

RULES AND REGULATIONS FOR LEAD POISONING PREVENTION

[R23-24.6-PB]

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS



DEPARTMENT OF HEALTH

February 1992 (E)

AS AMENDED:

March 1992 (E)	October 2001 (E)
July 1992 (E)	November 2001
October 1992	January 2002 (re-filing in accordance with the provisions of §42-35-4.1 of the Rhode Island General Laws, as amended)
February 1993 (E)	
May 1993	
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March 1994 (E)	January 2007 (re-filing in accordance with the provisions of §42-35-4.1 of the Rhode Island General Laws, as amended)
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June 2001 (E)	

SECTION 14.0 LEAD HAZARD CONTROL STANDARD

14.1 Applicability and Scope.

- (a) As specified in §2.4(b), the following categories of regulated facilities shall perform any lead hazard control activity in accordance with this Section:
- (1) The owner is in receipt of a Notice to Abate issued by a Certified Environmental Lead Inspector.
 - (2) The owner is required to demonstrate compliance with the lead hazard control provisions required by the U.S. Department of Housing and Urban Development (HUD) in 24 CFR Part 35.
 - (3) The funding agency specifically requires this level of lead hazard control.
 - (4) This level of lead hazard control is requested by the owner.
 - (5) Licensed child care facilities as defined in §2.1(c).
 - (6) The anticipated scope of work exceeds six square feet (6 ft²) per room on the interior or twenty square feet (20 ft²) on the exterior.
- (b) Effective 1 May 2009, unless otherwise exempted by §14.2, an owner is required to utilize a licensed Lead Hazard Control Firm to perform lead hazard control activity in regulated facilities. Prior to 1 May 2009, an owner may utilize either a licensed Lead Hazard Control Firm or a licensed Lead-Safe Remodeler/Renovator to perform lead hazard control activity. Any licensed Lead-Safe Remodeler/Renovator not operating under the supervision of a licensed Lead Hazard Control Firm shall also be responsible for ensuring compliance with §14.4(a) of these Regulations.
- (c) Lead hazard control shall include, but is not limited to:
- (1) Paint stabilization of deteriorated paint in accordance with §14.5;
 - (2) Treatment of friction and impact surfaces in accordance with §14.6;
 - (3) Dust control activities, in accordance with §14.7, in areas where levels of lead in dust exceed those specified in §6.0;
 - (4) Other removal, modification or repair of painted surfaces or painted components including, but not limited to, modification of painted doors, surface restoration, window repair and surface preparation activity (e.g., sanding, scraping, or other such activities that may generate paint dust);
 - (5) The removal of building components (e.g., walls, ceilings and plumbing);
 - (6) Weatherization projects (e.g., cutting holes in painted surfaces to install blown-in insulation or to gain access to attics, or planing thresholds to install weather-stripping);
 - (7) Removal/replacement of windows and doors may also be performed under the provisions of this Section if the removal/replacement does not involve on-site removal of paint and provided that any visible paint chips or dust generated from the removal/replacement activity is cleaned up immediately upon completion;
 - (8) Activities performed for the purpose of converting a building, or part of a building, into target housing or a child-care facility;

14.2

14.2 **Exemptions.** The following activities shall not be considered lead hazard control for the purposes of these Regulations.

- (a) Minor repair and maintenance activities, including minor heating, ventilation or air conditioning work, electrical work or plumbing, that disrupt six square feet (6 ft²) or less of interior painted surface per room, or twenty square feet (20 ft²) or less of painted surface for exterior activities, and no prohibited or restricted work practices are used. However, jobs, other than emergency renovation operations, performed in the same room within a thirty (30) day period shall be considered the same job for the purpose of determining whether the job is a minor repair and maintenance activity.
- (b) Temporary lead hazard control measures, as defined in §1.0, provided that such measures do not include removal of lead-based paint.
- (c) Cleaning of lead-contaminated dust which was not generated during lead hazard reduction work.
- (d) Properties undergoing demolition.

14.3 **Prohibitions.** The following lead hazard control methods are prohibited under all conditions:

- (a) Abrasive blasting and/or utilization of mechanical removal equipment on interior surfaces containing lead-based paint; or
- (b) Utilization of a torch or open flame burning; or
- (c) Utilization of chemical strippers containing methylene chloride for interior work areas; or
- (d) Dry sweeping of lead-contaminated areas or surfaces; or
- (e) Dry sanding of interior painted surfaces except for "feathering" of previously treated surfaces; or
- (f) Utilization of heat guns or any other device at a temperature above 1100 °F.

