for paint analysis, including quality control data and, if used, the serial number of any x-ray fluorescence (XRF) device.

• (ix) Specific locations of each painted component tested for the presence of lead-based paint.

• (x) The results of the inspection expressed in terms appropriate to the sampling method used.
Some rather old and fun to review

<p>| Living Room Wall #1         | B C G P W M T | I   | D   | UP | -0.6 | -0.6 | -1.0 | 0.0 |
| Wall #2 Baseboard          | B C G P W M T | I   | D   | UP |       |       |      |     |
| Wall #2 Window Trim        | B C G P W M T | I   | D   | UP |       |       |      |     |
| Wall #2 Window Sill        | B C G P W M T | I   | D   | UP |       |       |      |     |
| Living Room Wall #2        | B C G P W M T | I   | D   | UP |       |       |      |     |
| Wall #3 Baseboard          | B C G P W M T | I   | D   | UP |       |       |      |     |
| Wall #3 Window Trim        | B C G P W M T | I   | D   | UP |       |       |      |     |
| Wall #3 Window Sill        | B C G P W M T | I   | D   | UP |       |       |      |     |
| Living Room Wall #3        | B C G P W M T | I   | D   | UP |       |       |      |     |
| Wall #4 Baseboard          | B C G P W M T | I   | D   | UP |       |       |      |     |
| Wall #4 Window Trim        | B C G P W M T | I   | D   | UP |       |       |      |     |
| Wall #4 Window Sill        | B C G P W M T | I   | D   | UP |       |       |      |     |
| Living Room Coat Closet Trim| B C G P W M T | I   | D   | UP | -1.5  | -1.5  | -1.5 | 0.0 |
| L.R. Coat Closet Door      | B C G P W M T | I   | D   | UP |       |       |      |     |
| L.R. Coat Closet Jamb      | B C G P W M T | I   | D   | UP |       |       |      |     |
| L.R. Coat Closet Shelf     | B C G P W M T | I   | D   | UP |       |       |      |     |
| Living Room Ceiling        | B C G P W M T | I   | D   | UP |       |       |      |     |</p>
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XRF Generated

Some XRF have programming that process the data and allows it to be grouped.
Lots of Info

• Too much if not educated on meaning
## Testing Components

### Commonly Encountered Interior Painted Components That Should Be Tested Include:

<table>
<thead>
<tr>
<th>Component</th>
<th>Component</th>
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<tbody>
<tr>
<td>Air Conditioners</td>
<td>Fireplaces</td>
</tr>
<tr>
<td>Balustrades</td>
<td>Floors</td>
</tr>
<tr>
<td>Baseboards</td>
<td>Handrails</td>
</tr>
<tr>
<td>Bathroom Vanities</td>
<td>Newel Posts</td>
</tr>
<tr>
<td>Beams</td>
<td>Other Heating Units</td>
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<tr>
<td>Cabinets</td>
<td>Radiators</td>
</tr>
<tr>
<td>Ceilings</td>
<td>Shelf Supports</td>
</tr>
<tr>
<td>Chair Rails</td>
<td>Shelves</td>
</tr>
<tr>
<td>Columns</td>
<td>Stair Stringers</td>
</tr>
<tr>
<td>Counter Tops</td>
<td>Stair Treads and Risers</td>
</tr>
<tr>
<td>Crown Molding</td>
<td>Stools and Aprons</td>
</tr>
<tr>
<td>Doors and Trims</td>
<td>Walls</td>
</tr>
<tr>
<td>Painted Electrical Fixtures</td>
<td>Window Sashes and Trim</td>
</tr>
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</table>

