

# **Lead Hazard Prevention Regulations**

**Lead Hazard Prevention and Control Ordinance  
(LHP&CO) San Diego Municipal Code §54.1001 et al**

**The Renovation Repair and Painting Rule  
(RRP) 40 CFR Part 745 Subpart E**

**HUD's Lead Safe Housing Rule  
(LSHR) 24 CFR Part 35**

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The City of San Diego's Lead Hazard Prevention and Control Ordinance applies to any project that disturbs painted surfaces. Typical projects include: Painting and wallpapering; Replacing windows and doors; Adding or converting rooms; Renovating kitchens and bathrooms; Removing and installing siding; Re-facing or replacing cabinets; Replacing flooring and carpeting; Repairing or renovating porches and decks; General carpentry, plumbing, electrical; HVAC work; Fire and disaster repair; Historical renovations.

The EPA RRP rule is Federal EPA regulation that applies to projects that disturb painted surfaces in residential structures (target housing) and childcare facilities.

HUD's Lead Safe Housing Rule applies to Federally funded projects including residential CDBG funded projects.

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## Children's Health Risks of Lead

In children, lead can cause:

- Behavioral problems
- Attention deficit disorder
- Hyperactivity
- Kidney damage
- Decreased intelligence
- Speech, language, hearing and reading disabilities
- Decreased muscle and bone growth
- May result in seizures, coma, and death



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## Lead-Based Paint Presumptions and Determinations

- CA: Built prior to 1978. LBP has lead concentration  $\geq 5000$  PPM or  $\geq 1.0$  mg/cm<sup>2</sup>
- San Diego: Built prior to 1979. The use of lead-safe work practices is required for lead concentration  $\geq 1000$  PPM or 0.5 mg/cm<sup>2</sup>.
- Only State Certified LBP I/RA may evaluate paint using appropriate methods



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**Notice to Occupants  
LHP&CO and RRP Rule**

- **Notice to occupants must identify the location, activities and dates of renovation**
- **Shall specify “Work is scheduled to be performed beginning [date] on this property that may disturb or remove lead-based paint”**
- **Must be furnished to occupants 7 days prior to renovation (accompanied by pamphlet per RRP), and posted in a conspicuous location**

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## **Notice to Occupants Lead Safe Housing Rule §35.125**

- **When lead-based paint or lead-based paint hazards are found or presumed:**
- **Notice to occupants must be provided within 15 calendar days of the date receipt of report or date of presumption.**

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## **Relocation Requirements LHP&CO**

**Relocation is required unless one of these conditions apply**

- 1. No lead paint, dust or soil is disturbed**
- 2. Only exterior work with proper containment**
- 3. Interior work completed w/in 8 hours and:**
  - The area is properly contained**
  - No other health, safety or environmental hazards are created**

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## **Relocation Requirements LHP&CO (Cont.)**

**Relocation is required unless one of these conditions apply (cont.)**

**4. Work is completed in 5 days and:**

- **Occupants have safe access to kitchen, bath and sleep areas**
- **The regulated area is contained**
- **No other health, safety or environmental hazards are created**
- **The regulated area and 10 ft. beyond is cleaned at the end of each day**

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# Lead-Safe Work Practices

- Set Up and Containment of a regulated area per Appendix A of LHP&CO
- Worker Protection
- Occupant Protection



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**RRP – EPA Certified Firms  
by April 22, 2010**

- Apply for certification by submitting to EPA a completed “Application for Firms”
- \$300 Certification & Recertification Fee
- EPA has up to 90 days to approve or disapprove
- Assign a Certified Renovator to all jobs

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## RRP - EPA Certified Renovator by April 22, 2010

### Renovators

- **Must take 8-hr accredited training course**
- **Individuals with certain previous training can take the refresher course**
- **Course certificate serves as certification (no application to EPA required).**
- **Must be recertified every 5 years**



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**EPA Website for RRP guidance**

**“Small Entity Compliance Guide”**

**<http://epa.gov/lead/pubs/leadrenf.htm>**

**Includes sample forms for confirmation of receipt or certificate of mailing 7 days prior to renovation**

**List of EPA Certified training providers and applications for EPA Firm Certification**

**[www.epa.gov/opptintr/lead/pubs/renovation.htm](http://www.epa.gov/opptintr/lead/pubs/renovation.htm)**

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# Visual Inspection After Renovation Form ES-127 LHP&CO

A renovator shall record the results of the visual inspection on the form provided by the City of San Diego.

Available at:  
[www.lead-safe-neighborhoods.org](http://www.lead-safe-neighborhoods.org)

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**Clearance - LHP&CO**  
**Meets RRP and LSHR Requirements**

- ✓ Clearance inspection is required if LBP is presumed or  $\geq 5000$  PPM or  $1.0 \text{ mg/cm}^2$  and more than the following levels are disturbed
  - Interior  $\geq 2$  sq ft / room
  - Window Treatments
  - Exterior  $\geq 10$  sq ft
  
- ✓ Clearance inspection is an onsite investigation, performed by a state certified lead inspector/assessor or a certified lead project monitor.

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**Lead Safe Housing Rule  
24 CFR Part 35 – Applies To:**

Rehabilitation of Residential Housing

Or

Acquisition, Leasing, Support Services, or  
Operation of Residential Housing

Exempt:

- Housing constructed after 1978
- Zero-bedroom units
- Housing for the elderly or disabled unless a child under age six resides or is expected to reside in such housing

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## Lead Safe Housing Rule Subpart J - Rehabilitation

All LSHR projects :

- Provide notice within 15 days of receipt of report or making the presumption of LBP or LBP hazards in accordance with §35.125
- Notifications and Pamphlets per RRP Rule
- Ongoing maintenance of rental units per §35.1355(a) implemented beyond scope of services

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## Lead Safe Housing Rule Subpart J - Rehabilitation

Residential properties that receive rehabilitation assistance **up to and including \$5,000 per unit**

- Implement safe work practices
- Conduct clearance if above (LHP&CO) de-minimus levels

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**Lead Safe Housing Rule**  
**Subpart J - Rehabilitation**

Residential properties that receives rehabilitation assistance of more than \$5,000 per unit up to and including \$25,000 per unit.

- Perform a Risk Assessment of unit, common areas and exterior of property
- Provide notice within 15 days of receipt of report or making the presumption of LBP or LBP hazards in accordance with §35.125
- Implement Interim Controls

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## Lead Safe Housing Rule Subpart J - Rehabilitation

Residential properties that receives rehabilitation assistance of more than \$25,000 per unit.

- Risk Assessment of unit, common areas and exterior
- Provide notice and pamphlets
- Permanently abatement the surface area with hazardous conditions
- Interim controls on exterior surfaces not disturbed by rehabilitation and hazards smaller than *de minimis* limits per §35.1350(d).

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**Lead Safe Housing Rule  
Subpart K—Acquisition, Leasing,  
Support Services, or Operation**

- Visually inspect
- Conduct paint stabilization for the dwelling unit, common areas, and exterior surfaces

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# **QUESTIONS?**

## **Lead-Safe Neighborhoods Program**

Leadsafeneighborhoods.org

lead-safe@sandiego.gov

(858) 694-7000

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