
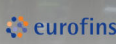



LBP Regulations Review

Tom Laubenthal
Terracon
Regional Technical Consultant, SE, TX


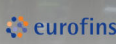
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Learning Objectives

- Provide you with a regulatory review and summary of current lead regulations and guidance;
- Note: It is expected that course participants will take the time to actually **read the federal and State/Local regulations and** other helpful tables supplied here to have through understanding of these issues.
 - **PowerPoints in classes do not substitute for reading regs!**
 - We will be covering FEDERAL regulations unless stated otherwise

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The Basics – TH & COF


- HUD/EPA LBP requirements apply to Target Housing (TH) & Child-Occupied Facilities (COF)
 - Both are based on **pre-1978** construction
- TH: Based on the age of the structure; not occupants
 - means any housing constructed prior to 1978, except housing for the elderly or persons with disabilities or any 0-bedroom dwelling (unless any child who is less than 6 years of age resides or is expected to reside in such housing).
- COF: Per child, not as a group;
 - means a building, or portion of a building, constructed prior to 1978, visited regularly by the same child, 6 years of age or under, on at least two different days within any week (Sunday through Saturday period), provided that each day's visit lasts at least 3 hours and the combined weekly visit lasts at least 6 hours, and the combined annual visits last at least 60 hours. Child-occupied facilities may include, but are not limited to, day-care centers, preschools and kindergarten classrooms.

Updated!!!


→ • **All EPA and HUD regs are 6 and under**


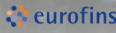
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3




Big Note...a common question...

- **If not pre-78 target housing or child occupied facilities**
- EPA and HUD federal rules do not apply
- Certification and licensing rules do not apply
- It's OSHA!! 
- "Do I have to be licensed to take paint chip samples from a bridge?"
- **NO!**
 - Unless some oddball state/local rule applies...CA, TX, CO or other problematic states...??

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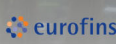
4




The Basics - Certification

- **Work must be performed by certified firms and certified individuals**
 - For conversation; “licensed” to not confuse with certification via training
 - The firm employing those doing regulated LBP must be licensed
 - Know the state requirements for licensing...firms and individuals
 - Each individual must be licensed
 - Including **Third Party** testing...federal test in most cases but be careful regarding state specific issues in certain states
 - **Licensing is annual!**
 - Individuals must be recertified through **refresher training within 3 years**
 - States can vary here!

Not one day over



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5




Work Practice Standards

- **All lead-based paint activities in TH and COF must follow documented methodologies**
 - **HUD Guidelines** & EPA Guidance, ASTM etc.
- The work practice requirements apply when treating paint-lead hazards of (HUD & EPA):
 - $\geq 2 \text{ ft}^2$ of deteriorated paint on interior components with large surface areas (e.g., walls, ceilings, floors, doors);
 - $\geq 20 \text{ ft}^2$ of deteriorated paint on exterior components with large surfaces areas;
 - $\geq 10\%$ of the total surface area of the component is deteriorated on interior or exterior components with small surface areas (e.g., window sills, baseboards, soffits, trim)
- **Clearance levels established by EPA**
 - HUD...we're not sure...


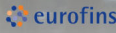
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“The Numbers”

- **LBP** (surface coatings; paint, varnish stains etc.)
 - 1.0 mg/cm² (by XRF)
 - 0.5% (or 5000 ppm; by paint chip sampling,)
- 2009 CPSC LBP limit for paints/coatings in homes and schools & children’s products
 - 90 ppm (same as 0.009%)
- **OSHA**: Any detectable level of lead in a surface coating...or anything!
 - Construction: “...occupational exposure to lead...”

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7





“The Numbers”


HUD?
Still waiting on their determinations

- **Lead Hazards; Surfaces & Soil**
 - **Any Reportable Level** - floors (carpeted and uncarpeted) and interior window sills
 - **Soil**
 - ≥ 400 ppm play areas and high-contact areas for children
 - ≥ 1,200 ppm building perimeter and yard
 - Soil: replacement soil ≤ 400 ppm or equal to local “background” level
 - NOTE: soil levels are **not clearance levels** unless specified as such; must be in a contract, especially if soil clean-up is required
 - HUD Bare Residential Soil Recommendations
 - 5,000 ppm paving or removal criteria
 - Soil: replacement soil ≤ 400 ppm or equal to local “background” level, ≤ 200 ppm preferred

As of 1-12-2026
Desg. States have
until 1-11-27

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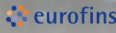
“The Numbers”

HUD?
Still waiting on their determinations

- EPA Lead Dust **ACTION** Levels (previously known as “clearance levels”)
 - All clearance wipes are single surface sampling only.
 - < 5 µg/ft² floors (carpeted and uncarpeted)
 - < 40 µg/ft² interior window sills
 - < 100 µg/ft² window troughs
 - EPA state designated programs have until 1-11-2027 to comply
- ASTM E-1792 wipes required
 - **Expiration date & lot number!**
- NLLAP accredited labs for all Title X LBP work





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AND THE LORD DID SPEAK-ETH....

We DO NOT use Ghost Wipes for **ASBESTOS** dust wipe samples!!!!

I don't care if the lab will analyze them...the method calls for “clean room wipes”

Have you ever actually read ASTM D6480?


“But the package says ASTM!!!”

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EIA Phoenix 2026


ASTM E1792

 Designation: E1792 - 24

Standard Specification for Wipe Sampling Materials for Lead in Surface Dust¹


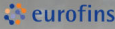
This standard is issued under the fixed designation E1792; the number immediately following the designation indicates the year of original adoption or, in the case of revision, the year of last revision. A number in parentheses indicates the year of last reapproval. A superscript epsilon (ϵ) indicates an editorial change since the last revision or reapproval.

Well...it says ASTM...



4. Significance and Use

4.1 This specification is intended for use by manufacturers and suppliers to evaluate the performance of wipe sampling materials for lead in surface dust.


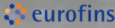
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EIA Phoenix 2026

Approaches to being able to report results at the "reportable" risk levels and 5 $\mu\text{g}/\text{ft}^2$ action level for floors

- **Reportable levels**
 - This value is determined by each NLLAP-accredited laboratory based on EPA's Laboratory Quality Standards for Recognition (LQSR, rev. 4.0) and internal determinations based on the area wiped, the laboratory method used, and instrument performance. Reportable levels must be no more than 80% of the action levels...."
 - Do know: these can vary between NLLAP labs
- **You may need to use a 2 ft² floor sample area using one dust wipe...ask your lab!**
- **When in doubt, call your NLLAP lab for advice**
 - If they have no idea what you are talking about...find another lab!!