### Exterior Painted Components That Should Be Tested Include:

<table>
<thead>
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<th>Component</th>
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<tbody>
<tr>
<td>Air Conditioners</td>
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<tr>
<td>Balustrades</td>
<td>Lattice Work</td>
</tr>
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<td>Bulkheads</td>
<td>Mailboxes</td>
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<td>Ceilings</td>
<td>Painted Roofing</td>
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<td>Chimneys</td>
<td>Railing Caps</td>
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<tr>
<td>Columns</td>
<td>Rake Boards</td>
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<tr>
<td>Corner boards</td>
<td>Sashes</td>
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<tr>
<td>Doors and Trim</td>
<td>Siding</td>
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<tr>
<td>Fascias</td>
<td>Soffits</td>
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<tr>
<td>Floors</td>
<td>Stair Risers and Treads</td>
</tr>
<tr>
<td>Gutters and Downspouts</td>
<td>Stair Stringers</td>
</tr>
<tr>
<td>Joists</td>
<td>Window and Trim</td>
</tr>
</tbody>
</table>
The Take Away

• Most issues are fairly self evident
  • Unlicensed inspector, expired certifications
  • Missing testing combinations
  • Calibration
  • Missing Summary-Easy to understand
LEAD HAZARD EVALUATION NOTICE – SAMPLE FORM

Address: ________________________________________________________________
____________________________________________________________________
____________________________________________________________________

Evaluation Completed (circle one): Paint Inspection  Paint Testing  Risk Assessment

Date: ______________________

Summary of Results:

____ No lead-based paint or lead-based paint hazards were found.

____ Lead-based paint and/or lead-based paint hazards were found. See attachment for details
Step 3 - Treat LBP Hazard Reduction
Case Study: Senior Home Repair Program

An older couple apply for assistance to repair deferred maintenance on their 1952 single-family home. They qualify for a deferred loan up to $20,000 for repairs. The couple watch their grandchildren, ages 5, 7, and 10, after school, until parents pick them up.

The repairs will include exterior painting, a new roof, upgrade kitchen and bath electrical with GFCI outlets, and installation of a wheelchair ramp.

What does your organization need to do to comply with HUD’s LBP rules and regulations and ensure the work is done correctly?
Case Study: Disaster Assistance Program

The POTUS approved a disaster declaration for the county due to a devastating wildfire several months ago. CDBG-DR funds were awarded to the county to repair and restore housing, among other uses.

Mr. and Mrs. Smith, and their two young children, applied for CDBG-DR funding to restore their home and appurtenances to a livable condition; they have been living with relatives since the fires caused significant damage to their historic 1929 home.

The repairs and restoration work will cost an estimated $40,000. What does your organization need to do to comply with HUD’s LBP rules and regulations and ensure the work is done correctly?
Case Study: Emergency Home Repair Program

A young couple (owner occupants) of a single-family home applied for assistance to respond to a broken water supply line in the upstairs bathroom that caused localized interior flooding damage.

The repairs will include replacing the broken pipe and all water damaged building materials in the flooded bathroom including first floor ceiling beneath the flooded bathroom. The cost estimate for the repair is $4700.

What does your organization need to do to comply with HUD’s LBP rules and regulations and ensure the work is done correctly?
Locate Certified EPA RRP Firm/Workers

https://cfpub.epa.gov/flpp/pub/index.cfm?do=main.firmSearch

You are here: EPA Home » Lead » Locate Certified Renovation and Lead Dust Sampling Technician Firms

Locate Certified Renovation and Lead Dust Sampling Technician Firms

Note: This locator identifies lead renovation, repair and painting (RRP) firms certified by EPA. EPA runs the lead RRP program in most states, tribes and territories. However, currently fourteen states and one tribe are authorized by EPA to administer their own RRP programs:

- Alabama
- Delaware
- Georgia
- Iowa
- Kansas
- Massachusetts
- Mississippi
- North Carolina
- Oklahoma
- Oregon
- Rhode Island
- Utah
- Washington
- Wisconsin
- Rota Perte Band

Do you need to check your home for lead hazards?

This locator relates to renovation, repair and painting work; however if you want to check your home for lead hazards (abatement), hire a certified risk assessment or inspection firm. For assistance identifying certified firms in these states contact the National Lead Information Center. For a list of entities whose certification has been suspended, revoked, modified or reinstated, click here.

Find a Firm

To find your nearest EPA certified firm, first select the type of company you're looking for (renovator or evaluation), then please enter either a complete address, or a Zip Code, or a City and State.
## Results for Vail, CO

For more information or to apply online.