14.4 **Responsibilities of Persons Performing Lead Hazard Control Activity.**

- (a) **Lead Hazard Control Firm.** A Lead Hazard Control Firm performing lead hazard control activity shall ensure that:
 - (1) All individuals performing lead hazard control activity on behalf of the Lead Hazard Control Firm are either a licensed Lead-Safe Remodeler/Renovator or have been trained by a licensed Lead-Safe Remodeler/Renovator in accordance with §14.4(b)(2).
 - (2) A licensed Lead-Safe Remodeler/Renovator is assigned to each renovation performed by the Lead Hazard Control Firm and discharges all of the licensed Lead-Safe Remodeler/Renovator responsibilities identified in §14.4(b).
 - (3) All lead hazard control activity performed by the Lead Hazard Control Firm is performed in accordance with the work practice standards in §14.8.
 - (4) The information distribution requirements prior to Lead Hazard Control activity of §14.10 have been performed.
 - (5) The recordkeeping requirements of §14.12 are met
 - (6) A log book with consecutively numbered pages is maintained at each job site which contains the names, license numbers, and dates/times in and out for all Lead-Safe Remodeler/Renovators gaining access to a containment area.

14.4(a)(7)

(7) The clearance inspection requirements (§14.9) have been reviewed with the property owner and the party responsible for ensuring that the clearance inspection is conducted has been documented on the Lead Hazard Control Start Work Notification (PBLC-9A).

(b) **Lead-Safe Remodeler/Renovator Responsibilities.** A licensed Lead-Safe Remodeler/Renovator is responsible for ensuring compliance with §14.8(b) at all lead hazard control activity to which they are assigned. A licensed Lead-Safe Remodeler/Renovator shall:

- (1) Perform, or direct unlicensed workers who perform, all of the tasks described in §14.8(b).
- (2) Provide training to unlicensed workers on the §14.8(b) work practices they will be using in performing their assigned tasks.
- (3) Be physically present on the job site at all times that lead hazard control activity is being performed.
- (4) Ensure that the Lead-Safe Remodeler/Renovator license is either worn or prominently posted at the project site whenever the licensed individual is performing lead hazard control activity.
- (5) Ensure that unlicensed workers trained pursuant to §14.4(b)(2) and all other persons who enter a containment area print and sign their names in the access log book documenting the date and time entering and leaving the containment area.
- (6) Regularly direct work being performed by unlicensed workers trained pursuant to §14.4(b)(2) to ensure that the work practices are being followed, including maintaining the integrity of the containment barriers and ensuring that dust or debris does not spread beyond the work area.
- (7) Prepare the records required by §14.12(b)(7).

14.5 **Paint Stabilization.** Paint stabilization shall include the application of a new protective coating or paint. The surface substrate shall be dry and protected from future moisture damage before applying a new protective coating or paint. All protective coatings and paints shall be applied in accordance with the manufacturer's recommendations.

- (a) Stabilization of intact, factory applied prime coatings on metal surfaces are not required. Finish coatings on such surfaces shall require stabilization if those coatings contain lead-based paint.
- (b) Any physical defect in the substrate of a painted surface or component that is causing deterioration of the surface or component shall be repaired before treating the surface or component. Examples of defective substrate conditions include dry-rot, rust, moisture-related defects, crumbling plaster, and missing siding or other components that are not securely fastened.
- (c) Before applying new paint, all loose paint and other loose material shall be removed from the surface to be treated. Acceptable methods for paint removal/surface preparation include:
 - (1) Wet hand scraping, with or without the use of a heat gun; or
 - (2) Dry hand scraping of interior surfaces, with or without the use of a heat gun; or
 - (3) Wet sanding; or
 - (4) "Feathering" of interior surfaces; or
 - (5) Utilization of non-flammable chemical strippers which do not contain methylene chloride; or
 - (6) Utilization of heat guns or any other device that do not exceed a temperature of 1100 °F
 - (7) Any other methods approved in writing by the Department.

14.6

14.6 Friction and Impact Surfaces. Lead hazard control for impact or friction surfaces shall be sufficient to protect lead-based paint from impact or abrasion.

- (a) Treatment of friction surfaces is required only if :
 - (1) Lead-based paint is known or assumed to be present; and
 - (2) There is evidence that the paint surface is subject to abrasion; and
 - (3) Lead dust levels on the nearest horizontal surface (e.g., the window sill, window trough, or floor) underneath the friction surface are equal to or greater than the standards specified in §6.0.
- (b) Treatments for friction surfaces shall eliminate friction points or treat the friction surface so that paint is not subject to abrasion. Paint on stair treads and floors shall be protected with a durable cover or coating that will prevent abrasion of the painted surfaces.
 - (1) Examples of acceptable treatments include rehanging and/or planing doors so that the door does not rub against the door frame, and installing window channel guides that reduce or eliminate abrasion of painted surfaces.
 - (2) Examples of acceptable materials for stair treads and floors include carpeting, tile, and sheet flooring.
- (c) Treatment of impact surfaces is required only if :
 - (1) Lead-based paint is known or assumed to be present; and
 - (2) Paint on an impact surface is damaged, abraded, rubbed, impacted or otherwise deteriorated; and
 - (3) The damaged paint is caused by impact from a related building component (e.g., a door knob that knocks into a wall, or a door that knocks against its door frame).
- (d) Treatments for impact surfaces shall protect the paint from impact.
 - (1) Examples of acceptable treatments include eliminating impact with the paint surface, such as a door stop to prevent a door from striking a wall or baseboard.

