# ILLINOIS HOUSING DEVELOPMENT AUTHORITY

**CONSTRUCTION SERVICES DIVISION**

**LEAD BASED PAINT COMPLIANCE GUIDE**

 **June 2012**

INTRODUCTION

 The Illinois Housing Development Authority (Authority) administers funds from federal and state sources for housing development activities. The Authority and the recipients of these funds must ensure that all applicable requirements are followed. This manual is provided as a user’s guide for addressing various lead based paint (LBP) related activities.

Lead powder was a common ingredient used in the paint manufacturing process up to about 1978. The lead additive increased durability, aided in the quicker drying time, helped retain a fresh appearance and it resisted moisture. Surfaces coated with LBP had a superior longevity which was preferred by users as it reduced the frequency of repainting. After years of exposure to moisture and climate changes, the paint began to deteriorate, causing lead dust and chips to settle in window wells, door frames, porches and surrounding soil. In addition previously coated surfaces containing lead-based paint can also be disturbed during remodeling or home repair.

The most common exposure to lead by children is through the ingestion of paint chips and contaminated dust from deteriorated or disturbed lead-based paint. This lead poising can cause permanent damage to the brain (reduced intelligence and behavioral problems) and other organs. About 75 percent of Illinois homes built before 1978 contain some form of lead-based paint. Illinois has a higher rate of lead poisoning among its children than any other state in the nation. In 2008, more than 5,000 children were identified with elevated blood lead levels in the state.

In an effort to address the short and long term effects of lead poisoning, the federal government passed legislation requiring housing which receives federal assistance to eliminate LBP hazards affecting young children. This was promptly endorsed by HUD, with similar versions being adopted by the EPA and other agencies.

This guide is intended to provide awareness for owners, developers and contractors as it relates to the various regulations which may be applicable to the project. The Authority has utilized excerpts from HUD, the EPA, OSHA and the Illinois Department of Health in the creation of this document. Items which are either **Bold** or underlined may have links for additional information. If a link exists, follow the directions on your monitor when the curser is on the word or phrase. **The Authority shall be named as a party for the use (and/or reliance) of any lead based paint inspection, risk assessment or clearance report.** These guidelines are subject to change and modification, this version supersedes and replaces any prior versions. If you have any questions please contact IHDA staff at 312-836-5368 or x5356.

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I. BACKGROUND

On September 15, 1999, The U.S. Department of Housing and Urban Development (HUD) published a final regulation, “Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Federally Owned Residential Property and Housing Receiving Federal Assistance,” known as the Lead Safe Housing Rule (a.k.a 24 CFR part 35, et al). The purpose of the regulation is to protect young children from lead-based paint hazards in housing that is either receiving assistance from the Federal government or is being sold by the government. The regulation establishes procedures for evaluating whether a hazard may be present, controlling or eliminating the hazard, and notifying occupants of what was found and what was done in such housing. The Lead Safe Housing Rule took effect on September 15, 2000.

As required by Title X of the Housing and Community Development Act of 1992, the EPA published lead hazard standards in its final rule, Identification of Dangerous Levels of Lead (66 FR 1206; January 5, 2001). These EPA standards, which became effective March 6, 2001, are available from the Internet at www.epa.gov/lead/leadhaz.htm. Therefore, in accordance with Title X, HUD amended the Lead Safe Housing Rule on June 21, 2004, to incorporate the new EPA dust-lead and soil-lead standards as HUD’s final standards.

HUD and the EPA are the primary lead agencies having jurisdiction for lead reduction activities associated with the Authority. As previously mentioned, each entity has developed their lead based paint regulations. Generally the fund source dictates the specific actions and requirements, however the most restrictive usually applies. As such, the Authority will act as the monitoring entity on federally funded project as it relates to the type of assistance specific to the activity (i.e. Rehabilitation Assistance Subpart J – Summary of LBP Requirements). The Authority defers to the Illinois Department of Health relating to the licensing, monitoring and enforcement of the EPA regulations. The Authority does however require the General Contractor to provide a copy of their current Firm Certification for any renovation activities as required by the EPA.

