

LEAD-BASED PAINT HAZARDS AND REGULATION REQUIREMENTS

Lead poisoning in humans is the result of exposure to lead from a wide variety of sources including paint pigments, dust, soil, industrial pollution and automobile exhaust. While adults can suffer various health ailments due to elevated lead levels in their blood, the group most at risk from exposure to lead is children under the age of six. In addition, pregnant women and women who may bear children in the future must be aware of the risk of lead hazards due to the potential exposure to their unborn children.

Excessive blood lead levels can seriously damage a small child's brain and central nervous system. Lead exposure in children can produce permanent nervous system damage, including reductions in intelligence and attention span, reading and learning disabilities, and behavior problems. The U.S. Center for Disease Control describes lead poisoning as "the number one environmental health hazard facing American children." While children of higher income households have been found with elevated blood lead levels, statistics demonstrate that children from lower income families are at the highest risk for lead poisoning due to the age and condition of their homes.

The Colorado Department of Public Health and Environment (CDPHE) Lead Poisoning Prevention Program compiles information on the number and location of children found to have elevated blood levels (greater than 10 micrograms/deciliter of blood) across the state of Colorado. During the period 1996 – 2000, approximately 3% of all children tested statewide had elevated blood lead levels. In one neighborhood in Denver, over 16% of the children tested has elevated blood lead levels. On-going efforts by the CDPHE and Medicaid to educate parents on the sources and hazards of lead poisoning are designed to increase the number of children tested every year statewide.

Lead-Based Paint Regulations

In 1992, the U.S. Department of Housing and Urban Development (HUD) and the Environmental Protection Agency (EPA) jointly created the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X). These regulations serve to reduce the exposure of children to lead-based paint in their homes through the identification and control of lead hazards. These regulations are applicable to the purchase, sale and/or leasing of residential and multi-family housing and the rehabilitation of existing housing that have Federal Assistance.

Several types of properties are exempt from these regulations. Title X does not cover the following properties, either because lead paint is unlikely to be present, or because children will not occupy the space in the future:

- Housing built after January 1, 1978
- Housing exclusively for the elderly or people with disabilities, unless a child under the age of 6 is expected to reside there
- Zero bedroom dwellings, including efficiency apartments, single-room occupancy housing, dormitories, or military barracks

- Property that has been found to be free of lead-based paint by a certified lead-based paint inspector
- Property where all lead-based paint has been removed
- Unoccupied housing that will remain vacant until it is demolished
- Non-residential property
- Any rehabilitation or housing improvement that does not disturb a painted surface

Since 1996, the Disclosure of Known Lead-Based Paint Hazards Upon Sale or Lease of Residential Property section of Title X has been in place. This component of Title X requires owners and landlords of housing built before 1978 to disclose any knowledge of lead-based paint and/or lead-based paint hazards. The Disclosure Regulations apply regardless of whether there is Federal Assistance involved in the process. The following are requirements of the Disclosure Regulations:

- Sellers and landlords must disclose known lead-based paint hazards and provide available reports to buyers or renters
- Sellers, landlords, and contractors must provide buyers and renters with the Pamphlet titled “Protect Your Family From Lead in Your Home.” (Available from the Government Printing Office at (202) 512-1800).
- Sales contracts and leases must contain notification and disclosure language
- Sellers, leasers, and real estate agents share responsibility for ensuring compliance
- Home buyers have a ten day period to conduct lead-based paint inspection or risk assessment at their own expense

On September 10, 2001, all remaining provisions of Title X became enforceable in Colorado. Depending on the nature of the Federal Assistance (whether the housing is being disposed of or financially assisted by the Federal government; the type, amount and duration of financial assistance; the age of the property; and whether the property is rental or owner-occupied) the requirements of Title X vary.

Each type of housing assistance has a specific set of Title X regulations. For instance, single-family, owner-occupied housing rehabilitation has a different set of regulations than those for a down-payment assistance program. The following is an example of the types of lead-based paint activities that are required when completing housing rehabilitation work valued between \$5,001 and \$25,000 when Federal Assistance is involved.

