1) Lead-based Paint
2) Asbestos Regulations
3) "MOLD"?
   - Healthy Homes Initiative - HUD
Lead - Where is it?

- Pre-1978 homes
- Toys, fishing equipment, blinds, crayons, water, pottery, lead crystal, solder
- Higher percentage in pre-1950 homes
- Homeopathic medicines
- Some foreign foods that are imported
- Some people come into country with elevated blood lead levels.
Lead-based paint hazards in a pre-1978 home

- Dust and paint chips
- Deteriorated painted / varnished surfaces
- Friction surfaces
- Impact Surfaces
- Chewable surfaces
- Soil
- Vary rarely in the water!
Lead-based paint regs

• New regulations published in 1999
• Section 1012 of the Residential Lead-Based Paint Hazard Reduction Act of 1992
  • a.k.a Title X Subpart J
• 24 CFR Part 35 - HUD
• 40 CFR 745 - EPA
  – LBP RRP – 2010
  – Abatement regulations – 2001 (ND)
Applicability

• If you are doing rehab on a pre-1978 home or child-occupied facility and broken painted surfaces exist, or if the work you are doing will impact paint, you must address all potential lead hazards, including soil.

• Commercial or Industrial buildings being renovated into rental or condo spaces

• Houses being moved to be re-occupied
Painted Surfaces

• Any coated surfaces such as stained, shellacked, painted, or covered with wallpaper.

• Or if surface is covered with vinyl or steel siding you have to assume LBP unless you can prove no LBP can be found under it.
  – Surfaces being impacted!
Exemptions

• House built after 1-1-78
• Housing exclusively for elderly (unless children under 6 could be present for prolonged periods of time)
• Efficiency apts, dorms, military barracks
• Certified lead-free property
• Property where LBP was removed and clearance was achieved
Exemptions

• Unoccupied units that will remain vacant until it is demolished
  – This does not mean houses that are being moved from their foundations!
  – NDDH Memo on Demolition

• Non-residential property
  – No Exemption for child-occupied facilities

• Rehab where a painted surface will not be disturbed
Exemptions

• Rehab where only a “de minimis” amount of paint is disturbed

• Emergency repair actions needed to safeguard against imminent danger or further structural damage

• Emergency housing (e.g. homeless) assistance that lasts less than 100 days per year

• NOTE: All exemptions must be documented
De Minimis

- 2 square ft/room on the interior,
  - EPA has 6 square ft/room on interior
- 20 square ft on the exterior, and
- 10% of a small component (e.g. sills)
- Window replacement is never considered “De Minimis”
What You Need To Do

- Disclosure
  - “Renovate Right” for Rehab work
  - “Protecting Your Family From Lead” - Rental
- Inspection - Scope of Work
- Evaluation - $/ What regs to use
- Address the Hazard
- Clearance
- Notification for LBP Abatement
- Record Keeping
Disclosure Requirements

• Construction
  – Renovate Right
  – Sign form
  – 3 year record retention

• Multi Family
  – Renovate right
    • Included O&M, Remodeling & Maintenance
  – Post signs in common areas
Inspection

• Inspect the home to determine needed rehab
  – Housing Quality Standard Training
• Important to identify all repairs needed
  – Inside & outside the structure
Federal Assistance

• All Federal funds provided for the project. Regardless if used for acquisition, construction, soft cost or other purposes.

• Also includes funds from programs income but excludes low-income housing tax credit funds (LIHTC), Dept of Energy Weatherization Program Funds or non-federal funding sources.

• Does not Exclude Federal Pass Through $ – Think FEMA, SHPO, USDA-RD
Evaluation $ & Lead Regs
Residential Homes

• $5,000 renovation cost
  – Test for LBP(RA) or presume LBP.
  – Use LBP-SWP on any paint that is disturbed
  – LBP-RRP trained/Lic contractors
  – Performed clearance once work is completed. (de-minimis exemption)

• ↑$5,000-↓$25,000
  – Risk assessment
    • Multifamily include common areas
  – Perform interim controls for all lead hazards ID in RA report and created by renovation work
  – LBP-RRP trained/Lic contractors
  – Clearance required
Evaluation $ & Lead Regs
Demos & Renovations
Residential Homes

- **Renovation**
  - ↑ $25,000 renovation
    - Abatement
    - Notification
    - Certified Abatement Contractors
    - Clearance before non-certify workers enter/start
  - ↓ $25,000 ??
    - Intent
    - Regular RRP work with clearance required