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“The Numbers”

- **OSHA Airborne Lead**
 - Personal air sampling, both are based on 8-hour time weighted averages (TWA)
 - 30 $\mu\text{g}/\text{m}^3$ Action Level
 - 50 $\mu\text{g}/\text{m}^3$ OSHA Permissible Exposure Limit (PEL)
- **Hazardous Waste**
 - 5 ppm EPA/RCRA TCLP Limit (Toxicity Characteristic Leaching Procedure)
 - Note; **housing is exempt**...this most often applies to non-housing waste
 - **ASTM E1908** the accepted method for collection of TCLP samples
- **Drinking Water**
 - EPA SDWA action level for drinking water (Safe Drinking Water Act)
 - ★ 15 ppb ($\mu\text{g}/\text{L}$) (from water provider)...will be 10 ppb as of 2027
 - Note...water sampling is **not** part of a LBP inspection...risk assessment in some cases!

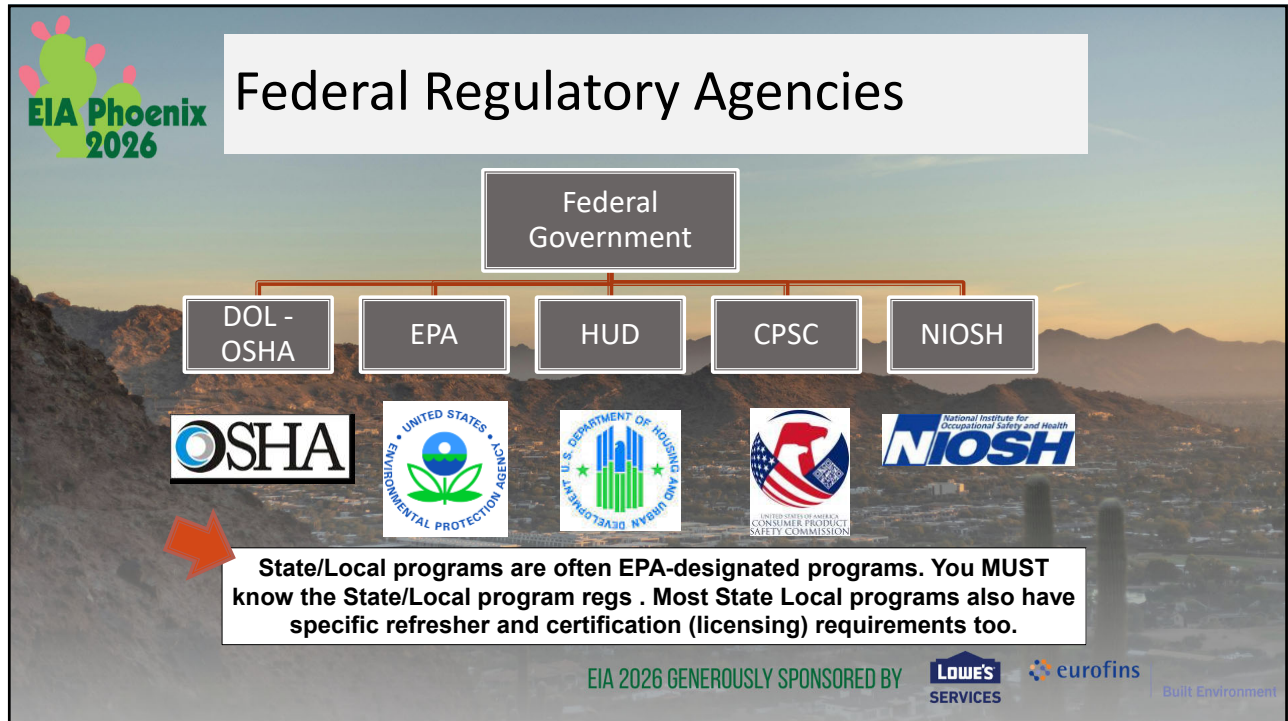
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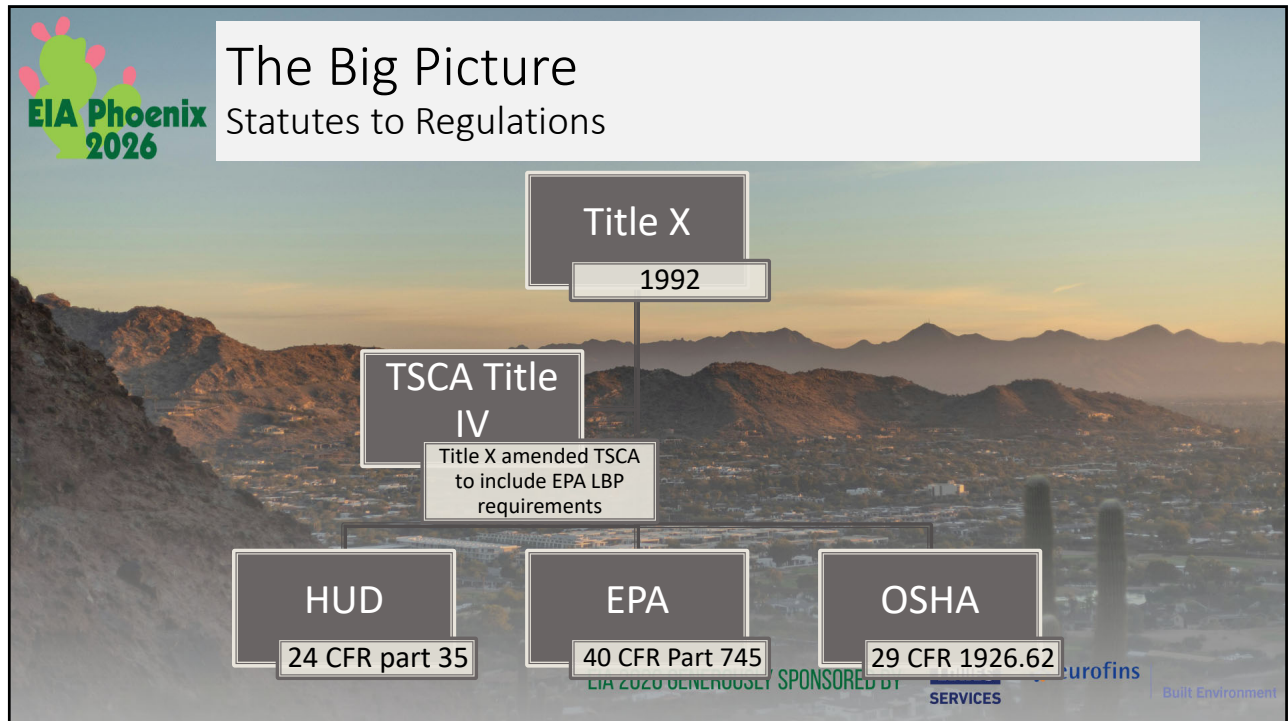
“The Numbers”