### Show 5 entries

<table>
<thead>
<tr>
<th>Firm</th>
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<th>Certification Number</th>
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<td>SteamMaster Restoration &amp; Cleaning LLC</td>
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<td>NAT-21010-2</td>
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<td>1501 Main Street</td>
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<tr>
<td>(970) 748-6667</td>
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<td>LTR Home Delivery Services, LLC</td>
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<td>NAT-F121804-1</td>
<td>05/08/2019</td>
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<td>970-485-5565</td>
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</table>

Showing 1 to 5 of 957 entries

First Previous 1 2 3 4 5 ... 192 Next Last

Disclaimer
Locate LBP Abatement Firm/Contractors

https://www.colorado.gov/pacific/cdphe/categories/services-and-information/environment/air-quality/lead-based-paint
Lead Hazard Reduction

**Paint Stabilization**
- A method to fix deteriorated paint safely, reducing exposure to deteriorated paint on exterior and interior surfaces through repairs, safe paint removal, and repainting

**Interim controls**
- Set of measures designed to reduce temporarily human exposure or likely exposure to lead-based paint hazards
  
  Examples:
  - Repairs
  - Painting
  - Temporary containment
  - Specialized cleaning

**Abatement**
- Set of measures designed to permanently eliminate lead-based paint or lead-based paint hazards
Sample Notice of Lead Hazard Reduction

Property Address: __________________________ Today's Date: ________________________

Summary of the Hazard Reduction Activity:

Start Date: __________________________ Completion Date: ________________________

Location and type of activity. (List the location and type of activity conducted or attach a copy of the summary page from the clearance report or the lead hazard scope of work providing this information.)

________________________________________

________________________________________

________________________________________

Date(s) of clearance testing: ____________________________________________

Summary of results of clearance testing:

(a) __________ No clearance testing was performed.

(b) __________ Clearance testing showed clearance was achieved.

(c) __________ Clearance testing showed clearance was not achieved.

List any components with known lead-based paint that remain in the areas where activities were conducted. List the location of the component (e.g. kitchen-door, bedroom-windows):

________________________________________

________________________________________

________________________________________

Person who prepared this summary notice

Printed Name: __________________________ Signature: __________________________

Title: __________________________ Organization: __________________________

Address: __________________________

Phone: __________________________ Fax: __________________________

Owner: __________________________ Date: __________________________

(Give to Property Owner with work-write up)

If you have any questions about this summary, please contact ______________ at ________.
Protection of Occupants’ Belongings and Worksite Preparation for Projects with Lead Hazard Reduction Activities

Property Address: __________________________ Owner: __________________________

Name of Individual Completing this Form: __________________________

Organization: __________________________________________________________

Date Completed: _______________________________________________________

Instructions: Check all activities performed to protect occupants’ belongings and prepare the worksite.

Whether or not temporary relocation of occupants is required before and during lead hazard reduction activities, the worksite must be carefully prepared and occupants’ belongings protected. Check all that apply.

☐ Occupants were appropriately notified that their belongings would be protected during the work and what, if anything, they would need to do to prepare for the project.

☐ Occupants’ belongings in the containment area were (check one):
  ☐ relocated to a safe and secure area outside the containment area.
  OR
Post Construction Safe Work Practices Certification

I, ____________________________ (name), an employee of ______________________ (contractor or organization), certify that we followed safe work practices on ______________________ (address of property). Items 1A-1D were adhered to, in compliance with Federal, state and local regulations, except in cases where the work was exempt from safe work practice requirements as described in Item 2.