14.7 Lead in Dust.

- (a) Dust control shall involve a thorough cleaning of all horizontal surfaces, such as interior window sills, window troughs, floors, and stairs, but excluding ceilings. All horizontal surfaces, such as floors, stairs, window sills and window troughs, that are rough, pitted, or porous shall be covered with a smooth, cleanable covering or coating, such as metal coil stock, plastic, polyurethane, or linoleum.
- (b) Surfaces covered by a rug or carpeting shall be cleaned as follows:
 - (1) An attached carpet located in an area of the dwelling unit with dust-lead hazards on the floor shall be thoroughly vacuumed with a HEPA vacuum or wet vacuum if it is not to be removed.
 - (2) Protective measures shall be used to prevent the spread of dust during removal of a rug, carpet or padding from the dwelling. For example, it shall be misted to reduce dust generation during removal. The item(s) being removed shall be wrapped or otherwise sealed before removal from the worksite

14.7(b)(3)

- (3) An unattached rug or an attached carpet that is to be removed, and padding associated with such rug or carpet, located in an area of the dwelling unit with dust-lead hazards on the floor, shall be thoroughly vacuumed with a HEPA vacuum or wet vacuum.
- (c) The floor surface under a rug or carpeting shall be cleaned where feasible, including upon removal of the rug or carpeting, with a HEPA vacuum or wet vacuum.

14.8 Occupant Protection and Work Practice Standards.

(a) Occupant Protection.

- (1) The owner/manager of a dwelling shall make all reasonable efforts to ensure that occupants are not present during lead hazard control activity.
- (2) The dwelling unit and the worksite shall be secured against unauthorized entry, and occupants' belongings protected from contamination by dust-lead hazards and debris during lead hazard control activity.

(b) Work Practice Standards.

- (1) Before beginning any lead hazard control activity, the Lead Hazard Control Firm shall isolate the work area so that no dust or debris leaves the work area while the lead hazard control activity is being performed.
 - (i) The Lead Hazard Control Firm shall maintain the integrity of the containment by ensuring that any plastic or other impermeable materials are not torn or displaced, and taking any other steps necessary to ensure that no dust or debris leaves the work area while the lead hazard control activity is being performed and
 - (ii) The Lead Hazard Control Firm shall also ensure that containment is installed in such a manner that it does not interfere with occupant and worker egress in an emergency.

(2) Warning Signs.

- (i) The Lead Hazard Control Firm shall post printed warning signs at all entrances to the worksite area;
- (ii) The signs shall be posted before beginning the lead hazard control activity and shall remain in place and readable until the lead hazard control activity and the lead hazard control clearance inspection have been completed
- (iii) The signs shall contain text consistent with OSHA requirements for posting warning signs (29 CFR 1926.62(m)), except that it shall be posted irrespective of employees' lead exposure and, to the extent practicable, provided in the occupants' primary language;
- (iv) The Lead Hazard Control Firm shall only remove the signs when the lead hazard control clearance testing is in compliance with the dust standard contained in §6.2(a).

(3) Interior Lead Hazard Control Activity. The Lead Hazard Control Firm shall:

- (i) Remove all objects from the work area, including furniture, rugs, and window coverings, or cover them with plastic sheeting or other impermeable material with all seams and edges taped or otherwise sealed;
- (ii) Close and cover all ducts opening in the work area with taped-down plastic sheeting or other impermeable material;

14.8(b)(3)(iii)