- **CDC Reference Value**
 - 3.5 $\mu\text{g}/\text{dL}$ (children ages <6 years of age)
 - See HUD LSHR (24 CFR Part 35) for details and by section
 - In many cases the “owner” has 15 day to conduct an environmental investigation if a child is at or above the CDC reference value
- **EPA Elevated Blood Lead Level (EBL)**
 - The 20 $\mu\text{g}/\text{dL}$ single test/15-19 $\mu\text{g}/\text{dL}$ up to 3 months apart
 - **Consult your state program here!**
- **Elevated Blood Lead Levels - OSHA**
 - 40 $\mu\text{g}/\text{dL}$ OSHA worker blood limit for medical surveillance, follow-up testing and medical removal return
 - OSHA has proposed lowering this to 10 $\mu\text{g}/\text{dL}$ (CA?)
 - 50 $\mu\text{g}/\text{dL}$ OSHA medical removal (two tests within two weeks)

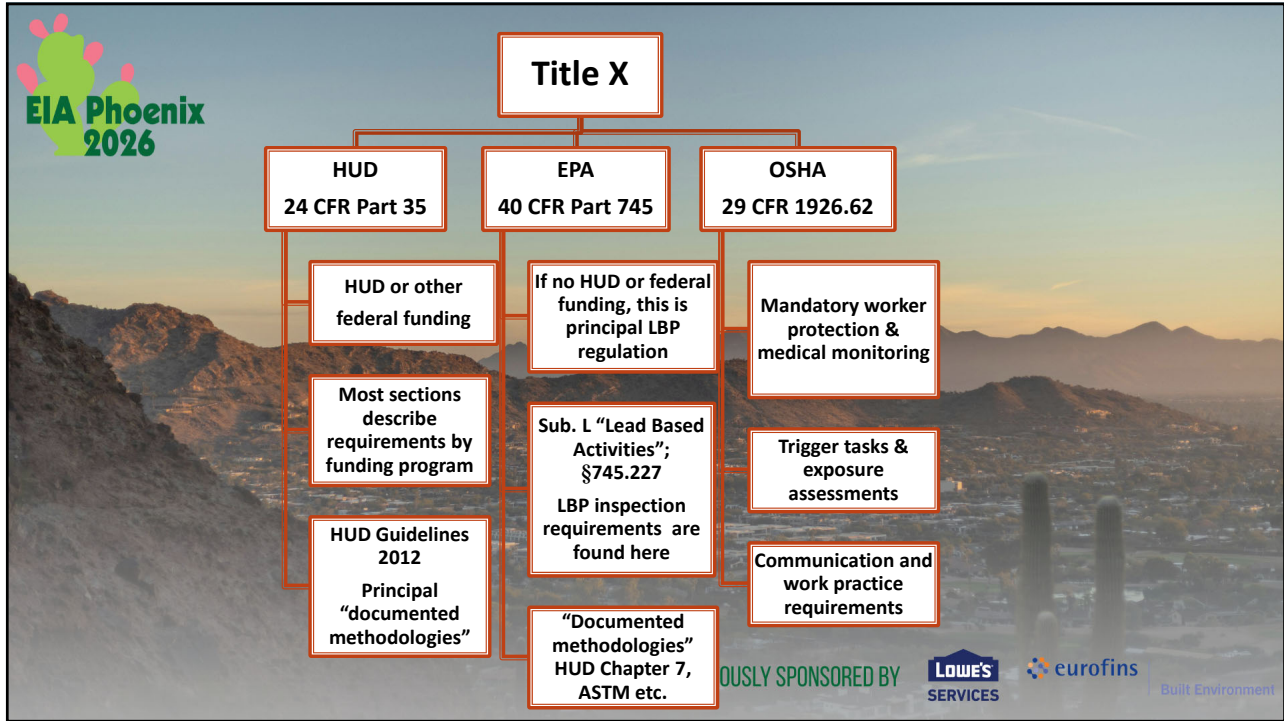
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Title X by Section

RESIDENTIAL LEAD-BASED PAINT HAZARD REDUCTION ACT OF 1992 (TITLE X): SUMMARY OF REQUIREMENTS, RESPONSIBLE AGENCIES, AND STATUS OF REQUIREMENTS		
Public Law 102-550 102nd Congress - 2nd Session [H.R. 5334] 102 P.L. 550, 106 Stat. 3672 1992 Enacted H.R. 5334, 102 Enacted H.R. 5334		
DATE: OCT. 28, 1992 - PUBLIC LAW 102-550 Section	Section Title	"Deliverable"
1001	Short Title	Residential Lead-Based Paint Hazard Reduction Act of 1992
1002	Findings	n/a
1003	Purposes	n/a
1004	Definitions	n/a
SUBTITLE A - LEAD-BASED PAINT HAZARD REDUCTION		
1011	Grants for Lead-Based Paint Hazard Reduction in Target Housing	On going. Eighth "round" of grants in FY2000. Total grant funding is over \$551M since 1993.
1012	Evaluation and Reduction Of Lead-Based Paint Hazards in Federally Assisted Housing	Final regulation published September 15, 1999
1013	Disposition of Federally Owned Housing	Final regulation published in September 15, 1999
1014	Comprehensive Housing Affordability Strategy	Completed
1015	Task Force on Lead-Based Paint Hazard Reduction and Financing	Published Putting the Pieces Together: Controlling Lead Hazards in the Nation's Housing on July 11, 1995.
1016	National Consultation on Lead-Based Paint Hazard Reduction	Federal Interagency Task Force meets quarterly.
1017	Guidelines for Lead-Based Paint Hazard Evaluation and Reduction Activities	Published the Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing in June 1995.
1018	Disclosure of Information Concerning Lead Upon Transfer of Residential Property	Final regulation published on March 6, 1996 (61 FR 5044). Regulations have been in effect for all target housing since December 6, 1995. Regulations published in two locations (24 CFR 35.40-35.58 and 40 CFR 745.100-745.119) (40 CFR in EPA).
SUBTITLE B - LEAD EXPOSURE REDUCTION		
1021	Section 1021 of Title X amended the Toxic Substances Control Act by adding Title IV (Sec. 401-412).	
TITLE IV of TSCA - LEAD EXPOSURE REDUCTION		
401	Definitions	n/a
402	Lead-Based Paint Activities Training and Certification	Final regulation published on August 29, 1996 (61 FR 45778). Regulations published at 40 CFR 745 Subpart L (40 CFR 745.220-745.239)
403	Identification of Dangerous Levels of Lead	Final regulation published January 5, 2001 (40 CFR 745 Subpart O)
404	Authorized State Programs	Final regulation published on August 29, 1996 (61 FR 45778). Regulations took effect in March 2000. Regulations published at 40 CFR 745 Subpart Q (40 CFR 745.320-745.339)
405	Lead Abatement Measurement	
406	Lead Hazard Information Pamphlet 406(a) - Lead Hazard Information Pamphlet 406(b) - Renovation of Target Housing	406(a) pamphlet completed and announced on August 1, 1995 (60 FR 39167). 406(b) final regulation published on June 1, 1999 (62 FR 29950). Regulations took effect on June 1, 1999. Regulations published at 40 CFR 745 Subpart E (40 CFR 745.80-745.89)
407	Regulations	n/a
408	Control of Lead-Based Paint Hazards at Federal Facilities	n/a
409	Prohibited Acts	n/a
410	Relationship to Other Federal Law	n/a
411	General Provisions Relating to Administrative Proceedings	n/a
412	Authorization of Appropriations	n/a
SUBTITLE C - WORKER PROTECTION		
1031	Worker Protection	Published at 29 CFR 1926.62 (29 CFR is Department of Labor/OSHA)
1032	Coordination Between Environmental Protection Agency and Department of Labor	On going
1033	NIOSH Responsibilities.	Amends the Occupational Safety and Health Act of 1970
SUBTITLE D - RESEARCH AND DEVELOPMENT		
1051	Research on Lead Exposure From Other Sources	Research grants and contracts awarded and work is underway
1052	Testing Technologies	
1053	Authorization	n/a
1056	Federal Implementation and Insurance Study	n/a
SUBTITLE E - REPORTS		
1061	Reports of the Secretary of Housing and Urban Development	On going