Check Number 1 or 2

____ 1. The following safe work practices were applied as appropriate.
   A. The prohibited work methods listed below were not used.
      • Open flame burning or torching.
      • Machine sanding or grinding without 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 that operate high enough to char the paint.
      • Dry sanding or dry scraping. (For exceptions to this rule see 24CFR 35.140 (e).)
      • Paint stripping in a poorly ventilated space using a volatile stripper that is a hazardous substance in accordance with regulations of the Consumer Product Safety Commission at 16 CFR 1500.3, and/or a hazardous chemical in accordance with the Occupational Safety and Health Administration at 29 CFR 1910.1200 or 1910.59, as applicable to the work.
Step 4- Clear
Perform Clearance Testing

Refers to the various environmental evaluation procedures used to determine if:

The lead hazard control work was completed as specified

The area is safe for unprotected workers to enter

The area is a safe place for residents and young children to re-occupy/live
Clearance

• Dust wipe samples must be collected (by certified risk assessor/inspector or his/her clearance technician) and submitted to an accredited laboratory for analysis

• LBP hazard control is not complete until clearance testing is performed and passed
Clearance Report Review Worksheet

The use of this form is optional. It can be used at the completion of an interim controls or standard treatments job to document that clearance was achieved and the clearance report is complete.

<table>
<thead>
<tr>
<th>Property Address:</th>
<th>Date:</th>
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<tbody>
<tr>
<td>Name of Reviewer:</td>
<td>Title:</td>
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<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
<th>Notes</th>
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<td><strong>The clearance exam report from the clearance examiner must include items number 1 though 6.</strong></td>
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<tr>
<td>1. Property address and specific unit or common areas identified.</td>
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<tr>
<td>2. Name, address, signature and certification number of each person involved in the clearance examinations.</td>
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<tr>
<td>3. Name and identification number of each laboratory conducting an analysis.</td>
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<tr>
<td>4. Dates of clearance examination.</td>
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<tr>
<td>5. Results of visual assessment for the presence of deteriorated paint and visible dust, debris, residue or paint chips.</td>
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<td>6. Results of the analysis of dust samples in micrograms square feet (μg ft²) by location of sample</td>
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Case Study: Senior Home Repair Program

An older couple apply for assistance to repair deferred maintenance on their 1952 single-family home. They qualify for a deferred loan up to $20,000 for repairs. The couple watch their grandchildren, ages 5, 7, and 10, after school, until parents pick them up.

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Mr. and Mrs. Smith, and their two young children, applied for CDBG-DR funding to restore their home and appurtenances to a livable condition; they have been living with relatives since the fires caused significant damage to their historic 1929 home.

The repairs and restoration work will cost an estimated $40,000

What does your organization need to do to comply with HUD’s LBP rules and regulations and ensure the work is done correctly?
A young couple (owner occupants) of a single-family home applied for assistance to respond to a broken water supply line in the upstairs bathroom that caused localized interior flooding damage.

The repairs will include replacing the broken pipe and all water damaged building materials in the flooded bathroom including first floor ceiling beneath the flooded bathroom. The cost estimate for the repair is $4700.

What does your organization need to do to comply with HUD’s LBP rules and regulations and ensure the work is done correctly?
Step 5 - Tell
Step 5 - Tell

• Notify Residents
  • Results of visual or risk assessment and of treatment, i.e., hazard control work, once clearance is achieved.
Tell
(Part of Step 2)

LEAD HAZARD EVALUATION NOTICE – SAMPLE FORM

Address: __________________________________________

_________________________________________________

Evaluation Completed (circle one): Paint Inspection    Paint Testing    Risk Assessment

Date: __________________

Summary of Results:

____ No lead-based paint or lead-based paint hazards were found.

____ Lead-based paint and/or lead-based paint hazards were found. See attachment for details
Step 5 - Tell

Sample Notice of Lead Hazard Reduction

Property Address: ___________________________       Today’s Date: _______________________

Summary of the Hazard Reduction Activity:

Start Date: ___________________________       Completion Date: _______________________

Location and type of activity. (List the location and type of activity conducted or attach a copy of the summary page from the clearance report or the lead hazard scope of work providing this information.)