- (iii) Close windows and doors in the work area;
 - (iv) Cover doors with plastic sheeting or other impermeable material. Doors used as an entrance to the work area shall be covered with plastic sheeting or other impermeable material in a manner that allows workers to pass through while confining dust and debris to the work area;
 - (v) Cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area six (6) feet beyond the perimeter of surfaces undergoing lead hazard control activity or a sufficient distance to contain the dust, whichever is greater; and
 - (vi) Use precautions to ensure that all personnel, tools, and other items, including the exteriors of containers of waste, are free of dust and debris before leaving the work area
- (4) Exterior Lead Hazard Control Activity. The Lead Hazard Control Firm shall, as a minimum:
- (i) Comply with the notification requirements specified in §24.3 of *Air Pollution Control Regulation No. 24 - Removal of Lead-Based Paint From Exterior Surfaces* promulgated by the RI Department of Environmental Management (RIDEM); and
 - (ii) Comply with all other applicable requirements specified in *RIDEM Air Pollution Control Regulation No. 24 - Removal of Lead-Based Paint From Exterior Surfaces*.
- (5) Waste Handling.
- (i) Waste from lead hazard control activity shall be contained to prevent releases of dust and debris before the waste is removed from the work area for storage or disposal. If a chute is used to remove waste from the work area, it must be covered.
 - (ii) At the conclusion of each work day and at the conclusion of the lead hazard control activity, waste that has been collected from the lead hazard control activity shall be stored under containment, in an enclosure, or behind a barrier that prevents release of dust and debris out of the work area and prevents access to dust and debris.
 - (iii) The Lead Hazard Control Firm shall transport waste from lead hazard control activity, in accordance with all applicable RIDEM regulations.
- (6) Cleaning the Work Area. After the lead hazard control activity has been completed, the Lead Hazard Control Firm shall clean the work area until no dust, debris or residue remains.
- (i) Interior and Exterior Lead Hazard Control Activity. The Lead Hazard Control Firm shall:
 - (a) Collect all paint chips and debris and, without dispersing any of it, seal this material in a heavy-duty bag.
 - (b) Remove the protective sheeting. Mist the sheeting before folding it, fold the dirty side inward, and either tape shut to seal or seal in heavy-duty bags. Sheeting used to isolate contaminated rooms from non-contaminated rooms must remain in place until after the cleaning and removal of other sheeting. Dispose of the sheeting as waste.
 - (ii) Additional Cleaning for Interior Lead Hazard Control Activity. The Lead Hazard Control Firm shall clean all objects and surfaces in the work area and within six (6) feet of the work area in the following manner, cleaning from higher to lower:

14.8(b)(6)(ii)(a)

- (a) *Walls*. Clean walls starting at the ceiling and working down to the floor by either vacuuming with a HEPA vacuum or wiping with a damp cloth;
 - (b) *Remaining Surfaces*. Thoroughly vacuum all remaining surfaces and objects in the work area, including furniture and fixtures, with a HEPA vacuum. The HEPA vacuum shall be equipped with a beater bar when vacuuming carpets and rugs;
 - (c) Wipe all remaining surfaces and objects in the work area, except for carpeted or upholstered surfaces, with a damp cloth. Mop uncarpeted floors thoroughly, using a mopping method that keeps the wash water separate from the rinse water, such as the 2-bucket mopping method, or using a wet mopping system.
- (iii) Upon completion of the cleaning required pursuant to §14.8(b)(6)(ii), the Lead Hazard Control Firm shall notify the owner or the Environmental Lead Inspector/Inspector Technician that the lead hazard control activity has been completed and the area is ready for the Lead Hazard Control Clearance Inspection required by §14.9.
- (iv) *Additional Requirements for Exterior Lead Hazard Control Activity*. A Lead-Safe Remodeler/Renovator shall perform a visual inspection to determine whether the work area is ready for clearance in accordance with *RIDEM Air Pollution Control Regulation No. 24 - Removal of Lead-Based Paint From Exterior Surfaces*;
- (7) Special Requirements Pertaining to Emergency Renovation Operations.
- (i) The information distribution requirements in §14.10 do not apply to emergency renovation operations;
 - (ii) Emergency renovation operations are also exempt from the warning sign, containment, waste handling, training and certification requirements in §§14.8(b) and 20.0, to the extent necessary to respond to the emergency;
 - (iii) Emergency renovation operations are not exempt from:
 - (a) The cleaning requirements of §14.8(b)(6), which must be performed by a licensed Lead-Safe Remodeler/Renovator or individual(s) trained in accordance with §14.4(b)(2);
 - (b) The lead hazard control clearance inspection requirements of §14.9; and
 - (c) The recordkeeping requirements of §§14.12(b)(6) and (b)(7).

14.9 Lead Hazard Control Clearance Inspection³

(a) Inspection Required

- (1) The Lead Hazard Control Firm shall inform the owner of property where lead hazard control activity is performed of their responsibility to arrange for an Environmental Lead Inspector or Environmental Lead Inspector Technician to conduct a clearance inspection in accordance with this Section.
 - (i) An owner may delegate their responsibility for obtaining the clearance inspection to the Lead Hazard Control Firm.

³ **Compiler's Note:** The subparagraph numbering used for §14.9 in the August 2007 edition of these Regulations may have caused confusion regarding the required scope of the inspection. This has been corrected.