Lastly it is not the intention of these guidelines to provide all the applicable practices for LBP hazard reduction on the specific project. HUD, EPA, OSHA, the Illinois Department of Health, local jurisdictions and possibly other agencies may have applicable LBP regulations which must also be obeyed. It is recommended that the user contact the specific agency having jurisdiction for their current requirements before proceeding.

**II. FEDERAL ASSISTANCE**

 The Authority administers funds from the federal government which are subject to the HUD Lead Safe Housing Rule (LSHR) requirements, some of these are HOME Investment Partnership Program, Neighborhood Stabilization Program (NSP), Risk Share, Tax Credit Assistance Program (TCAP) New Issue Bond Program (NIBP), and IKE.

III. EXEMPTIONS

It is recommended that the user first determine what (if any) of the HUD LBP regulations apply to the project. The following properties are not covered by this regulation, either because lead paint is unlikely to be present, or because children will not occupy the house in the future:

**·** Housing built on or after January 1, 1978 (when lead paint was banned for residential use).

**·** Housing exclusively for the elderly or persons with disabilities, unless a child under age 6 is expected to reside there for prolonged periods of time.

**·** 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 inspector.

**·** Property from which all lead-based paint has been removed, and clearance has been achieved.

**·** 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.

**·** Emergency repair actions, which are those needed to safeguard against imminent danger to human life, health or safety, or to protect property from further structural damage.

**·** Finally, the requirements do not apply to emergency housing assistance (such as for the homeless), unless the assistance lasts more than 100 days, in which case the rule does apply.

IV. APPLICATION

If the project is not exempt, determination of the applicable Subpart will indicate the requirements. If more than one type of assistance is provided, such as Rehabilitation *and* Project Based Assistance, the requirements of both programs need to compared, applying the most restrictive requirements.

For example, in determining the requirements for the rehabilitation of a residential structure built prior to 1978 having in excess of $25,000 in rehabilitation costs, the following would apply: (#1) See **Subpart A** and **B** as it relates to disclosures and the Lead Safe Housing Rule. (**Rehabilitation Assistance- Subpart J**) (#2) Provision of pamphlet, (#3) Paint testing of surfaces to be disturbed or presume lead, (#4) Notice to Occupants, (#5) Ongoing LBP maintenance if HOME funded, (#6) Risk assessment, (#7) Abatement of LBP hazards and (#8) Interim controls for exterior.

In addition, the [Lead Safe Housing Rule](http://portal.hud.gov/hudportal/HUD?src=/program_offices/healthy_homes/enforcement/lshr) will further expound on the sequence of events and appropriate steps for compliance. The [Healthy Homes and Lead Hazard Control/U.S. Department of Housing and Urban Development (HUD)](http://portal.hud.gov/hudportal/HUD?src=/program_offices/healthy_homes) link provides additional information. Also, [Communication with Residents](http://www.hud.gov/offices/cpd/affordablehousing/training/web/leadsafe/keyrequirements/communication.cfm) provides the required information to tenants and owners. Lastly, for the final rule in its entirety visit [24 CFR part 35](http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title24/24cfr35_main_02.tpl).

See Rehabilitation Assistance below for the links regarding the Provision of the Pamphlet and Notice to Occupants.