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

Date(s) of clearance testing: ___________________________

Summary of results of clearance testing:

(a) ____________ No clearance testing was performed.
LBP Maintenance Steps at a Glance

- Visual Assessment
- Stabilize deteriorated paint
- Safe work practices (RRP firm and trained renovators)
- Bare soil – standard treatments or interim control
- Interim control or abate failed encapsulation or enclosure
- Clearance of worksite
- Provide occupants written notice to report deteriorated paint or failed abatement
  - Designated party MUST respond to such report and fix within 30 days
LBP Reevaluation

• **Required if** hazard reduction or standard treatments has/have been performed (when evaluation identified paint/soil/dust lead hazard)

• **Not required if:**
  • Initial risk assessment found no lbp hazards
  • LBP Inspection found no lbp
  • All lbp was abated and no failures found during ongoing lbp maintenance visual assessments or other observations by maintenance and repair workers since encapsulation or enclosures performed
Ongoing LBP Maintenance & Reevaluation
24 CFR 35.1355

- LBP Maintenance required when:
  - There is a continuing, active programmatic relationship > 1yr between property and federal program (i.e., HOME rehab, HCV/TBRA, Public Housing, PBA) and LBP remains on the property

- LBP Maintenance NOT required when:
  - LBP inspection report indicates no LBP on property or LBP clearance report indicates all LBP has been removed
LBP Reevaluation

• **Performed by** a certified lbp risk assessor

• **Schedule:**
  • No later than 2 years from completion of hazard reduction
  • Subsequent reevaluation at intervals of two years (+/- 60 days)

• **To be exempt** from additional reevaluation, at least two consecutive reevaluations conducted at such 2-yr intervals without finding lbp hazard or failure of encapsulation or enclosure

• **Respond** to new hazards

• Clearance
What’s New – Amendments to Lead Safe Housing Rule

- Published as a proposed rule for public comment - 9/1/16
- Published Final Rule 1/13/17 (effective 2/13/17, enforceable 7/13/17)

Major changes include:

- Bring definition of Elevated Blood Lead Level in line with CDC (reduce to 5 µg/dL or greater)
  - Enable HUD to change the Elevated Blood Lead Level in the future should the CDC threshold change
- Additional requirements in the event a child is found with an Elevated Blood Lead Level in HUD assisted housing
• Evaluations
• Notices of Evaluation(s)
• Clearance Reports
• Notices of Hazard Reduction
• O&M Plan, Visual Assessments
• EIBLL (if prior to 2/13/17) or EBLL Documentation
• Documents must be kept at least 3 years or as long as an O&M Plan or re-evals are required
Other Lead-Related Issues

- Historic Preservation: 24 CFR 58.5(a)
- Fair Housing: 24 CFR 100.50(b)(2)
Historic Preservation

• Limited Exemption...
  • properties listed or eligible for the National Register, if requested by the SHPO, may conduct interim controls instead of abatement

• Historic Preservation Brief 37

• HUD Guidelines – Chapter 18
24 CFR 100.50(b)(2): Discriminate in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with sales or rentals, because of race, color, religion, sex, handicap, familial status, or national origin.
EPA Renovation Repair Painting Rule

PURPOSE:
Minimize exposure from LBP dust during renovation, repair, or painting activities

Effective April 22, 2010
EPA Renovation, Repair and Painting Rule (RRP)

- Contractors performing renovation repair and painting projects that disturb lead-based paint in homes, child care facilities and pre-schools built before 1978
  - Have their firm certified by EPA or an EPA authorized state
  - Use certified renovators trained by EPA-approved training providers
  - Follow lead-safe work practices
  - Provide “Renovate Right” pamphlet
  - VIOLATIONS: Civil Money Penalties $37,500
Main changes to HUD assistance from EPA RRP Rule

• Tenant-based rental assistance:
  • RRP rule covers renovation even if no child under 6 lives in unit

• Training and certification:
  • Use certified renovation firm
  • Have certified RRP renovator(s) at the job, performing the interim control work
LBP Determination

- **EPA:**
  - Certified renovators may use EPA-recognized test kit to determine LBP

- **HUD:**
  - Test kits may be used to confirm LBP, but may **not** be used to say paint is **not** LBP
  - Only a certified LBP I/RA may evaluate, test paint or presume LBP
  - A certified renovator may evaluate, test or presume only if also a certified LBP I/RA
Training and Certification

- **EPA:**
  - EPA certifies renovators and firms
  - Only a certified renovator is required to have classroom training
  - Workers may receive on-the-job training from the certified renovator

- **HUD:**
  - All workers / supervisors pass HUD-approved lead safe work practices course (RRP course), or be supervised by abatement supervisor
Prohibited Work Practices