14.9(a)(1)(ii)

- (ii) If the responsibility for obtaining the clearance inspection has been delegated to the Lead Hazard Control Firm pursuant to §14.9(a)(1)(i), the Lead Hazard Control Firm shall:
 - (a) Have the owner sign the delegation block on the Lead Hazard Control Owner/Occupant PRE-Notification (Form PBLC-29); and
 - (b) Document this delegation on the Lead Hazard Control Start Work Notification (Form PBLC-9A) in accordance with §14.11(a); and
 - (c) Arrange for an Environmental Lead Inspector or Environmental Lead Inspector Technician to conduct a clearance inspection in accordance with this Section.
- (2) An Environmental Lead Assessor may conduct the clearance inspection for a property under the jurisdiction of his/her agency.
- (b) **Scope of Inspection.** Clearance examinations shall include a visual assessment, dust sampling, submission of samples for analysis for lead, interpretation of sampling results, and preparation of a report.
 - (1) A visual inspection shall be conducted to determine that:
 - (i) All painted surfaces containing lead in excess of the acceptable levels specified in §6.1 are intact or fully covered with an encapsulant, wall covering, or other permanent covering; and
 - (ii) No visible dust or paint chips remain
 - (2) Interior dust samples shall be collected in accordance with the criteria and procedures specified in §§4.2(e)(7) and/or 4.2(e)(8), but only after the lead hazard control area(s) has passed a visual inspection of the interior, as specified in §14.9(a)(1)(i)-(ii); and
 - (3) Additional sampling shall be conducted whenever deemed necessary by the Environmental Lead Inspector, Environmental Lead Inspector Technician, or Environmental Lead Assessor to ensure that the regulated facility is in compliance with the standards specified in §6.0.
- (c) **Evaluation of Clearance Inspection Results.** If the visual clearance inspection indicates that conditions are not in accordance with the requirements of §14.9(a)(1) or if any dust sample collected pursuant to §14.9(a)(2) exceeds the lead-safe standards specified in §6.2, the Environmental Lead Inspector, Environmental Lead Inspector Technician or Environmental Lead Assessor shall notify the Lead Hazard Control Firm and the owner that they have failed the clearance inspection and that additional lead hazard control activity and subsequent clearance inspection are required to obtain acceptable clearance status.
- (d) **Acceptable Clearance Status.**
 - (1) If the results of the clearance inspection indicate that conditions are in accordance with the requirements in §14.9(a) and the lead-safe standards in §6.2, the Environmental Inspector, Environmental Lead Inspector Technician who conducted the inspection shall complete the Certification of Acceptable Clearance Status (Form PBLC-27) and sign it. An Environmental Lead Inspector or Environmental Lead Inspector Technician or Environmental Lead Assessor shall not certify a regulated facility as having an acceptable clearance status unless the requirements of §14.9(a) and the lead-safe standards in §6.2 have been fulfilled.

14.9(d)(2)

- (2) Possession of a Certification of Acceptable Clearance Status is not sufficient to demonstrate that the dwelling or dwelling unit identified on the Certification is Lead-Safe as defined by these Regulations.
- (e) **Reporting Requirements.** An Environmental Lead Inspector, Environmental Lead Inspector Technician or Environmental Lead Assessor who has conducted a clearance inspection pursuant to this Section shall submit a signed copy of the Certification of Acceptable Clearance Status (Form PBLC-27) to the owner(s) of the property where the lead hazard control activity has been performed, the Lead Hazard Control Firm performing lead hazard control activity and the Department no later than five (5) business days subsequent to the date of the inspection or no later than five (5) business days subsequent to the receipt of all laboratory results provided that samples are submitted for laboratory analysis within three (3) business days of being collected.
- (f) **Conflict of Interest.** An Environmental Lead Inspector, Environmental Lead Inspector Technician, Environmental Lead Assessor and their employer(s) shall not have any interest, financial or otherwise, direct or indirect, or engage in any business or employment, with regard to any Lead Hazard Control Firm who performed the lead hazard control activity at a regulated facility which is the subject of a clearance inspection conducted by the Environmental Lead Inspector Technician, Environmental Lead Inspector or Environmental Lead Assessor.

14.10 Information Distribution Requirements Prior To Lead Hazard Control Activity.

- (a) **Applicability.** This requirement is applicable to all lead hazard control activity performed for compensation except minor repair and maintenance activities (including minor electrical work and plumbing) that disrupt six square feet (6 ft²) or less of interior painted surface per room or twenty square feet (20 ft²) or less of exterior painted surface, and emergency renovation operations.
- (b) **Lead Hazard Control Activity in Dwelling Units.** No more than sixty (60) days before beginning lead hazard control activity in any residential dwelling unit, the Lead Hazard Control Firm performing the lead hazard control activity shall:
 - (1) Provide the owner of the unit with the Rhode Island edition of the pamphlet *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools* and comply with one of the following:
 - (i) Obtain, from the owner, a written acknowledgment on Form PBLC-29 (Lead Hazard Control Owner/Occupant PRE-Notification) that the owner has received the pamphlet and that the owner has either retained the responsibility for obtaining the clearance inspection required by §14.9 or has delegated that responsibility to the Lead Hazard Control Firm.
 - (ii) Obtain a certificate of mailing at least seven (7) days prior to the lead hazard control activity.
 - (2) In addition to the requirements in §14.10(a)(1), if the owner does not occupy the dwelling unit, provide an adult occupant of the unit with the pamphlet⁴, and comply with one of the following:

⁴ For the purposes of §14, any reference to "pamphlet" shall be interpreted as meaning the pamphlet required under §14.10(b)(1).