|  |  |  |  |
| --- | --- | --- | --- |
| **Sub-part**  | **Type of Program**  | **Construction Period**  | **Requirements1, 2, 3** |
| A  | Disclosure of Known Lead-Based Paint and/or Lead-Based Paint Hazards  | Pre-1978  | • See the [HUD Website](http://portal.hud.gov/hudportal/HUD?src=/program_offices/healthy_homes/enforcement/lshr_summary) for [Lead Disclosure Rule](http://portal.hud.gov/hudportal/HUD?src=/program_offices/healthy_homes/enforcement/disclosure) requirements for sale or lease of residential property.  |
| B  | General Lead-Based Paint Requirements and Definitions  | Pre-1978  | • All properties covered by the Lead Safe Housing Rule.4 |
| D  | Project-Based Assistance by Federal Agency Other Than HUD  | Pre-1978  | • Provision of pamphlet. • Risk assessment. • Interim controls. • Notice to occupants. • Response to child with EIBLL.5 |
| G  | Multifamily Mortgage Insurance:  |
| 1. For properties that are currently residential  | Pre-1960  | • Provision of pamphlet. • Risk assessment. • Interim controls. • Notice to occupants. • Ongoing LBP maintenance.  |
| 1960-1977  | • Provision of pamphlet. • Ongoing LBP maintenance.  |
| 2. For conversions and major renovations.  | Pre-1978  | • Provision of pamphlet. • LBP inspection. • Abatement of LBP. • Notice to occupants.  |
| H  | Project-Based Assistance by HUD  |
| For all properties  | Pre-1978  | • Provision of pamphlet. • Notice to occupants. • Ongoing LBP maintenance and reevaluation. • Response to child with EIBLL.5 |
| 1. Multifamily property receiving more than $5,000 per unit per year  | Pre-1978  | • Risk assessment. • Interim controls.  |
| 2. Multifamily property receiving less than or equal to $5,000 per unit per year, **and** single family properties  | Pre-1978  | • Visual assessment. • Paint stabilization.  |
| J  | Rehabilitation Assistance:  |
| For all Properties  | Pre-1978  | • [Provision of pamphlet](http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_11884.pdf). • Paint testing of surfaces to be disturbed, or presume LBP. • [Notice to occupants](http://edocket.access.gpo.gov/cfr_2001/aprqtr/24cfr35.125.htm). • Ongoing LBP maintenance if HOME rental.  |
| 1. Property receiving less than or equal to $5,000 per unit  | Pre-1978  | • 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  | • Risk assessment. • Interim controls.  |
| 3. Property receiving more than $25,000 per unit  | Pre-1978  | • Risk assessment. • Abatement of LBP hazards. • Interim controls allowed for exterior.  |
| K  | Acquisition, Leasing, Support Services, or Operation  | Pre-1978  | • Provision of pamphlet. • Visual assessment. • Paint stabilization. • Notice to occupants. • Ongoing LBP maintenance for ongoing assistance.  |
| L  | Public Housing  | Pre-1978  | • 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 |
| M  | Tenant-Based Rental Assistance for units to be occupied by children under 6 years of age  | Pre-1978  | • Provision of pamphlet. • Visual assessment. • Paint stabilization. • Notice to occupants. • Ongoing LBP maintenance. • Response to child with EIBLL.5 |

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.

2.Notice to occupants must include results of evaluations (paint testing, inspection, and risk assessment) and clearance, where applicable.

##### 3. Training requirements (see www.hud.gov/offices/lead for information; see www.epa.gov/lead about certification):

##### Evaluation: Visual assessment: Web-based HUD visual assessment course, or risk assessment certification.

##### Inspection: LBP inspection certification.

##### Risk assessment, or re-evaluation: Risk assessment certification.

##### Clearance: LBP inspection or risk assessment certification, or sampling technician course.

##### Hazard Control (except for small (“de minimis”) amounts of paint disturbance; see 24 CFR 35.1350(d)):

##### Repair of paint, paint stabilization, or interim control: Lead-safe work practices course.

##### Abatement: Abatement certification.

4. See 24 CFR 35.115 for exemptions.

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.

In addition to the Federal LBP requirements, federally funded project are also subject to the EPA requirements as indicated below under state assistance.

**V. STATE ASSISTANCE**

 The Authority administers funds from the State of Illinois which are subject to the EPA LBP requirements, some of these sources include the Housing Trust Fund (HTF), Financing Adjustment Factor (FAF) and Build-Illinois.