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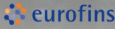


EPA Issues




- Lead-based Paint Poisoning Prevention In Certain Residential Structures (40 CFR Part 745)
 - This is the principal LBP regulation for TH & COF
 - HUD (and other federal programs) requirements can also apply
 - In some cases HUD requirements can be more stringent than found in this regulation
 - EPA-delegated state programs regs usually track closely to the federal regulation...but they can have issues that are more stringent!
 - Major section include: Risk, Renovation-RRP, Disclosure, LBP Activities

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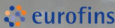


40 CFR Part 745 Issues




- Subpart D LBP Hazards (§745.61 – 745.65)
 - This section applies to children under 6 and defines hazards;
 - Friction, impact and chewable surfaces
 - Deteriorated paint; interior and exterior
 - Dust hazards on floors, sills
 - Soil lead hazards
 - Cross referenced by HUD

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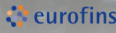

40 CFR Part 745 Issues




- Sub. E Residential Property Renovation (RRP) [\$745.80 – 745.92]
 - Effective April 22 2010. A few states have a designated program
 - Applies to all renovation work in **TH & COF**
 - Firms must be licensed (EPA or State)
 - Renovators must be trained (refreshers too)
 - Some states: Renovators must be licensed
 - Mandatory LBP testing and Renovate Right if LBP
 - Exempt of less than 6ft² per room or 20 ft² exterior
 - Worker training and compliance documentation
 - Reporting documentation includes lead testing form and final checklist
 - **RRP training/certification does not qualify for abatement work!!**
 - Also...abatement certification does not also include RRP


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40 CFR Part 745 Issues


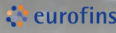



- Sub. F - Disclosure Of Known Lead-based Paint And/Or Lead-based Paint Hazards Upon Sale Or Lease Of Residential Property (\$745.100 – 745.119)
 - **This is one of the most enforced parts of this regulation...and one of the most common violations**
 - Disclosure requirements for sellers and lessors
 - Includes lease language and “Blue Book”...or “the pamphlet”
 - Opportunity to conduct an evaluation
 - Certification and acknowledgment of disclosure
 - **Agent Responsibilities**
 - Got any friend that are agents? Have they read this?




2026 edition
Multiple languages


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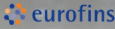


40 CFR Part 745 Issues




- Sub. L - Lead-based Paint Activities (§745.220 – 745.239)
 - This significant section is where training, certification and work practices requirements can be found including inspections and risk assessment
 - Work practice standards for conducting LBP activities in TH & COF found in §745.227...**inspection, risk assessment, abatement**
 - **Documented methodologies** that are appropriate for this section are found in the following: **HUD Guidelines**; ... Regulations, guidance, methods or protocols ...and other equivalent methods and guidelines (such as ASTM).
 - For Non-HUD/federally funded work do follow EPA requirements for required work practices, reporting etc...

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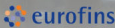


HUD Issues



- Lead Safe Housing Rule (**LSHR**, 24 CFR Part 35)
- The Lead Safe Housing Rule applies to all target housing that is federally owned and target housing receiving Federal assistance.
- Specific requirements depend on whether the housing is being:
 - disposed of or assisted by the federal government,
 - and also on the type and amount of financial assistance, the age of the structure, and whether the dwelling is rental or owner-occupied.

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SUMMARY OF HUD LEAD-BASED PAINT (LBP) REQUIREMENTS												
<p>Note: Clearance is always required after abatement, interim controls, paint stabilization, or standard treatments unless the area is below de minimis levels:</p> <p>2 ft² per room interior, 20 ft² exterior or 10% of a painted component</p> <p>For excellent help on HUD matters: Lead Rule Compliance Advisor http://portalapps.hud.gov/CorvidRptHUDLBP/welcome.html</p> <p>The table below can be found at the link above, "Interpretive Guidance," Item A6</p>												
Sub-part	Type of Program	Construction Period	Requirements ^{1,2,3}									
A	Disclosure of Known Lead-Based Paint and/or Lead-Based Paint Hazards	Pre-1978	<ul style="list-style-type: none"> See the Healthy Homes and Lead Hazard Control web site for Lead Disclosure Rule requirements for sale or lease of residential property. 									
B	General Lead-Based Paint Requirements and Definitions	Pre-1978	<ul style="list-style-type: none"> All properties covered by the Lead Safe Housing Rule.⁴ 									
C	Disposition by Federal Agency Other Than HUD	Pre-1960	<ul style="list-style-type: none"> LBP inspection and risk assessment. Abatement of LBP hazards. Notice to occupants. 									
		1960-1977	<ul style="list-style-type: none"> LBP inspection and risk assessment. Notice to occupants of results. 									
D	Project-Based Assistance by Federal Agency Other Than HUD	Pre-1978	<ul style="list-style-type: none"> Provision of pamphlet. Risk assessment. Interim controls. Notice to occupants. Response to child with EIBLL.⁵ 									
F	HUD-Owned Single Family Sold With a HUD-Insured Mortgage	Pre-1978	<ul style="list-style-type: none"> Visual assessment. Paint stabilization. Notice to occupants of clearance. 									
<p>G Multifamily Mortgage Insurance:</p> <table border="1"> <tr> <td>1. For properties that are currently residential</td> <td>Pre-1960</td> <td> <ul style="list-style-type: none"> Provision of pamphlet. Risk assessment. Interim controls. Notice to occupants. Ongoing LBP maintenance. </td> </tr> <tr> <td></td> <td>1960-1977</td> <td> <ul style="list-style-type: none"> Provision of pamphlet. Ongoing LBP maintenance. </td> </tr> <tr> <td>2. For conversions and major renovations.</td> <td>Pre-1978</td> <td> <ul style="list-style-type: none"> Provision of pamphlet. LBP inspection. Abatement of LBP. Notice to occupants. </td> </tr> </table>				1. For properties that are currently residential	Pre-1960	<ul style="list-style-type: none"> Provision of pamphlet. Risk assessment. Interim controls. Notice to occupants. Ongoing LBP maintenance. 		1960-1977	<ul style="list-style-type: none"> Provision of pamphlet. Ongoing LBP maintenance. 	2. For conversions and major renovations.	Pre-1978	<ul style="list-style-type: none"> Provision of pamphlet. LBP inspection. Abatement of LBP. Notice to occupants.
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<p>I HUD-Owned Multifamily Property</p> <table border="1"> <tr> <td></td> <td>Pre-1978</td> <td> <ul style="list-style-type: none"> Provision of pamphlet. LBP inspection and risk assessment. Interim controls. Notice to occupants. Ongoing LBP maintenance and reevaluation. Response to child with EIBLL.⁵ </td> </tr> </table>					Pre-1978	<ul style="list-style-type: none"> Provision of pamphlet. LBP inspection and risk assessment. Interim controls. Notice to occupants. Ongoing LBP maintenance and reevaluation. Response to child with EIBLL.⁵ 						
	Pre-1978	<ul style="list-style-type: none"> Provision of pamphlet. LBP inspection and risk assessment. Interim controls. Notice to occupants. Ongoing LBP maintenance and reevaluation. Response to child with EIBLL.⁵ 										