14.10(b)(2)(i)

- (i) Obtain, from the adult occupant, a written acknowledgment on Form PBLC-29 (Lead Hazard Control Owner/Occupant PRE-Notification) that the occupant has received the pamphlet; or certify in writing that a pamphlet has been delivered to the dwelling and that the Lead Hazard Control Firm performing the lead hazard control activity has been unsuccessful in obtaining a written acknowledgment from an adult occupant. Such certification shall include the address of the unit undergoing lead hazard control activity, the date and method of delivery of the pamphlet, names of the persons delivering the pamphlet, reason for lack of acknowledgment (e.g., occupant refuses to sign, no adult occupant available), the signature of a representative of the Lead Hazard Control Firm, and the date of signature.
 - (ii) Obtain a certificate of mailing at least seven (7) days prior to the lead hazard control activity.
- (c) **Lead Hazard Control Activity in Common Areas.** No more than sixty (60) days before beginning lead hazard control activity in common areas of multi-family housing, the Lead Hazard Control Firm performing the lead hazard control activity shall:
- (1) Provide the owner with the pamphlet, and comply with one of the following:
 - (i) Obtain, from the owner, a written acknowledgment that the owner has received the pamphlet.
 - (ii) Obtain a certificate of mailing at least seven (7) days prior to the lead hazard control activity.
 - (2) Comply with one of the following:
 - (i) Notify in writing, or ensure written notification of, each affected unit and make the pamphlet available upon request prior to the start of lead hazard control activity. Such notification shall be accomplished by distributing written notice to each affected unit. The notice shall describe the general nature and locations of the planned lead hazard control activity; the expected starting and ending dates; and a statement of how the occupant can obtain the pamphlet, at no charge, from the Lead Hazard Control Firm performing the lead hazard control activity.
 - (ii) While the lead hazard control activity is ongoing, post informational signs describing the general nature and locations of the lead hazard control activity and the anticipated completion date. These signs shall be posted in areas where they are likely to be seen by the occupants of all of the affected units. The signs shall be accompanied by a posted copy of the pamphlet or information on how interested occupants can review a copy of the pamphlet or obtain a copy from the Lead Hazard Control Firm performing the lead hazard control activity at no cost to occupants.
 - (3) Prepare, sign, and date a statement describing the steps performed to notify all occupants of the intended lead hazard control activity activities and to provide the pamphlet.
 - (4) If the scope, locations, or expected starting and ending dates of the planned lead hazard control activity change after the initial notification, the Lead Hazard Control Firm performing the lead hazard control activity shall provide further written notification to the owners and occupants providing revised information on the ongoing or planned activities. This subsequent notification shall be provided before the Lead Hazard Control Firm initiates work beyond that which was described in the original notice.

14.10(d)

- (d) **Lead Hazard Control Activity in Child Care Facilities.** No more than sixty (60) days before beginning lead hazard control activity in a child care facility, the Lead Hazard Control Firm performing the lead hazard control activity shall:
- (1) Provide the owner of the building with the pamphlet, and comply with one of the following:
 - (i) Obtain, from the owner, a written acknowledgment that the owner has received the pamphlet.
 - (ii) Obtain a certificate of mailing at least seven (7) days prior to the lead hazard control activity.
 - (2) In addition to the requirements in §14.10(d)(1), if the child care facility is not the owner of the building, provide an adult representative of the child care facility with the pamphlet, and comply with one of the following:
 - (i) Obtain, from the adult representative, a written acknowledgment that the adult representative has received the pamphlet; or certify in writing that a pamphlet has been delivered to the facility and that the Lead Hazard Control Firm performing the lead hazard control activity has been unsuccessful in obtaining a written acknowledgment from an adult representative. Such certification must include the address of the child care facility undergoing lead hazard control activity, the date and method of delivery of the pamphlet, names of the persons delivering the pamphlet, reason for lack of acknowledgment (e.g., representative refuses to sign), the signature of a representative of the Lead Hazard Control Firm, and the date of signature.
 - (ii) Obtain a certificate of mailing at least seven (7) days prior to the lead hazard control activity.
 - (3) Provide the parents and guardians of children using the child care facility with the pamphlet and information describing the general nature and locations of the lead hazard control activity and the anticipated completion date by complying with one of the following:
 - (i) Mail or hand-deliver the pamphlet and the lead hazard control activity information to each parent or guardian of a child using the child care facility.
 - (ii) While the lead hazard control activity is ongoing, post informational signs describing the general nature and locations of the lead hazard control activity and the anticipated completion date. These signs shall be posted in areas where they can be seen by the parents or guardians of the children frequenting the child care facility. The signs shall be accompanied by a posted copy of the pamphlet or information on how interested parents or guardians can review a copy of the pamphlet or obtain a copy from the Lead Hazard Control Firm at no cost to the parents or guardians.
 - (4) The Lead Hazard Control Firm shall prepare, sign, and date a statement describing the steps performed to notify all parents and guardians of the intended lead hazard control activity and to provide the pamphlet.
- (e) **Written Acknowledgment.** The written acknowledgments required in §§14.10 (b)(1)(i), (b)(2)(i), (c)(1)(i) and (d)(1)(i) of these Regulations shall:
- (1) Include a statement recording the owner or occupant's name and acknowledging receipt of the pamphlet prior to the start of lead hazard control activity, the address of the unit undergoing lead hazard control activity, the signature of the owner or occupant as applicable, and the date of signature.