VI. EPA

 On April 22, 2008, EPA issued [**a rule requiring the use of lead-safe practices**](http://www.epa.gov/fedrgstr/EPA-TOX/2008/April/Day-22/t8141.htm) (40 CFR Part 745) and other actions aimed at preventing lead poisoning. Under the rule, beginning in April 2010, contractors performing renovation, repair and painting projects that disturb lead-based paint in homes, child care facilities, and schools built before 1978 must be certified and must follow specific work practices to prevent lead contamination. Until that time, HUD and EPA recommend that anyone performing renovation, repair, and painting projects that disturb lead-based paint in pre-1978 homes, child care facilities and schools follow lead-safe work practices.

 There are some differences between the EPA RRP Rule and the HUD Lead Safe Housing Rule (LSHR). A major difference is that the LSHR requires clearance examinations. All housing receiving federal assistance must still comply with the LSHR. OHHLHC provides Information on [complying with the LSHR and RRP](http://portal.hud.gov/../enforcement/lshr_rrp_changes.cfm), and [**Frequently-asked Questions from Grantees**](http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_12525.pdf). All contractors should follow these three simple procedures:

* Contain the work area.
* Minimize dust.
* Clean up thoroughly.

From December 2008, the rule has required that contractors performing renovation, repair and painting projects that disturb lead-based paint provide to owners and occupants of child care facilities and to parents and guardians of children under age six that attend child care facilities built prior to 1978 the lead hazard information pamphlet [Renovate Right: Important Lead Hazard Information for Families, Child Care Providers, and Schools](http://www.epa.gov/lead/pubs/renovaterightbrochure.pdf) (PDF)

Starting on April 22, 2010, the rule will affect paid renovators who work in pre-1978 housing and child-occupied facilities, including:

* Renovation contractors
* Maintenance workers in multi-family housing
* Painters and other specialty trades.

 Under the rule, child-occupied facilities are defined as residential, public or commercial buildings where children under age six are present on a regular basis. The requirements apply to renovation, repair or painting activities. The rule does not apply to minor maintenance or repair activities where less than six square feet of lead-based paint is disturbed in a room or where less than 20 square feet of lead-based paint is disturbed on the exterior. Window replacement is not minor maintenance or repair.

 The Lead Disclosure Rule: Congress passed the Residential Lead-Based Paint Hazard Reduction Act of 1992, also known as Title X, to protect families from exposure to lead from paint, dust, and soil. Section 1018 of this law directed HUD and EPA to require the disclosure of known information on lead-based paint and lead-based paint hazards before the sale or lease of most housing built before 1978.

Before ratification of a contract for housing sale or lease, sellers and landlords must:

* [![[Image: Protect Your Family Brochure]]()](http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_12337.pdf)Give an EPA-approved information pamphlet on identifying and controlling lead-based paint hazards ("Protect Your Family From Lead In Your Home" pamphlet, currently available in [English](http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_12337.pdf), [Spanish](http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_12338.pdf), [Vietnamese](http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_12339.pdf), [Russian](http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_12340.pdf), [Arabic](http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_12341.pdf) and [Somali](http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_12342.pdf)).
* Disclose any known information concerning lead-based paint or lead-based paint hazards. The seller or landlord must also disclose information such as the location of the lead-based paint and/or lead-based paint hazards, and the condition of the painted surfaces.
* Provide any records and reports on lead-based paint and/or lead-based paint hazards which are available to the seller or landlord (for multi-unit buildings, this requirement includes records and reports concerning common areas and other units, when such information was obtained as a result of a building-wide evaluation).
* Include an attachment to the [contract](http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_12343.pdf) or [lease](http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_12345.pdf) (or language inserted in the lease itself) which includes a Lead Warning Statement and confirms that the seller or landlord has complied with all notification requirements. This attachment is to be provided in the same language used in the rest of the contract. Sellers or landlords, and agents, as well as homebuyers or tenants, must sign and date the attachment.
* Sellers must provide homebuyers a 10-day period to conduct a paint inspection or risk assessment for lead-based paint or lead-based paint hazards. Parties may mutually agree, in writing, to lengthen or shorten the time period for inspection. Homebuyers may waive this inspection opportunity.