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<p>J Rehabilitation Assistance:</p> <table border="1"> <tr> <td>For all Properties</td> <td>Pre-1978</td> <td> <ul style="list-style-type: none"> Provision of pamphlet. Paint testing of surfaces to be disturbed, or presume LBP. Notice to occupants. Ongoing LBP maintenance if HOME rental. </td> </tr> <tr> <td>1. Property receiving less than or equal to \$5,000 per unit</td> <td>Pre-1978</td> <td> <ul style="list-style-type: none"> Safe work practices in rehab. Repair disturbed paint. Clearance of the worksite. </td> </tr> <tr> <td>2. Property receiving more than \$5,000 and up to \$25,000</td> <td>Pre-1978</td> <td> <ul style="list-style-type: none"> Risk assessment. Interim controls. </td> </tr> <tr> <td>3. Property receiving more than \$25,000 per unit</td> <td></td> <td></td> </tr> </table>				For all Properties	Pre-1978	<ul style="list-style-type: none"> Provision of pamphlet. Paint testing of surfaces to be disturbed, or presume LBP. Notice to occupants. Ongoing LBP maintenance if HOME rental. 	1. Property receiving less than or equal to \$5,000 per unit	Pre-1978	<ul style="list-style-type: none"> Safe work practices in rehab. Repair disturbed paint. Clearance of the worksite. 	2. Property receiving more than \$5,000 and up to \$25,000	Pre-1978	<ul style="list-style-type: none"> Risk assessment. Interim controls. 	3. Property receiving more than \$25,000 per unit		
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<p>M Tenant-Based Rental Assistance for units to be occupied by children under 6 years of age</p> <table border="1"> <tr> <td></td> <td>Pre-1978</td> <td> <ul style="list-style-type: none"> Provision of pamphlet. Visual assessment. Paint stabilization. Notice to occupants. Ongoing LBP maintenance. Response to child with EIBLL.⁵ </td> </tr> </table>					Pre-1978	<ul style="list-style-type: none"> Provision of pamphlet. Visual assessment. Paint stabilization. Notice to occupants. Ongoing LBP maintenance. Response to child with EIBLL.⁵ 									
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<p>1. Safe work practices and occupant protection are always required. Clearance is required after abatement, interim controls, paint stabilization, or standard treatments, except when the amount of deteriorated paint is below the de minimis levels specified in Subpart R of the rule.</p> <p>2. Notice to occupants must include results of evaluations (paint testing, inspection, and risk assessment)</p>															
<p>K Acquisition, Lease, or Other Services, or Other Assistance:</p> <table border="1"> <tr> <td></td> <td></td> <td> <ul style="list-style-type: none"> Notice to occupants. Ongoing LBP maintenance for ongoing assistance. </td> </tr> </table>						<ul style="list-style-type: none"> Notice to occupants. Ongoing LBP maintenance for ongoing assistance. 									
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<p>L Public Housing</p> <table border="1"> <tr> <td></td> <td>Pre-1978</td> <td> <ul style="list-style-type: none"> Provision of pamphlet. LBP inspection. Risk assessment if LBP not yet abated. Interim controls if LBP not yet abated. Abatement of LBP during modernization. Notice to occupants. Ongoing LBP maintenance and reevaluation. Response to child with EIBLL.⁵ </td> </tr> </table>					Pre-1978	<ul style="list-style-type: none"> Provision of pamphlet. LBP inspection. Risk assessment if LBP not yet abated. Interim controls if LBP not yet abated. Abatement of LBP during modernization. Notice to occupants. Ongoing LBP maintenance and reevaluation. Response to child with EIBLL.⁵ 									
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<p>1. Risk assessment, or re-evaluation; Risk assessment certification.</p> <p>Clearance: LBP inspection or risk assessment certification, or sampling technician course.</p> <p>Hazard Control (except for small ("de minimis") amounts of paint disturbance; see 24 CFR 35.1350(d)).</p> <p>Repair of paint, paint stabilization, or interim control: Lead-safe work practices course.</p> <p>Abatement: Abatement certification.</p> <p>4. See 24 CFR 35.115 for exemptions.</p> <p>5. Environmental intervention blood lead level: At least 20 micrograms of lead per deciliter (µg/dL) for a single test, or 15-19 µg/dL in two tests taken at least 3 months apart.</p>															

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Subsection J Rehabilitation


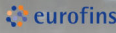
Let's talk...
The \$5k - \$25K issues

Rehab specialist, then LBP issues

This ONLY applies to this part of the LSHR...not all grant activity!!


J Rehabilitation Assistance:		
For all Properties	Pre-1978	<ul style="list-style-type: none"> • Provision of pamphlet. • Paint testing of surfaces to be disturbed, or presume LBP. • Notice to occupants. • Ongoing LBP maintenance if HOME rental.
1. Property receiving less than or equal to \$5,000 per unit	Pre-1978	<ul style="list-style-type: none"> • Safe work practices in rehab. • Repair disturbed paint. • Clearance of the worksite.
2. Property receiving more than \$5,000 and up to \$25,000	Pre-1978	<ul style="list-style-type: none"> • Risk assessment. • Interim controls.
3. Property receiving more than \$25,000 per unit	Pre-1978	<ul style="list-style-type: none"> • Risk assessment. • Abatement of LBP hazards. • Interim controls allowed for exterior.

