

## Exterior Lead Paint Removal Certification Program

A Partnership among the  
RI Department of Environmental Management,  
RI Department of Health, U.S. Environmental  
Protection Agency, RI Housing Resources Commission,  
and the University of RI Center for Pollution Prevention  
& Environmental Health



### Some Important Facts about Lead:

- ◆ Lead paint dust is **DANGEROUS!**
- ◆ Lead poisoning is a serious environmental health hazard.
- ◆ Most houses in Rhode Island built before 1978 contain lead based paint.
- ◆ Renovating lead-painted surfaces creates hazardous dust, fumes, and debris if removed improperly.
- ◆ According to the RI Department of Health: Lead, even at low levels, can cause children to have learning disabilities, lower IQ, and behavioral problems.
- ◆ Lead can also cause: High blood pressure, Anemia, Brain damage, Impotence, and Death.

Department of Environmental Management  
Office of Technical and Customer Assistance  
235 Promenade Street  
Providence, Rhode Island 02908-5767



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### A Toxic Nightmare: Why Regulation is Needed

A report published by the National Institutes of Health (2003) described a case of lead poisoning and environmental contamination that resulted from the improper removal of exterior lead-based paint from a home located in a middle-income neighborhood. The uncontrolled removal of lead paint from approximately 3,000 ft<sup>2</sup> of exterior siding resulted in interior lead dust levels ranging from 390 to 27,600 ug Pb/ft<sup>2</sup>, yard soil lead levels of 360 to 130,000 ppm, lead poisoning (requiring immediate hospitalization) of three children aged 1, 2, and 4, and the death of a 5-year old family pet (dog) that died with a blood lead level of 177 ug/dL. The "hard" costs associated with property decontamination were over \$195,000 (Jacobs, D.E., Mielke, H., and N. Pavur. 2003. The High Cost of Improper Removal of Lead-Based Paint from Housing: A Case Report. *Environmental Health Perspectives*. 111:185-186).

Similarly, Rhode Islanders are at risk when exterior lead-based paint is improperly removed. The careless removal and handling of lead paint from exterior surfaces has resulted in enforcement actions taken against individuals and companies by the Rhode Island Department of Environmental Management (DEM), and at least two documented cases of groundwater contamination. In order to protect human health and the environment, DEM enforcement staff continues to inspect sites where painting projects occur.

### What is Compliance Certification?

To better safeguard human health and the environment, contractors can now self-certify to the DEM that they are complying with environmental and worker health protection requirements when conducting exterior lead-based paint removal operations.

This new, common sense approach to regulation holds great promise for making it easier for paint contractors to understand and comply with Rhode Island's environmental and health regulations. This brochure contains a brief summary of pertinent DEM regulatory requirements for exterior lead paint removal, as well as disposal guidelines for lead paint contaminated debris.

### Is Certification Mandatory?

This voluntary program makes good business sense and is designed to result in improved environmental protection at less cost to both business and government. Participation in the program is voluntary and makes good business sense. Compliance certification helps individuals and contractors avoid violations and costly penalties, while protecting human health, animal welfare, and the environment. Free compliance assistance is offered to participants by DEM to help meet environmental regulatory requirements.

**Participation in this DEM-led program qualifies individual companies to be placed on a list of certified paint contractors posted on DEM's website.** Beyond this program, the Department of Health offers free OSHA health & safety compliance assistance.

**NOTE:** All contractors performing exterior lead paint removal operations in the State of Rhode

Island, **must** comply with all applicable environmental and health regulations, whether or not they certify. All persons, including homeowners and other entities as well as painting contractors, must comply with DEM Regulation # 24, Removal of Lead Based Paint from Exterior Surfaces. Federal law requires that contractors renovating pre-1978 housing (including paint removal) provide the EPA pamphlet, titled **“Protect Your Family from Lead in Your Home”** before starting work, and obtain a signature acknowledging receipt of the pamphlet. The pamphlet can be viewed at <http://www.epa.gov/lead/leadpdf.pdf>.