###  Most private housing, public housing, Federally owned housing, and housing receiving Federal assistance are affected by this rule. The regulations became effective on September 6, 1996 for transactions involving owners of more than 4 residential dwellings and on December 6, 1996 for transactions involving owners of 1 to 4 residential dwellings. Sellers and lessors must retain a copy of the disclosures for no less than three years from the date of sale or the date the leasing period begins.

 If you did not receive the Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards form when you bought or leased pre-1978 housing, contact **1-800-424-LEAD** (5323).

VIII. ILLINOIS DEPARTMENT OF HEALTH

 The State of Illinois Department of Health (IDOH) administers the [Lead Poising Prevention Act](http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1523&ChapAct=410%20ILCS%2045/&ChapterID=35&ChapterName=PUBLIC+HEALTH&ActName=Lead+Poisoning+Prevention+Act%2E) (410 ILCS 45/1). The act is the adopted law pertaining to the various aspects of lead hazards in housing and other applications.

 In addition, the IDOH administers the Department of Public Health Subchapter P: Hazardous and Poisonous Substances, Part 845 [Lead Prevention Code.](http://www.ilga.gov/commission/jcar/admincode/077/07700845sections.html) This provision deals with:

* General Provisions
* Department and Delegate Agency Activities
* Training Approval and Licensing of Individual and Firms
* Responsibilities of Licensed Individual, Contractors and Approved Training Program Providers
* Standards for Conducting Environmental Investigations for Lead
* Standards for Lead Mitigation and Lead Abatement
* Fines, Penalties and Administrative Hearings

Lastly, the following links are available for more information regarding the IDOH Lead Program:

* [Lead Poisoning Prevention Act](http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1523&ChapAct=410%20ILCS%2045/&ChapterID=35&ChapterName=PUBLIC+HEALTH&ActName=Lead+Poisoning+Prevention+Act%2E)
* [Lead Poisoning Prevention Code](http://www.ilga.gov/commission/jcar/admincode/077/07700845sections.html)
* [CONTRACTORS: Lead Safety During Renovation](http://www.epa.gov/lead/pubs/contractor_brochure.pdf) (US EPA) - PDF
* [Get the Lead Out - Intervention](http://www.idph.state.il.us/envhealth/pdf/Lead_Intervention.pdf) - [En Español](http://www.idph.state.il.us/envhealth/pdf/Lead_Intervention_sp.pdf) - PDF
* [Get the Lead Out - Prevention](http://www.idph.state.il.us/envhealth/pdf/Lead_Prevention.pdf) - [En Español](http://www.idph.state.il.us/envhealth/pdf/Lead_Prevention_sp.pdf) - PDF
* [Get the Lead Out - Renovation](http://www.idph.state.il.us/envhealth/pdf/Lead_Renovation.pdf) - [En Español](http://www.idph.state.il.us/envhealth/pdf/Lead_Renovation_sp.pdf) - PDF
* [Lead in Industry - A Guide for Employees](http://www.idph.state.il.us/about/epi/getpbout.htm)
* [A Landlord's Guide for Working Safely with Lead](http://www.idph.state.il.us/envhealth/pdf/LandlordLead.pdf) - PDF
* [Childhood Lead Poisoning](http://www.idph.state.il.us/public/hb/hblead.htm) (Healthbeat)
* [Childhood Lead Poisoning Surveillance Report](http://www.idph.state.il.us/health/statshome.htm#Childlead)
* [Strategic Plan for the Elimination of Childhood Lead Poisoning](http://www.idph.state.il.us/HealthWellness/StrategicLeadPlan.pdf) - PDF
* [Childhood Lead Poisoning](http://www.idph.state.il.us/HealthWellness/leadfs_childhood.pdf) - [En Español](http://www.idph.state.il.us/HealthWellness/leadfs_childhood_sp.pdf) - [En français](http://www.idph.state.il.us/HealthWellness/leadfs_childhood_fr.pdf) - PDF
* [Housekeeping Tips to Reduce Lead Exposure](http://www.idph.state.il.us/HealthWellness/leadfs_housekeeping.pdf) - [En Español](http://www.idph.state.il.us/HealthWellness/leadfs_housekeeping_sp.pdf) - [En français](http://www.idph.state.il.us/HealthWellness/leadfs_housekeeping_fr.pdf) - PDF
* [Nutrition and Lead Poisoning](http://www.idph.state.il.us/HealthWellness/leadfs_nutrition.pdf) - [En Español](http://www.idph.state.il.us/HealthWellness/leadfs_nutrition_sp.pdf) - [En français](http://www.idph.state.il.us/HealthWellness/leadfs_nutrition_fr.pdf) - PDF
* [Lead Program Publications Order Form](http://www.idph.state.il.us/envhealth/pdf/Lead_Pub_Order_Form.pdf) - Fillable PDF
* [The Medical Consequences of Lead Poisoning](http://www.idph.state.il.us/HealthWellness/leadfs_medical.pdf) - [En Español](http://www.idph.state.il.us/HealthWellness/leadfs_medical_sp.pdf) - [En français](http://www.idph.state.il.us/HealthWellness/leadfs_medical_fr.pdf) - PDF
* [Sources of Childhood Lead Poisoning](http://www.idph.state.il.us/HealthWellness/leadfs_sources.pdf) - [En Español](http://www.idph.state.il.us/HealthWellness/leadfs_sources_sp.pdf) - [En français](http://www.idph.state.il.us/HealthWellness/leadfs_sources_fr.pdf) - PDF
* [Lead Poisoning for Health Care Providers](http://www.idph.state.il.us/HealthWellness/leadfs_hcproviders.pdf) - PDF
* [Pregnant Women and Lead Poisoning: How to Protect Your Unborn Child](http://www.idph.state.il.us/envhealth/pdf/Lead-Pregnant_Women_n_Lead_Poisoning.pdf) - [En Español](http://www.idph.state.il.us/envhealth/pdf/Lead-Pregnant_Women_n_Lead_Poisoning_sp.pdf)
* [Preventing and Screening for Childhood Lead Poisoning: A Reference Guide for Physicians and Health Care Providers](http://www.idph.state.il.us/envhealth/Lead_PhysiciansGuide.pdf) - PDF
* [Hardware Store Poster Warning against Dry Scraping and Sanding](http://www.idph.state.il.us/envhealth/pdf/Lead_HardwareStore_Poster.pdf) - [En Español](http://www.idph.state.il.us/envhealth/pdf/Lead_HardwareStore_Poster_Sp.pdf) - PDF
* [What You Should Know About Exposure to Lead](http://www.idph.state.il.us/envhealth/pdf/Lead_Daycare_Handout.pdf) (for Daycare Providers) - [En Español](http://www.idph.state.il.us/envhealth/pdf/Lead%20-%20What%20You%20Should%20Know%20About%20Exp%20To%20Sp.pdf) - PDF
* [Protect Your Family From Lead in Your Home](http://www.epa.gov/lead/pubs/leadpdfe.pdf) (US EPA) - PDF
* [Lead Screening and Case Follow-up Guidelines for Local Health Departments](http://www.idph.state.il.us/envhealth/Lead_ScreeningGuidelinesForLHDs.pdf) - PDF
* [Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools](http://www.epa.gov/lead/pubs/renovaterightbrochure.pdf) (US EPA) - PDF
* [Small Entity Compliance Guide to Renovate Right EPA’s Lead-Based Paint Renovation, Repair, and Painting Program](http://www.epa.gov/lead/pubs/sbcomplianceguide.pdf) (US EPA) - PDF
* [Choice of Medical Management Based on Symptoms and Blood Lead Concentration - Poster](http://www.idph.state.il.us/envhealth/pdf/Lead-Medical_Mgmt_Poster.pdf) - PDF

VIII. OSHA

 The Occupational Safety and Health Administration’s (OSHA) mission is to prevent work-related injuries, illnesses, and occupational fatalities by issuing and enforcing standards for workplace safety and health. The OSH Act which created OSHA also created the [National Institute for Occupational Safety and Health](http://en.wikipedia.org/wiki/National_Institute_for_Occupational_Safety_and_Health) (NIOSH) as a research agency focusing on occupational health and safety. NIOSH is not a part of the U.S. Department of Labor.