- Disclosure Regulations (provision of the Pamphlet)
- Paint testing of surfaces to be disturbed, or presume lead-based paint is present
- Risk Assessment (hazard identification)
- Interim Control (hazard control)
- Use of safe work practices
- Notice(s) of hazard identification and hazard control work
- On-going lead-based paint maintenance
- Clearance testing

Title X requires the use of workmanship practices that will assist in minimizing the exposure of workers and residents to lead-based paint hazards. These safe work practices include:

- Working Wet (misting surfaces prior to scraping or sweeping)
- Working Smart (protection of residents and workers to exposure)
- Working Clean (generate as little dust as possible)

The following resources offer additional information on lead poisoning and lead-based paint regulations:

Organizations and Resources:

- *HUD Office of Healthy Homes and Lead Hazard Control* – (202) 755-1785, ext. 104, www.hud.gov/lea
- *National Lead Information Center* – (800) 424-LEAD, www.epa.gov/lead/nlic.htm
- *The Lead Listing* – www.leadlisting.org
- *Colorado Department of Public Health and Environment Lead Poisoning Prevention Program* – (800) 886-7689, <http://www.cdphe.state.co.us/dc/lead/leadhom.asp>

Publications:

Part 35 (24 CFR) Code of Federal Regulations – This is the full text of the lead-based paint regulations. A copy of this publication can be obtained by calling National Lead Information Center at (800) 424-LEAD or by downloading from the Internet at <http://www.hud.gov/offices/lead/leadsaferule/index.cfm> .

State Regulation No. 19 - The Colorado Department of Public Health and Environment (CDPHE) Regulation No. 19 contains procedures, and requirements for the accreditation of lead-based paint activities training programs, procedures and requirements for the certification of individuals and firms engaged in lead-based paint activities, and work practice standards for performing such activities. A copy of this regulation is available from the CDPHE by calling (303) 692-3261.

29 CFR 1926.62 - The Occupational Safety and Health Administration (OSHA) has regulations that cover workers that come into contact with lead. These regulations can be found in 29 CFR 1926.62. Workers that come into contact with lead must take proper precautions to protect themselves from lead-based paint hazards, including inhaling dust and avoid taking home lead materials with them on their work clothing. Protective measures for workers include; using safe work practices (such as wet work methods), wearing NIOSH approved respirators and wearing disposal protective work gear (gloves, booties and head coverings).

Lead Services Directory - is published by the CDPHE and provides contact information about individuals and organizations that provide a variety of lead-based paint services in the State of Colorado. The *Lead Services Directory* is available online at: <http://www.cdphe.state.co.us/ap/leadservicesdirect.asp> and is updated on a semi-annual basis by the CDPHE.

Lead Paint Safety: A Field Guide for Painting, Home Maintenance, and Renovation Work (June 1999) - provides information on how to complete routine maintenance on homes built prior to 1978 in a safe manner that minimizes the disturbance of lead-based paint. This publication can be ordered from the National Lead Information Center at (800) 424-5323 or downloaded from the HUD Lead Hazard Control web site at <http://www.hud.gov/offices/lead/training/LBPguide.pdf> .

Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (June 1995 with 1997 Chapter 7 Update) - details all aspects of lead-based paint hazard identification and control practices. These guidelines are available from HUD USER at (800) 245-2691 or the guidelines can be downloaded from the HUD Lead Hazard Control web site at <http://www.hud.gov/offices/lead/guidelines/hudguidelines/index.cfm> .

HUD Interpretive Guidance - The HUD Interpretive Guidance dated June 21, 2004 is HUD's official interpretation of the new HUD lead-based paint regulations. This interpretive guidance can be downloaded from the HUD Lead Hazard Control web site at <http://www.hud.gov/offices/lead/leadsaferule/LSHRGuidance21June04.rtf> .

The Colorado Division of Housing has staff that can assist in interpreting the HUD Lead-Safe Housing Rule as they relate to your affordable housing project. Please contact Rick Hanger at (719) 544-2466 or through email at: rick.hanger@state.co.us for assistance.