- **Demolition**
  - Before May 1, 2014
    - Will need clearance by Cert Risk Assessor
    - Will need to notify State of job before it begins.
    - Waste Issues
  - After May 1, 2014
    - No further regulations for demos, unless required under contract
$ & Lead Regs
Multi Family

• Renovation
  – ↑ $25,000 renovation
  – Mandated to have a Risk Assessment conducted.
  – Presume LBP for RRP work
  – Abatement
    • Notification
    • Certified Abatement Contractors
  – Clearance before non-certify workers enter/start
  – All O&M must use LBP-SWP

• ↓ $25,000
  – Risk Assessment Mandated
  – Interim Controls of all LBP Hazards inside the Bldg
  – Trained LBP-RRP contractors
  – Abatement (Intent)
  – Regular R&R work with clearance required
Requirements for Acquisition, Leasing or Supportive Services

• LBP Safe Rule Applies
• Lead Hazard Assessment – visual assessment need for the initial & periodic inspection by a person who is trained to detect deteriorated LBP/- immediately after receipt of Federal Assistance
• Deteriorated paint must be stabilized by workers trained in LBP- SWP (Cert RRP)
• Clearance is required too
Interim Controls

- Acceptable way to reduce exposure to LBP hazards, although not permanent
- Paint stabilization
- Treatment of friction & impact surfaces
- Treatment of chewable surfaces
- Lead-contaminated dust control (24 CFR 35.1330)
- Lead-contaminated soil control
Abatement

- Permanent elimination of lead-based paint hazards
- Remove lead-based paint and its dust
- Permanently encapsulate or enclose the LBP
- Replace components that have LBP
- Use ND LBP Certified and Licensed Abatement Firms
Clearance/Notification

• ALWAYS Do this!

• Methods and standards per EPA at 40 CFR 745.227(e) – Dust Wipe sent to lab

• Must be done by ND certified clearance inspector/risk assessor

• NOT done by contractor who did the work

• Copy of report to owner and occupant

• 24 CFR 35.930
Lead-Safe Renovation, Repairs and Painting

Contractors Must Be Lead-Safe Certified

-- How to become Lead-Safe Certified
-- Accredited training providers near you
-- Certified firms near you
-- Find out about EPA-recognized test kits
-- Find out if your state is operating the certification program instead of EPA

-- Frequent Questions
  • Answers to your questions -- Bookmark our new address!
  • Printer friendly version (PDF) (74 pp, 242K)
  • Submit questions

Highlights
Alabama has become the tenth state to administer its own Renovation, Repair and Painting (RRP) program. Learn more.
Future and/or Changes to Regs

- Commercial Regulations – EPA
- Online refresher training for RRP
- Blood lead levels drop from 10µg/dl to 5µg/dl – CDC/ ND
- RRP allows use of Swabs and taking of paint chip samples – HUD Does Not
- Funding by EPA & HUD
- Physical Condition Standards - HUD
- ND State LBP Rule Changes
EPA Asbestos Regulations

- National Emission Standard for Hazardous Air Pollutants (NESHAP)
  - Authority under the Clean Air Act (1973)
  - Adopted in full by State
  - Standards for handling and disposal of Asbestos Containing Material (ACM) during renovation and demolition activities
  - Notification of Work
  - Regulated commercial buildings & apartment with 5 or more units.
    - Not Residential Housing except for large projects. (Think flood buyouts)
IAQ

HUD’s Healthy Homes Initiative

- IAQ problem or comfort?
  - Heat/cold
  - Humidity
  - Ventilation
  - Product/smell/???

- Health issue
  - Asthma
  - Sickness (flu like, hives, allergies etc…)

- Training Programs
  - HUD
  - EPA
  - CDC
Issues Causing IAQ Problems

• Building Maintenance
• Over crowding of rooms/building
• Stuff!!!
• Animals
• Chemicals
• Fresh air intakes being closed off
Mold

- Mold
  - No Federal or State regulations
  - Guidelines & BMP’s for removal & testing

- To Test or Not to Test?
  - Moisture test
  - Sniff test
Mold or Salt
Mold
State Legislation Regulations

- **California**
  - 2003 Mold Disclosure for real-estate and rentals
  - 2011 Department of Health could not set a “standard” for safe levels of mold exposure. (2014)

- **Texas (2004)**
  - Mold Worker and Company Lic and Cert and Training

- **Massachusetts (2006)**
  - Bill # 4766 (Sick Building Rule)
  - Mandated DEQ and MOHSA to establish standards concerning IAQ/Mold
  - Enforcement and investigation authority
  - Mandates all public building to have a prevented and maintenance program in place – Healthy Homes
Questions?
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