 OSHA federal regulations cover most private sector workplaces. The OSH Act permits states to develop approved plans as long as they cover public sector employees and they provide protection equivalent to that provided under Federal OSHA regulations. In return, a portion of the cost of the approved state program is paid by the federal government. Twenty-two states and territories operate plans covering both the public and private sectors and five — Connecticut, Illinois, New Jersey, New York and the US Virgin Islands — operate public employee only plans. In those five states, private sector employment remains under Federal OSHA jurisdiction

 On September 1, 2009, the Illinois Public Employee Only (PEO) State Plan was approved as a developmental plan under Section 18 of the Occupational Safety and Health Act of 1970 and 29 CFR 1956.

 The Illinois PEO State Plan is administered by the Illinois Department of Labor (IDOL). The department's Public Employee Safety and Education Division is responsible for compliance program administration, conducting enforcement inspections, adoption of standards, and operation of other OSHA related activities in the public sector. Federal OSHA retains full authority for coverage of private sector employees in the State of Illinois as well as for coverage of Federal government employees

 This instruction provides uniform inspection and compliance guidance for [Lead Exposure in Construction](http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=1570), 29 CFR 1926.62, Interim Final Rule, published in the Federal Register May 4, 1993, that became effective June 3, 1993.

IX. CONCLUSION

 As previously mentioned, this guide should be used as an aide in providing awareness of the various LBP regulations applicable to the project. The user should also contact the governing jurisdiction (city, town, village, county, etc.) or local Public Housing Authority (if providing project or tenant based rental assistance) as each entity may have adopted their own lead based paint hazard regulations.

 When in doubt, contact a certified Risk Assessor or Lead Inspector to determine how to address LBP hazards in your project.

1. NOTICE TO OCCUPANTS

 The Notice to Occupants requirement is available at the HUD website in its most current format. For convenience, we have also included hard copy versions on the following pages:

Lead Hazard Evaluation Notice (p.9-10) - Used when quantifying LBP hazard results.

Lead Hazard Presumption Notice (p.11) - Used when LBP is presumed to be present.

Notice of Lead Hazard Reduction (p.12) – Used to summarize LBP mitigation activities and results.

Notice to Occupants

**LEAD HAZARD EVALUATION NOTICE**

Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Evaluation Completed (circle one):

Paint Inspection Paint Testing Risk Assessment

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Summary of Results:

 \_\_\_\_ No lead-based paint or lead-based paint hazards were found.

 \_\_\_\_ Lead-based paint and/or lead-based paint hazards were found. See attachment for details

Contact person for more information about the risk evaluation:

Printed name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Organization: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Street: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ City & State \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Zip \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Phone #: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Person who prepared this notice:

Printed name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Organization: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Street: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ City & State \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Zip \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Phone #: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

|  |
| --- |
| *Summarize the types and locations of lead-based paint hazards below or attach your own summary. The summary must list at least the bare soil locations, dust-lead locations, and/or building components (including type of room or space and the material underneath the paint), and types of lead-based paint hazards found:***Contaminated Soil** |
| **Area**  | **mg/g (ppm)**  | **Location**  |
| \_\_\_ None  |
| \_\_\_ Perimeter  | \_\_\_ mg/g (ppm)  |
| \_\_\_ Play Area  | \_\_\_ mg/g (ppm)  |
| \_\_\_ Other  | \_\_\_ mg/g (ppm)  |