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
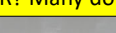
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HUD Housing Assistance Programs and the Lead-safe Housing Rule

<p>HUD Housing Assistance Programs and the Lead-safe Housing Rule 24 CFR Part 35</p> <p><small>Note: This list of programs may not be complete and is subject to change. Some housing is exempt; see 24 CFR 35.115. Statutory section numbers refer to the National Housing Act unless otherwise specified. Information current as of 11-26-12, found at: http://portal.hud.gov/hudportal/HUD?src=/program_offices/healthy_homes/enforcement/1012housinglist</small></p> <p>Subpart G: Multifamily Mortgage Insurance This subpart applies to housing for which a HUD or FHA commitment is made on or after September 15, 2000 under the following programs:</p> <ul style="list-style-type: none"> • Multifamily Rental Housing (Section 207, 12 U.S.C. 1713); • Cooperative Housing (Section 213, 12 U.S.C. 1715e); • Mortgage and Major Home Improvement Loan Insurance for Urban Renewal Areas (Section 220, 12 U.S.C. 1715(a) and (h)); • Multifamily Rental Housing for Moderate-Income Families (Section 221(d)(3) and (4), 12 U.S.C. 1715(d)(3) and (4)); • Existing Multifamily Rental Housing (Section 223(f), 12 U.S.C. 1715n(f)); • Mortgage Insurance for Housing for the Elderly (Section 231, 12 U.S.C. 1715v); • Condominium Housing (Section 234, 12 U.S.C. 1715y); • Mark-to-Market Program (12 U.S.C. 1701); and • Supplemental Loan for Project Mortgage Insurance (12 U.S.C. 1715s). <p>Subpart H: Project-Based Rental Assistance This subpart applies to housing that is receiving project-based rental assistance on or after September 15, 2000 under the following programs:</p> <ul style="list-style-type: none"> • Section 8 Project-Based Housing Assistance Programs (42 U.S.C. 1437f); • The Rent Supplement Payment Program (12 U.S.C. 1701a); • Rental Assistance Payments Program (Section 236 of the National Housing Act, 12 U.S.C. 1715c-1); • Indian Housing Block Grant Program (25 U.S.C. 4101 et seq.); • Shelter Plus Care Project- and Sponsor-Based Rental Assistance (Title IV of the McKinney Homeless Assistance Act, 42 U.S.C. 11403 et seq.); • Supportive Housing for the Elderly or Direct Loans for Housing for the Elderly or Handicapped (Section 202 of the Housing Act of 1960, 12 U.S.C. 1701g); and • Supportive Housing for Persons with Disabilities (42 U.S.C. 8013). 	<p>Subpart J: Rehabilitation This subpart applies to housing receiving assistance for rehabilitation under the following programs (the effective date for a project in the pipeline varies with the program; see 24 CFR 35.900):</p> <ul style="list-style-type: none"> • Community Development Block Grant Program (42 U.S.C. 5301 et seq.); • Home Investment Partnerships (HOME) (42 U.S.C. 12701-12840); • HOPE for Homeownership of Single Family Homes (HOPE 3) (42 U.S.C. 12891-12898); • Indian Housing Block Grant Program (25 U.S.C. 4101 et seq.); • Indian Community Development Block Grant (42 U.S.C. 5301 et seq.); • Housing Opportunities for Persons with AIDS (HOPWA) (42 U.S.C. 12901-12912); • Homeownership of Multifamily Units (HOPE 2) (42 U.S.C. 12871-12880); • Emergency Shelter Grants (42 U.S.C. 11371-11378); • Supportive Housing (42 U.S.C. 11381-11389); • Interest Reduction Payment (IRP) Grant program (12 U.S.C. 1715a-1); • Flexible Subsidy-Capital Improvement Loan Program (CILP) (12 U.S.C. 1715a-1); and • Mark-to-Market Program (12 U.S.C. 1701). <p>Subpart K: Acquisition, Leasing, Support Services, or Operation This subpart applies to housing receiving assistance for acquisition (e.g., down payment assistance), leasing (e.g., homelessness prevention), support services (e.g., health, child care, or training), or operation (e.g., emergency shelter) under the following programs (the effective date for a project in the pipeline varies with the program; see 24 CFR 35.1000):</p> <ul style="list-style-type: none"> • Community Development Block Grant (42 U.S.C. 5301 et seq.); • Home Investment Partnerships (HOME) (42 U.S.C. 12701-12840); • Homeownership of Multifamily Units (HOPE 2) (42 U.S.C. 12871-12880); • HOPE for Homeownership of Single Family Homes (HOPE 3) (42 U.S.C. 12891-12898); • Indian Community Development Block Grant Program (42 U.S.C. 5301 et seq.); • Indian Housing Block Grant Program (25 U.S.C. 4101 et seq.); • Housing Opportunities for Persons with AIDS (HOPWA) (42 U.S.C. 12901-12912); • Permanent Housing for Handicapped Homeless Persons (42 U.S.C. 11381 et seq.); and • Supportive Housing Program (42 U.S.C. 11381-11389). 	<p>Subpart L: Public Housing This subpart applies to housing owned by public housing authorities and assisted under the United States Housing Act of 1937, except for Section 8 of that Act. Note: This subpart does not apply to projects under the Section 23 and Section 8 Housing Assistance Payments programs. Covered programs include the following:</p> <ul style="list-style-type: none"> • Public Housing Development (42 U.S.C. 1437b, 1437c and 1437g); • Public Housing Operating Subsidy (42 U.S.C. 1437g); • Public Housing Authority (PHA) Owned or Leased Projects Maintenance and Operation (42 U.S.C. 1437f and 1437g); • Public Housing Modernization (Comprehensive Grant Program, CGP) (42 U.S.C. 1437i); • Public Housing Modernization (Comprehensive Improvement Assistance Program, CIAP) (42 U.S.C. 1437j); • Homeownership and Opportunity for People Everywhere (HOPE 1) (42 U.S.C. 1437aaa et seq.); • Urban Revitalization Demonstration (HOPE VI); • PHA-owned lower-income public housing projects, including Turnkey III, Mutual Help, conveyed Lanham Act and Public Works Administration projects, and • Section 23 Leased Housing Bond-Financed projects. <p>Subpart M: Tenant-Based Rental Assistance This subpart applies to housing that is occupied by a family with a child of less than 6 years of age and receives tenant-based rental assistance under the following programs:</p> <ul style="list-style-type: none"> • Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f); • HOME Tenant-Based Rental Assistance Program (42 U.S.C. 12701-12840); • Indian Housing Block Grant program (25 U.S.C. 4101 et seq.); • Shelter Plus Care Tenant-Based Rental Assistance (42 U.S.C. 11403 et seq.); and • Housing Opportunities for Persons with AIDS (HOPWA) (42 U.S.C. 12901-12912).
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Does your client...the grantee know which grant they have and where it falls into the LSHR? Many do not...

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Home > Programs > Lead-Based Paint > Lead Safe Housing Rule Toolkit > Introduction

Lead Safe Housing Rule (LSHR) Toolkit

- Introduction
- Lead Rule Basics
- Subpart H: Project-Based Assistance ≤ \$5,000
- Subpart H: Project-Based Assistance > \$5,000
- Subpart J: Rehabilitation Assistance
- Subpart K: Acquisition
- Subpart K: Leasing, Support Services, and Operations
- Subpart L: Public Housing
- Subpart M: Tenant-Based Rental Assistance
- Hazard Reduction
- Respond to a Child with an EBLL



Introduction

The tools in the Lead Safe Housing Rule Toolkit help practitioners understand and comply with the federal lead rules. The rules apply to almost all ownership, rentals, and sales of pre-1978 housing regardless of occupants or federal assistance to keep children and families safe from lead.