- **EPA:**
  - Open flame burning or torching
  - Heat guns above 1100 degrees F
  - Power sanding, etc., without HEPA vacuum attachment

- **HUD:** EPA’s three, plus:
  - Heat guns that char paint
  - Dry scraping over 1 ft. from elect. outlets
  - Volatile strippers in poorly ventilated space
De minimis amounts

- **EPA:**
  - 6 sq. ft. per interior space (room, hall, etc.)
  - 20 sq. ft. for exterior work

- **HUD:**
  - 2 sq. ft. per interior space
  - 10% of small component type
  - 20 sq. ft. for exterior work
Confirmatory Testing

• **EPA:**
  - Cleaning verification by renovator, or
  - Clearance examination, if required by contract or regulation

• **HUD:**
  - Clearance examination done by an independent party
Notification to Occupants

- **EPA**: Notify owners and non-owner residents

- **HUD**: Notify occupants within 15 days after lead hazard evaluation or control activities in their unit (&, if applicable, common areas they access), by:
  - Posting in central common area, or
  - Distributing to each affected unit
Sanctions & Penalties

• Disclosure:
  • Violators subject to civil money penalties up to $17,834 (2019) per violation and Child Health Improvement Programs

• LSHR:
  • Designated party or owners may be considered in default of its regulatory agreement or annual contributions contract.
  • May be debarred from receiving HUD assistance or denied future participation in HUD or other federal programs.
  • May be forced to surrender grant funds, or subject to civil money penalties or other sanctions
  • HUD does not have the authority to create penalties under the new rule or currently codified LSHR

• RRP:
  • Violators subject to civil money penalties up to $37,500 per violation
Disclosure –

• Using latest pamphlet and disclosure form
• Instructions on when disclosure is required
• Who conducts disclosure
• Timing of disclosure in process of serving program participant
• Proper lead reports to be disclosed
Compliance: Policies and Procedures

• Notices to Residents –
  • Templates and completed notifications to residents about LBP evaluation, RRP, hazard reduction activities
  • Details regarding responsible parties for each activity, how and when notification occurs
Poll

How confident are you that owners you work with are accurately and honestly complying with the Lead Disclosure Rule:

- Very confident
- Somewhat confident
- Not confident
Compliance: Policies and Procedures

• Visual Assessment of Paint Condition –
  • List of staff who perform visual assessments,
  • LBP Training certificates for those staff members on file
  • Correct templates are used to document results and included in appropriate files
Compliance: Policies and Procedures

- **Paint Testing, Visual Assessment or Presumption (of LBP)**
  - Description of methods in place to determine paint testing requirements (e.g. worksite only, risk assessment, LBP inspection or visual assessment)
  - Use of vendors who possess the proper credentials based on the RFQ/RFP
  - Confirmation the risk assessor/inspectors using the 2012 HUD Guidelines
Compliance: Policies and Procedures

- **Lead Hazard Reduction**
  - Organization distinguishes the level of hazard reduction (i.e., paint stabilization, interim controls or hazard abatement)
    - NOTE: hazard abatement is an OPTION for TBRA, SBRA/PBRA, and Leasing
  - Procedures describe who is responsible and the source of funding for activity
  - Work write-ups/bid specs reflect who is permitted to bid on a job (i.e., abatement contractor/workers and/or certified renovation firm/workers)
Compliance: Policies and Procedures

• Lead Hazard Reduction (cont.)
  • Documentation that lead safe work practices are used (i.e., contracts, work write-ups, site visit reports, contractor certification)
  • Documentation of when and under what circumstances occupant protection, worksite preparation and temporary relocation is handled
Compliance: Policies and Procedures

- Clearance
  - Clearance is conducted by qualified examiners
  - Communicated to owners/residents
  - How instances of clearance failure is addressed
Welcome to the **Lead Rule Compliance Advisor**. This Advisor was designed to present the requirements of the Lead Safe Housing Rule (LSHR). By analyzing your responses to a short number of questions, the Advisor generates a report of project-specific requirements that can be saved on your computer in a word-processing program or printed for the file. Along the way, the Advisor provides links to related resources including a glossary, related regulations, guidance, and sample forms used by many programs and field staff to implement the LSHR’s requirements. By using the Advisor, HUD field staff will be better able to provide accurate and consistent guidance to HUD grantees and program participants, and to monitor their lead-related activities.