14.10(e)(2)

- (2) Be either a separate sheet or part of any written contract or service agreement for the lead hazard control activity.
- (3) Be written in the same language as the text of the contract or agreement for the lead hazard control activity or, in the case of non-owner occupied dwelling units, in the same language as the lease or rental agreement or the pamphlet.

14.11 Start Work Notification.

- (a) **General Requirement.** The Lead Hazard Control Firm shall submit a Lead Hazard Control Start Work Notification (Form PBLC-9A) to the Department at least three (3) business days before beginning any interior lead hazard control activity. Notification shall include, at a minimum, the name, address and phone number of the Lead Hazard Control Firm, the address and apartment number, if any, where lead hazard control activity will be performed, a description of the planned lead hazard control activity to be performed, the scheduled dates for starting and completing the lead hazard control project and documentation of responsibility for obtaining the clearance inspection required by §14.9 .
- (b) **Submission of Notice.** The Lead Hazard Control Start Work Notification may be submitted to the Department by U.S. Postal Service, facsimile (FAX), electronic submission, commercial delivery service or hand delivery. The Lead Hazard Control Firm is responsible for ensuring that the Lead Hazard Control Start Work Notification has been received by the Department at least three (3) business days before beginning any interior lead hazard control activity.
- (c) The Lead Hazard Control Firm shall not begin lead hazard control activity prior to the start date indicated in the Lead Hazard Control Start Work Notification submitted to the Department and shall submit to the Department a revised Lead Hazard Control Start Work Notification if any of the required information changes or if lead hazard control activity does not end within five (5) days of the completion date indicated in the Lead Hazard Control Start Work Notification.
- (d) If lead hazard control activity does not begin within five (5) days of the start date indicated in the Lead Hazard Control Start Work Notification submitted to the Department pursuant to §14.11(a), the Lead Hazard Control Start Work Notification shall be considered null and void. The Lead Hazard Control Firm shall not begin lead hazard control activity until a new Lead Hazard Control Start Work Notification has been submitted to the Department pursuant to §14.11(a).

14.12 Recordkeeping and Reporting Requirements.

- (a) **General Requirement.** A Lead Hazard Control Firm performing lead hazard control activity shall retain and, if requested, make available to the Department all records necessary to demonstrate compliance with these Regulations for a period of three (3) years following completion of the lead hazard control activity. This three (3) year retention requirement does not supersede longer obligations required by other provisions for retaining the same documentation, including any applicable Federal, State or Tribal laws or regulations.
- (b) Records that shall be retained pursuant to §14.12(a) shall include (where applicable):
 - (1) Reports certifying that a determination had been made by an Environmental Lead Inspector, Environmental Lead Inspector Technician or Environmental Lead Assessors that components affected by the activity are free of paint or other surface coatings that contain lead equal to or in excess of the lead-free standard established in §6.1 of these Regulations.
 - (2) Signed and dated acknowledgments of receipt as described in §§14.10(b)(1)(i), (b)(2)(i), (c)(1)(i), (d)(1)(i) and (d)(2)(i) of these Regulations.

14.12(b)(3)

