

## SECTION I – LEAD BASED PAINT

Grantees whose project involves pre-1978 buildings/housing and any of the activities listed below are required to comply with the following two sets of regulations:

1. **HUD’s Lead Based Paint Regulations** - 24 CFR Part 35, et al., LBP Final Rule, published September 15, 1999
2. **EPA’s Lead Renovation, Repair and Painting Rule** – 40 CFR 745.80 Subpart E – Effective April 22, 2010

### Regulated Activities:

- Renter/owner-occupied residential rehabilitation (All funding types)
- Tenant Based Rental Assistance (HUD)
- Down Payment Assistance (First Time Home Buyer Programs) (HUD)
- Special Needs Housing Programs including acquisition (HUD)
- Homeless Shelter Operations (HUD)



## 1. BACKGROUND

- ❖ **What is Lead Poisoning?** Lead is a heavy metal used in many materials and products. Lead poisoning is the presence of too much lead in the body, and is the most common preventable pediatric health problem in the United States today. When absorbed into the body, it is highly toxic to many organs and systems and seriously hinders the body's neurological development. Lead is a natural element and does not break down in the environment. Once lead has been dispersed and redeposit into the environment, it will remain to poison generations of children unless it is controlled or removed.
- ❖ **The Problem of Childhood Lead Poisoning** Over the past 30 years, childhood lead poisoning has declined dramatically in the United States since lead was banned from gasoline in 1986, from household paint in 1978 and from other consumer products. However, lead poisoning is still an important health problem. Even very limited exposures to lead are hazardous to children. Exposure to lead can be harmful to several organs, including the nervous system and kidneys. While lead poisoning crosses all socioeconomic, geographic, and racial boundaries, the burden of this disease falls disproportionately on low-income families and families of color. In the U.S., children from poor families are eight times more likely to be poisoned than those from higher income families. African-American children are five times more likely to be poisoned than white children.
- ❖ **Health Effects** Lead affects practically all systems within the body. Lead is most harmful to children under age six because lead is easily absorbed into their growing bodies, and interferes with the developing brain and other organs and systems. Pregnant women and women of child-bearing age are also at increased risk, because lead ingested by the mother can cross the placenta and affect the unborn fetus. At very high levels of lead exposure, lead poisoning can cause mental retardation, coma, convulsions, and even death. More commonly in the U.S., children are poisoned through chronic, low-level exposure. Low-level lead exposure can cause reduced IQ and attention span, hyperactivity, impaired growth, reading and learning disabilities, hearing loss, insomnia, and a range of other health, intellectual, and behavioral effects. At these low, but still dangerous levels, lead poisoning may not present identifiable symptoms and a blood test is

Except for severely poisoned children, there is no medical treatment for this disease. Available treatments may only reduce the level of lead present in the body, without completely eliminating it. The only way to prevent lead poisoning is to remove the source of exposure.

- ❖ **Sources of Lead Poisoning** As a result of the extensive use of lead over several centuries in the U.S., lead can be found in paint, dust, soil, water, air, and food.
  - Lead-Based Paint.** More children are poisoned by exposure to lead dust from lead-based paint in older homes than by any other source, usually through normal hand-to-mouth activity after getting lead dust on their hands and toys. Children that may eat lead-based paint chips can be seriously poisoned, but this is relatively rare.
  - Soil** in the vicinity of the home can be contaminated from flaking exterior lead-based paint or previous deposits of leaded gasoline. Exterior sandblasting can produce exceptionally high levels of lead in soil. Children then play in that dirt and directly ingest it, or it is tracked into the house on shoes. Some soil has been contaminated by lead from prior gasoline use.
  - Drinking water** can also contain lead from pipes or solder and contribute to childhood lead poisoning especially when contaminated tap water is used to make baby formula. Parents who work in lead-related industries can also bring lead home on their clothes, exposing children to the hazard.
  - Point sources** include workplace exposures to lead, which are often extreme with workers receiving doses well above those experienced by the general population. The most heavily lead-exposed adults are almost exclusively found to be those who work with lead, particularly in the absence of adequate ventilation and other controls. Moreover, exposed workers may carry lead particles home on their clothing, shoes, or hair, putting family members at risk. Those who work in construction, demolition, painting, with batteries, radiator repair shops, lead factories, or a hobby that involves lead are often exposed to lead.
  - Other less common sources** include food and drink stored in leaded crystal, lead soldered cans, or lead glazed ceramic ware; hobbies that involve lead; and home remedies and cosmetics that are popular in some cultures.

## 2. LEAD BASED PAINT REGULATION OVERVIEW

**HUD's Lead Based Paint Requirements.** The regulation establishes procedures for evaluating whether a hazard may be present in pre-1978 housing or child occupied facilities, controlling or eliminating the hazard, and notifying occupants of what was found and what was done in such housing. At a minimum, "Lead Safe Work Practices" are required for projects where 2 sq feet of paint (20 sq ft on outside) are disturbed. Clearance testing IS required after the work is completed.

**EPA's Lead Based Paint Requirements:** Renovations in target (pre-1978) housing and child-occupied facilities must be conducted by certified renovation firms, using renovators with accredited training, and following the work practice requirements of the rule. Clearance testing is NOT required. Minor rehabilitation projects (those disturbing less than 6 sq ft) are exempt.

**Lead Based Paint Disclosure Requirements:** Regardless of the type of funding involved, EPA's disclosure rules apply to renovations involving pre-1978 structures when more than 6 sq ft of painted surfaces are disturbed. For HUD funded projects, the level is 2 sq ft. Contractors must provide EPA's "The Lead-Safe Certified Guide to Renovate Right" to owners/occupants. For other activities such as down payment assistance and rental assistance, project managers must provide the "Protect your Family from Lead in your Home" pamphlet. This is a federal regulation that applies to all real estate/rental contracts regardless of the funding involved.

### 3. EXEMPT ACTIVITIES THAT ARE FUNDED WITH HUD DOLLARS

What kinds of properties are exempt from the regulation?

- Housing built after January 1, 1978,
- Housing used exclusively for the elderly or people with disabilities, unless a child under age 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 – (property not used for human residential habitation),
- Any rehabilitation or housing improvement that does not disturb a painted surface,
- Emergency repair actions to safeguard against imminent danger to human life, health or safety, or to protect property from further structural damage.
- Emergency housing assistance (as for the homeless) unless the assistance lasts more than 100 days, in which case the rule does apply.

### 4. WHERE TO START?

Unfortunately, the various lead based paint regulations are confusing and cumbersome to say the least! **Grantees working with pre-1978 housing or child occupied facilities should begin by contacting Cheryl Brown at the CDBG office at (801) 538-8729.** Guidance will be given based on the project scope. Resources are also available on the Environmental Review web page of the Department of Community & Culture's website.