Lead Rules Basics


If you are new to the lead regulations, review [Lead Rules Basics](#).

Is your project covered by the federal lead rules? Determine if all assisted units are partially or fully exempt by using the [Lead Safe Housing Requirements Screening on Exemption or Limited Exemption](#).

Choose the type of activity you are working in, or operating, to access the tools and information for that activity. If you are

A very handy webpage for your grantee client and you!!

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HUD Guidelines 2012

U.S. Department of Housing and Urban Development


Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing

Office of Healthy Homes and Lead Hazard Control
Second Edition, July, 2012




- Do you have the HUD Guidelines?**
- Documented methodologies!!**
 - Enforceable by EPA, HUD and state/local programs**
- Do download the electronic copy, there are many hyperlinks that are very useful
- On the download page you'll find a link for fillable forms!
- Be careful...not all sections are current

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For consultants...the Big 3

Chapter 5: Risk Assessment and Reevaluation

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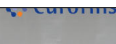
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15-1

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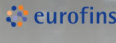
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HUD Guidelines - Contracting


- **Chapters of note:**
 - **Chapter 8** Resident Protection and Worksite Preparation
 - **Chapter 9** Worker Protection
 - **Chapter 10** Housing Waste
 - **Chapter 11** Interim Controls
 - **Chapter 12** Abatement
 - **Chapter 13** Abatement by Encapsulation
 - **Chapter 14** Cleaning
 - **Chapter 15** Clearance

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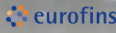
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High & Low Dust Jobs


- Far too many contractors never read these requirements
- You will need to actually read this section in the HUD Guidelines before you do your work
- **High dust jobs:** typically abatement activities
- **Low dust jobs:** typically interim control or RRP (if allowed)
- Separate sections for windows and other lead hazard control work (LHC) work
- LBP Project Designer? This isn't asbestos...read HG, and OSHA

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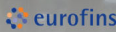
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LBP Abatement


- Abatement options
 - Corrects hazards for at least 20 years.
 - Most common; Replacement of painted building components "component replacement"
 - Paint removal (stripping)
 - Enclosure or Encapsulation of painted surfaces (20 years)
 - Permanent covering or replacement of soil
 - **Abatement work requires clearance activities**
 - Federally funded RRP work does too and with most LSHR programs.

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Did you know?

HG Ch 14, P. 14-19

- Prior to clearance activities...
- The HG allow for repainting surfaces and sealing floors
- The flaw in the HG, it that they do not require an inspection of the area by a certified I/RA prior to painting/sealing
- This should be required! Likely required by state/local programs

E Surface Painting or Sealing of Non-Floor Surfaces

The next step of preparing for clearance (or cleaning verification) is painting or otherwise sealing all treated surfaces except floors. Surfaces, including walls, ceilings, and woodwork, should be coated with an appropriate primer and repainted. Surfaces enclosed with vinyl, aluminum coil stock, and other materials traditionally not painted are exempt from the painting provision.

Painters should use the following lead-safe work practices:

- + Using "drop cloths," which should be disposable, impermeable sheeting – not cloth,
- + Cleaning their work tools before bringing them into the clearance area, and
- + Ensuring no dust is tracked in from outside the clearance area.


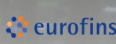

F Sealing Floors

The next step before clearance is to seal all hard-surface floors that do not already have an intact, nonporous coating. Sealed surfaces are easier for residents to clean and maintain over time than those that are not sealed. Wooden floors should be sealed with clear polyurethane or painted with deck enamel or durable paint. Vinyl tile, linoleum, and other similar floors should be sealed with an appropriate floor wax (or equivalent product). Concrete floors should be sealed with a concrete sealer or other type of concrete deck enamel. However, if these floors are already covered by an effective coat of sealant, it may be possible to skip this step.


As an alternative to sealing, floors may be covered with new vinyl tile, sheet vinyl, linoleum flooring, or the equivalent to create a more permanent cleanable surface. New surfaces should be cleaned with a cleaning solution that is appropriate for that type of surface.

Workers applying floor sealants or coverings should take care to wipe clean tools brought into the work area and to avoid tracking in dust from outside the clearance area.

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EPA and Clearance

40 CFR Part 745.227(e)(8)

HUD: see Table 15.1, page 15-27


HUD & EPA very similar with sampling, HUD reporting would like more info

(8) The following post-abatement procedures shall be performed only by a certified inspector or risk assessor:

- (i) Following an abatement, a visual inspection shall be performed to determine if deteriorated painted surfaces and/or visible amounts of dust, debris or residue are still present. If deteriorated painted surfaces or visible amounts of dust, debris or residue are present, these conditions must be eliminated prior to the continuation of the post-abatement testing procedures.
- (ii) Following the visual inspection and any post-abatement cleanup required by paragraph (e)(8)(i) of this section, post-abatement sampling for lead in dust shall be conducted. Post-abatement sampling may be conducted by employing single-surface sampling or composite sampling techniques.
- (iii) Dust samples for post-abatement testing purposes shall be taken using documented methodologies that incorporate adequate quality control procedures.
- (iv) Dust samples for post-abatement testing purposes shall be taken a minimum of 1 hour after completion of final post-abatement cleanup activities.
- (v) The following post-abatement testing activities shall be conducted as appropriate based upon the extent or manner of abatement activities conducted in or to the residential dwelling or child-occupied facility:
 - (A) After conducting an abatement with containment between abated and unabated areas, one dust sample shall be taken from one interior window sill and from one window trough (if present) and one dust sample shall be taken from the floors of each of no less than four rooms, hallways or stairwells within the containment area. In addition, one dust sample shall be taken from the floor outside the containment area. If there are less than four rooms, hallways or stairwells within the containment area, then all rooms, hallways or stairwells shall be sampled.
 - (B) After conducting an abatement with no containment, two dust samples shall be taken from each of no less than four rooms, hallways or stairwells in the residential dwelling or child-occupied facility. One dust sample shall be taken from one interior window sill and window trough (if present) and one dust sample shall be taken from the floor of each room, hallway or stairwell selected. If there are less than four rooms, hallways or stairwells within the residential dwelling or child-occupied facility then all rooms, hallways or stairwells shall be sampled.
 - (C) Following an exterior paint abatement, a visible inspection shall be conducted. All horizontal surfaces in the outdoor living area closest to the abated surface shall be found to be cleaned of visible dust and debris. In addition, a visual inspection shall

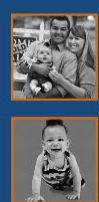
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NEW for Clearance: if below action levels but higher than reportable levels...