**Using the Advisor**

Please note that you must complete these questions in one sitting or “session.” The Advisor does not store your answers. If you close your browser or navigate away from the Advisor you will be required to start again from the beginning.

To transition from one screen to the next in the Advisor you must select one of the available answers and click the *Next* button at the bottom of the screen. If you do not make a selection, clicking on *Next* simply will reload the screen—you must select an answer before you can move on. Please note that your results and any external links may open in a new browser window or tab.

For more information on using the Advisor—including advice about compatible screen resolutions and browsers—please see [Advisor Help](https://portalapps.hud.gov/CORVID/HUDLBPAdvisor/welcome.html). After using the Advisor please email your feedback to HUD.
This section determines a project’s/activity’s exemptions from the Lead Safe Housing Rule. If you answer “Yes” to any questions, the project/activity is exempt from the Rule and you will be shown a report with further information about your exemption(s). If the project/activity is not exempt, the Advisor will determine how the Rule applies. If you are familiar with the exemptions and are confident that the project/activity is NOT exempt, you may go directly to the next section of the Advisor.

- Proceed with exemption questions
- The project/property is NOT exempt. Skip the exemption questions and go directly to the Activity Section.

OK
Please use the checkboxes to choose those exemptions that apply to your project/activity. If you need help determining whether an exemption applies, please click on the "More info" link for additional information, resources, and regulatory text. Depending on your browser settings the additional information will open in a new tab or window.

- 7. Is the property unoccupied and scheduled to remain vacant until demolition? (More Info)

- 8. Is this a non-residential property? (Note: Child-occupied facilities serving children under six years old, such as child care centers, are covered by the LSHR only if they are located in a residential property covered by this regulation.) (More Info)

- 9. Is this a rehabilitation project that does not disturb painted surfaces? (More Info)

- 10. Is this an emergency action necessary to safeguard against imminent danger to human life, health, or safety, or to protect the property from further structural damage (e.g., after natural disaster or fire)? (More Info)

- None of the above

OK
Please indicate which HUD Program Office is the source of funding for the project or activity in question. For activities under the American Recovery and Reinvestment Act of 2009, indicate the program office that is the source of the funding.

- Community Planning and Development
- Multifamily Housing
- Office of Native American Programs (ONAP)
- Public Housing
- Single Family Housing

[OK]
Office of Community Planning and Development (CPD) Please indicate the type of activity or project that is being funded with CPD resources.

- Rehabilitation
- Project-Based Rental Assistance (project-based assistance)
- Homebuyer assistance
- Leasing (homelessness prevention)
- Support services
- Operation (emergency shelters)
- Tenant-Based Rental Assistance

[OK]
Indicate the per-unit level of rehabilitation assistance that the project will receive. The level of assistance is determined by taking the lower of the per-unit rehabilitation hard costs or the per-unit federal assistance, regardless of the use of the funds.

- Up to and including $5,000
- Over $5,000—Up to and including $25,000
- Over $25,000

OK
Indicate whether the project will include lead hazard evaluation or if there will be a presumption that lead-based paint and lead hazards are present.

- Will conduct a lead-based paint evaluation (paint testing, inspection, or risk assessment)
- Will presume lead paint and lead hazards are present

[OK]
Lead Paint Requirements: Rehabilitation of Over $5,000—Up to and Including $25,000/Unit—Test

These requirements apply to rehabilitation projects with over $5,000 and up to and including $25,000 in rehabilitation assistance when a risk assessment is conducted. If this does not describe your project, go back to the previous screens and check your responses.

To comply with the requirements of the Lead Safe Housing Rule, the steps below must be taken. Review this flowchart for an overview of the process for a rehabilitation project with over $5,000 and up to and including $25,000 of assistance. The designated party has ultimate responsibility for ensuring that these steps are implemented properly, but may rely on other partners or participants to undertake an action. The list below identifies the party that commonly implements an action, although this will vary and may not be the designated party. The role of the HUD field staff is to verify that these requirements have been properly implemented.