|  |
| --- |
| Contaminated Dust |
| **Area**  | **μg/SF**  | **Location**  |
| \_\_\_ None  |
| \_\_\_ Windowsill  | \_\_\_ μg/SF  |
| \_\_\_ Floor  | \_\_\_ μg/SF  |
| \_\_\_ Other  | \_\_\_ μg/SF  |
| \_\_\_ Other  | \_\_\_ μg/SF  |

|  |
| --- |
| **Other Hazards** |
| **Component\***  | **Location** | **Condition** **(good, fair, poor)** | **Friction or Impact Surface?** | Lead Content **(if known)**  |
| 1.  | \_\_\_ mg/cm² (ppm) |
| 2.  | \_\_\_ mg/cm² (ppm) |
| 3.  | \_\_\_ mg/cm² (ppm) |
| 4.  | \_\_\_ mg/cm² (ppm) |
| 5.  | \_\_\_ mg/cm² (ppm) |
| 6.  | \_\_\_ mg/cm² (ppm) |
| 7.  | \_\_\_ mg/cm² (ppm) |
| 8.  | \_\_\_ mg/cm² (ppm) |
| 9.  | \_\_\_ mg/cm² (ppm) |
| 10.  | \_\_\_ mg/cm² (ppm) |
| 11.  | \_\_\_ mg/cm² (ppm) |
| 12.  | \_\_\_ mg/cm² (ppm) |
| 13.  | \_\_\_ mg/cm² (ppm) |
| 14.  | \_\_\_ mg/cm² (ppm)  |

**\*** Components include but are not limited to (interior and exterior) windows, doors, trim, fences, porches, walls and floors.

Notice to Occupants

**LEAD HAZARD PRESUMPTION NOTICE**

*The property listed below has not been evaluated for lead-based paint but it has been presumed that lead-based paint or lead based paint hazards are present.*

Address/location of property or structure(s) this notice of presumption applies to: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Types of Presumption (Check all that Apply)

 \_\_\_\_ Lead-based paint is presumed to be present.

 \_\_\_\_ Lead-based paint hazard(s) is(are) presumed to be present.

 Contact person for more information about the presumption:

Printed name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Organization: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Street: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ City & State \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Zip \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Phone #: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Person Who Prepared this Notice of Presumption:

Printed name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Organization: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Street: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ City & State \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Zip \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Phone #: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Summary of Presumption. List at least the bare soil locations, dust-lead locations, and/or building components (including type of room or space and the material underneath the paint)

Presumed Hazards

**Bare Soil** (list any areas of bare soil):

**Dust Locations** (check the following that apply): 􀂆Window sills 􀂆Window troughs 􀂆Floors

**Other presumed lead hazards** (check any of the following components that have deteriorated paint or are friction or impact surfaces):

**Locations Exterior** 􀂆Windows 􀂆Doors 􀂆Trim 􀂆Cladding 􀂆Outbuildings 􀂆Fences 􀂆Porch A 􀂆Porch B

**Interior** 􀂆Trim 􀂆Doors 􀂆Windows 􀂆Walls 􀂆Floors 􀂆Ceilings 􀂆Other

Notice to Occupants

#  Notice of Lead Hazard Reduction

Property Address:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Today’s Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

## Summary of the Hazard Reduction Activity:

Start Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Completion Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Location and type of activity.** (List the location and type of activity conducted or attach a copy of the summary page from the clearance report or the lead hazard scope of work providing this information.)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

## Date(s) of clearance testing:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Summary of results of clearance testing:

(a) \_\_\_\_\_\_\_\_\_\_\_\_\_ No clearance testing was performed.

(b) \_\_\_\_\_\_\_\_\_\_\_\_\_ Clearance testing showed clearance was achieved.

(c) \_\_\_\_\_\_\_\_\_\_\_\_\_ Clearance testing showed clearance was not achieved.

List any components with known lead-based paint that remain in the areas where activities were conducted. List the location of the component (e.g. kitchen-door, bedroom-windows).

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

## Person who prepared this summary notice

Printed Name:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Signature:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Title:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Organization:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Phone:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Fax:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Owner:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Give to Property Owner with work-write up)

If you have any questions about this summary, please contact \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.