### Compliance Certification Workbook & Certification Checklist

To participate in the program, you must complete a “Participation Form & Certification Checklist”, and return it to DEM’s Office of Technical and Customer Assistance (OTCA). An easy-to-read workbook has also been developed to help you understand lead safe work practices, complete the checklist and comply with the regulations. The certification form and checklist contain a series of questions that pertain to contractor operating procedures and regulatory requirements, such as DEM Regulation # 24, “Removal of Lead Based Paint from Exterior Surfaces, Effective 27 April 1993”, and the federal Pre-Renovation Education Rule (406(b)). The form is submitted every two (2) years to continue participation in the program.

### Project Checklist

In addition to submitting the Participation Form & Certification Checklist to DEM, a copy of a completed “Project Checklist” must be given to the owner or occupant where exterior lead paint removal operations are being conducted prior to starting the job. ***It’s that easy!***

Not required for participation, but strongly recommended, is a Lead Safe Remodeler/ Renovator training course offered by the Community College of Rhode Island. Completion of this course will allow a contractor to become RI state-licensed and certified. For more information or instructions on enrolling, please contact DEM’s OTCA.

### Summary of DEM Regulation # 24: “Removal of Lead Based Paint from Exterior Surfaces”

▪ **Applicable to Whom:** Regulation # 24 applies to any persons, including contractors and homeowners, who remove lead-based paint from exterior surfaces.

• **Exemption from the Regulation:** If a contractor or homeowner tests a representative sample of paint for lead and determines that the concentration of lead in paint (to be removed from any surface) is less than or equal to 0.05% by weight (equivalent to 500 ppm), then Regulation 5 "Fugitive Dust" applies and requires that containment methods be used during paint removal.

▪ **Who Must be Notified of Exterior Lead Paint Removal:** Adults in residences (including the structure from which lead paint is being removed), managers of businesses, and principals of schools located within 50 feet of the structure undergoing lead paint removal must be notified, in writing, of the removal of lead based paint at least 5 days prior to the removal project.

▪ **Preparation of Site:** To collect paint debris, use adequate ground cover (such as a tarp) and anchor it or weigh it down. Remove

all toys, play equipment and furnishings within 50' of the paint removal project, or cover them with a leak-proof material. If paint debris is observed going beyond ground sheeting, additional precautions must be taken.

▪ **Structures other than Buildings:** A plan must be submitted to the DEM's Office of Air Resources for approval prior to the removal. This plan must describe the type of removal to be utilized and measures to be employed to prevent contamination of the environment with lead. The removal plan must be submitted in writing to DEM's Office of Air Resources, 235 Promenade Street, Providence, RI 02908-5767, (401) 222-2808.

### Lead Paint Contaminated Debris Disposal Guidelines

The Department of Environmental Management's Offices of Compliance & Inspection and Waste Management have determined that **manually or mechanically removed** lead paint and lead painted **wood removed from households** fall under the definition of **household waste**, as defined in the federal hazardous waste regulations which are referenced in DEM's Rules & Regulations for Hazardous Waste Management. As such, it is exempt from the state hazardous waste regulations, so long as the following conditions are met:

• The exemption applies only to material generated by **manual or mechanical removal at households**. Material generated at commercial or industrial property must be properly characterized by the generator per DEM's Rules and Regulations for Hazardous Waste

Management. This characterization can be based on laboratory analysis for TCLP for lead (and other factors, in the event that chemical strippers are used), or on knowledge of the material.

• **Manually or mechanically removed** lead paint and lead painted wood from **households** may be disposed at any licensed solid waste disposal facility. However, under the hazardous waste regulations, this material must be sent **directly** to such a facility; **if it is taken to an intermediate location, then that facility would be considered to be a generator of hazardous waste**. Arrangements should be made to properly contain the material to avoid recontamination, and to take the material directly to a licensed solid waste landfill. No special transporter permit is required by the Department for transportation of this material.

### Worker Protection

• 29 CFR 1926.62 (OSHA), relating to Lead, applies to all employers involved with removal of lead-based paint.

**Questions regarding the certification program can be directed to the DEM's Office of Technical and Customer Assistance, at (401) 222-4700, Ext. 4412**

<http://www.dem.ri.gov/programs/benviron/assist/extlead/index.htm>

**For information about worker protection, contact the RI Department of Health, OSHA Consultation Program, at (401) 222-2438**

<http://www.healthri.org/environment/occupational/consultation.php>