Click on the “More Info” link after each requirement for additional information about the requirement, resources to assist in performing the required activity or documenting compliance, and relevant regulatory text.

1. The owner provides occupants the “Renovate Right: Important Lead Hazard Information for Families, Child Care Providers, and Schools” pamphlet prior to commencing rehabilitation activities. More Info

2. The designated party engages a certified lead professional to conduct a risk assessment of the unit. More Info

3. The owner sends a Notice of Evaluation to residents within 15 calendar days of the date the owner receives the risk assessment report. More Info

4. If the risk assessment found lead hazards, the designated party ensures that the work write-up incorporates the risk assessment recommendations for interim controls, safe work practices (Comply with the EPA Renovation, Repair and Painting Rule), and occupant protection (including relocation if necessary). More Info

5. The designated party verifies and documents that the contractor has been trained in lead-safe work practices or will be supervised by a lead abatement supervisor. More Info

6. The designated party documents that safe work practices and occupant protection (including relocation if
5. The designated party verifies and documents that the contractor has been trained in lead-safe work practices or will be supervised by a lead abatement supervisor. More Info

6. The designated party documents that safe work practices and occupant protection (including relocation if necessary) were implemented and that all lead-based paint hazards identified in the risk assessment were addressed in the work write-up and treated during the rehabilitation. If relocation was not required, document the relocation exemptions. More Info

7. The designated party engages a certified lead professional to conduct a clearance test when work is complete. More Info

8. The designated party keeps a copy of the clearance report in the project file. More Info

9. The owner sends a Notice of Lead Hazard Reduction Activities with clearance results to residents within 15 calendar days of completion. More Info

10. The owner implements a plan for ongoing maintenance for projects with HOME-funded rehabilitation assistance. More Info

- At unit turnover or every 12 months, the owner conducts a visual assessment for deteriorated paint, bare soil, and the failure of any hazard reduction measure.
- The owner uses paint stabilization if deteriorated paint is found, unless an evaluation has found it is not lead-based paint.
- The owner treats bare soil with standard treatments, unless a current evaluation has found it is not a soil-lead hazard.
- The owner uses safe work practices.
- A certified professional performs clearance testing.
- The owner provides written notice to occupants asking them to report deteriorated paint.

NOTE: In addition to these LSHR requirements, the owner must provide a completed lead disclosure form to occupants during lease-up or move-in along with any known records or reports regarding lead-based paint or lead hazards at the property. More Info

Caution: Be aware of state and local regulations that apply when addressing lead-based paint and lead hazards. Always observe the most stringent standard to ensure compliance with all relevant regulations.
Guidance and Performance Criteria
https://www.hud.gov/program_offices/healthy_homes/lbp/hudguidelines

- HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing
- OLHCHH has published two editions of the Guidelines, a technical manual for lead hazard evaluation and control in federally-assisted housing; cited by EPA in its lead rules as a “documented methodology.”
Lead Regulations

There are many regulations and statutes pertaining to lead-paint hazards. We’re providing you with links to a number of the most important ones, especially as they relate to our grant programs.

Information on EPA’s Renovation, Repair and Painting Rule

Title X Regulations (Residential Lead-Based Paint Hazard Reduction Act)

- Title X, Sections 1012 and 1013 - Requirements for the Notification, Evaluation, and Reduction of Lead-Based Paint Hazards in Federally Owned Residential Property and Housing Receiving Federal Assistance.
  Visit HUD’s Lead-Safe Housing Rule web site to learn more.
- Title X, Section 1018 - Requirements for the Disclosure of Known Lead-Based Paint and/or Lead-Based Paint Hazards in Housing (HUD’s Lead-Based Paint Disclosure Rule web site has more information)

The Environmental Protection Agency’s Lead Regulations for Lead in Paint, Dust, and Soil

U.S. Department of Labor - Occupational Safety & Health Administration
Thank You!

Karen Griego
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