- On or after January 12, 2026, ...a dust-lead hazard statement with the following language must be included:
- **...Although the completed abatement project achieved dust-lead below action levels, some dust-lead hazards remain...**
- **....To continue to reduce lead exposure from dust, the EPA pamphlet entitled *Protect Your Family From Lead in Your Home* includes recommendations such as: using a vacuum with a high-efficiency particulate air (HEPA) filter on furniture and other items returned to the work area, and regularly cleaning hard surfaces with a damp cloth or sponge and a general all-purpose cleaner. For more information on how to continue to reduce lead exposure, see *Protect Your Family From Lead in Your Home*.**




Protect Your Family From Lead in Your Home



EPA United States Environmental Protection Agency




United States Consumer Product Safety Commission



United States Department of Housing and Urban Development

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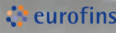
Dust lead hazard statement?

- Abatement Report: Found at §763.227(e)(10)
- (10) An abatement report shall be prepared by a certified supervisor or project designer. The abatement report shall include the following information:
- Then the language for the dust lead hazard statement is found at §763.227(e)(10)(vii)
- Well...if you are the certified LBP Inspector or Risk Assessor providing clearance testing...do we have to include this in our reports to clients?
- Not by the regs...but I would suggest it.
- How many contractors ever write these reports or turn them over to clients? My guess...few.

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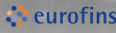
OSHA and Lead

If “any lead and disturbance...this rule applies!!




- **Construction, Lead, 29 CFR 1926.62 & appendices**
 - **LBP abatement, interim controls and RRP are regulated by this standard**
 - Exposure assessments; 50 µg/m3 PEL and 30 µg/m3 AL
 - Medical monitoring (based on exposures and durations) and worker protection
 - “Trigger Tasks” (I-III), written compliance plan and competent person supervision
 - Training and significant recordkeeping requirements
 - **NOTE: EPA supervisor, worker and RRP training is often insufficient to meet OSHA's training requirements**
 - **Especially RRP!!!**
 - **App. B Employee Summary Standard...a good start, and for worker training**
- **Lead is an Emphasis Program for OSHA**

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OSHA CPL (compliance directive)



The OSHA staff uses these documents for help with enforcement issues

These are always worth reading

DIRECTIVE NUMBER: CPL 03-00-009 | **EFFECTIVE DATE:** August 14, 2008

SUBJECT: National Emphasis Program – Lead

****NOTE:** Minor changes {[in double brackets]} were made to this directive on October 1, 2017, to update OIS coding instructions, references, and to make LEPs optional. Also, minor changes [in brackets] were made on January 1, 2016, after the revision to OSHA’s Hazard Communication standard. These changes do not impact this directive’s enforcement policy.

ABSTRACT

Purpose: This Instruction transmits policies and procedures for implementing a National Emphasis Program to reduce occupational exposures to lead.

Scope: OSHA-wide.

References: OSHA Instruction {[CPL 02-00-103, Field Inspection Reference Manual, September 26–1994 CPL 02-00-160, Field Operations Manual, August 2, 2016]}; OSHA Instruction TED 01-00-015, OSHA Technical Manual, January 20, 1999 {[and latest revision]}; OSHA Instruction CPL 02-02-058, 29 CFR 1926.62, Lead Exposure In Construction; Interim Final Rule-Inspection and Compliance Procedures, December 13, 1993; OSHA Instruction STD 03-08-001, Welding, Cutting, or Heating of Metals Coated with Lead-Bearing Paint, October 30, 1978; {[OSHA Notice 08-03 (CPL 02) Site Specific Targeting 2008 (SST-08), May-19-2008]}. See other references in Section III below.

Cancellations: OSHA Instruction CPL 02-00-130; National Emphasis Program: Lead, July 20, 2001 is cancelled.

State Impact: This Instruction describes a Federal program change for which State adoption is not required. [\[State Adoption Summary\]](#)

Action Offices: OSHA Regional, Area Offices, and Consultation Offices.

Abstract-1

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No...you will not be able to read these...but I can send them to you.

Appendix B - Medical Surveillance Flow Charts for Lead Standards

FREQUENCY OF BIOLOGICAL MONITORING (CONSTRUCTION)

When Employee Exposure = AL on Any Day (but not more than 30 days in any consecutive 12 months)

B-1

FREQUENCY OF BIOLOGICAL MONITORING AND MEDICAL EXAMS (CONSTRUCTION)

When Employee Exposure = AL FOR MORE THAN 30 DAYS in any consecutive 12 months

B-2

FREQUENCY OF BIOLOGICAL MONITORING AND MEDICAL EXAMS (GENERAL INDUSTRY)

When Employee Exposure = AL FOR MORE THAN 30 DAYS in any consecutive 12 months

B-3

CPL Appendix B - Medical Surveillance Flow Charts for Lead Standards

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From an earlier CPL

OSHA Lead Construction Summary of Requirements


Most lead hazard control work is Trigger Task I

OSHA Lead Construction 29 CFR 1926.62 Summary of Requirements

Regardless of Level	For Specific Air Lead Levels				During Assessment of Trigger Tasks
	≥ Action Level (30 µg/M ³) 1 – 30 Days	≥ Action Level (30 µg/M ³) > 30 Days	> PEL (50 µg/M ³)	> 4 X PEL	
1926.62(d) Exposure Assessments and Interim Protection	1926.62(d)(4) Monitoring Representative of Exposure of Each Employee	1926.62(j)(1)(ii) Medical Exams and Consultation (if required)	1926.62(e) Engineering and Work Practice Controls	1926.62(g)(2) Clean Protective Clothing Daily (means: when not using disposable clothing)	1926.62(f) Appropriate Respiratory Protection
1926.62(h) Housekeeping	1926.62(j)(1)(i) Initial Medical surveillance		1926.62(f) Respiratory Protection		1926.62(g) Protective Clothing and Equipment
1926.62(l)(5) Handwashing facilities	1926.62(j)(2)(ii) Follow-up Blood Sampling		1926.62(g) Protective Clothing and Equipment		1926.62(i)(2) Change Areas
1926.62(l)(1)(i) Hazcom Training (and/or 1926.21 Safety Training and Education)	1926.62(k) Temporary Removal Due to elevated Blood Lead		1926.62(i) Hygiene Facilities and Practices		1926.62(i)(5) Handwashing facilities
	1926.62(l)(1)(i)-iv) Information and Training		1926.62(m) Signs		1926.62(j)(1)(i) Biological Monitoring
					1926.62(i)(1)(i) Hazcom Training
					1926.62(i)(2)(iii) Respirator Training
					1926.21 Safety Training and Education

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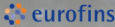
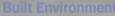
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LBP Regulations...a few thoughts

- First and foremost...one must actually read them
- Classroom PowerPoints are not a substitute
- Always remember to read the definitions sections!
- Yes, EPA and HUD are important...but any lead...OSHA always applies!!
- Some regulations (OSHA) also have mandatory appendices
- With HUD, the grantee has to know the grants/funding mechanism or program to know how to help them comply...THEY need to know, many do not
- Do not forget State/Local regs...and state specific issues for third-party testing and certifications (licensing)!

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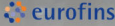
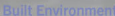



Thank You! Questions?

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Want presentation stuff? Email me...



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