- (3) Certifications of attempted delivery as described in §§14.10(b)(2)(i) and (d)(2)(i) of these Regulations.
- (4) Certificates of mailing as described in §§14.10(b)(1)(ii), (b)(2)(ii), (c)(1)(ii), (d)(1)(ii), and (d)(2)(ii) of these Regulations.
- (5) Records of notification activities performed regarding common area lead hazard control activity, as described in §§14.10(c)(3) and (c)(4), and lead hazard control activity in child care facilities, as described in §14.10 (d)(3) of these Regulations.
- (6) Documentation of compliance with the requirements of §§14.8 and 14.9 of these Regulations, including:
 - (i) A licensed Lead-Safe Remodeler/Renovator was assigned to the project;
 - (ii) The licensed Lead-Safe Remodeler/Renovator provided on-the-job training for all unlicensed workers used on the project;
 - (iii) The licensed Lead-Safe Remodeler/Renovator performed or directed unlicensed workers who performed all of the tasks described in §14.8;
 - (iv) A signed copy of the Certification of Lead-Safe Status (Form PBLC-15) generated pursuant to §14.13(a).
 - (v) A signed copy of the Certification of Acceptable Clearance Status (Form PBLC-27), generated pursuant to §14.9(d), for each area where lead hazard control activity was performed; or
- (7) If the Lead Hazard Control Firm was unable to comply with all of the requirements of these Regulations because the lead hazard control activity was considered to be an emergency renovation operation, as defined in §1.0 of these Regulations, the Lead Hazard Control Firm shall document the nature of the emergency and the provisions of these Regulations that were not followed. This documentation shall include a copy of the licensed Lead-Safe Remodeler/Renovator's training certificate, and a certification by the licensed Lead-Safe Remodeler/Renovator assigned to the project that:
 - (i) Training was provided to unlicensed workers (topics shall be identified for each unlicensed worker).
 - (ii) Warning signs were posted at the entrances to the work area.
 - (iii) The work area was contained by:
 - (a) Removing or covering all objects in the work area (interiors).
 - (b) Closing and covering all HVAC ducts in the work area (interiors).
 - (c) Closing all windows in the work area (interiors) or closing all windows in and within twenty (20) feet of the work area (exteriors).
 - (d) Closing and sealing all doors in the work area (interiors) or closing and sealing all doors in and within twenty (20) feet of the work area (exteriors).
 - (e) Covering doors in the work area that were being used to allow passage but prevent spread of dust.

14.12(f)

- (f) Covering the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area six (6) feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater (interiors) or covering the ground with plastic sheeting or other disposable impermeable material anchored to the building extending ten (10) feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to collect falling paint debris, whichever is greater, unless the property line prevents ten (10) feet of such ground covering, weighted down by heavy objects (exteriors).
- (g) Installing (if necessary) vertical containment to prevent migration of dust and debris to adjacent property (exteriors).
- (iv) Waste was contained on-site and while being transported off-site.
- (v) The work area was properly cleaned after the renovation by:
 - (a) Picking up all chips and debris, misting protective sheeting, folding it dirty side inward, and taping it for removal.
 - (b) Cleaning the work area surfaces and objects using a HEPA vacuum and/or wet cloths or mops (interiors).
- (vi) A signed copy of the Certification of Acceptable Clearance Status (Form PBLIC-27), generated pursuant to §14.9(d), was obtained for each area where lead hazard control activity was performed.

14.13 Special Requirements for Issuing a Certification of Lead-Safe Status in Conjunction with Lead Hazard Control Activity.

- (a) An owner who requires a Certification of Lead-Safe Status (Form PBLIC-15). in lieu of a Certification of Acceptable Clearance Status (Form PBLIC-27), to demonstrate that their regulated facility is in compliance with these Regulations after lead hazard control activity shall:
 - (1) Arrange for an Environmental Lead Inspector or Environmental Lead Inspector Technician to conduct a Lead Hazard Control Clearance Inspection in accordance with §14.9; and
 - (2) If applicable, arrange for an Environmental Lead Inspector or Environmental Lead Inspector Technician to conduct a Clearance Inspection in accordance with §4.4; and
 - (3) If a comprehensive environmental lead inspection (CELI) was not conducted prior to the lead hazard control activity, arrange for an Environmental Lead Inspector to conduct the remaining elements of a CELI in accordance with §4.2 of these Regulations.
- (b) An Environmental Lead Inspector/Inspector Technician shall review the results for inspections conducted pursuant to §14.13(a).
 - (1) If the results of this review indicate that conditions are in accordance with the requirements in §4.4 (if applicable), §14.9 and the lead-safe standards in §6.0, the Environmental Inspector/Inspector Technician who conducted the review shall complete the Certification of Lead-Safe Status (Form PBLIC-15) and sign it. If any of the required inspection elements were conducted by an Environmental Lead Inspector Technician, the form shall also be signed by an Environmental Lead Inspector. An Environmental Lead Inspector/Inspector Technician shall not certify a regulated facility as lead-safe unless the requirements of §4.4 (if applicable), §14.9 and the lead-safe standards in §6.0 have been fulfilled.

14.13(b)(2)

- (2) Notwithstanding the requirements of §14.13(b)(1), an Environmental Lead Inspector Technician who conducted the inspection required by §4.4 and/or §14.9 may independently issue a Certification of Lead-Safe Status (Form PBLC-15) for the regulated facility if he/she meets all of the following criteria:
- (i) Completion of at least twenty (20) Clearance Inspections under the supervision of an Environmental Lead Inspector; and
 - (ii) Certification as an Environmental Lead Inspector Technician for at least twelve (12) months.

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