

# Texas Lead Rules, RRP, & Common Deficiencies

Texas Department of State  
Health Services



On March 26, 2015, Presented to the Strategic Planning Committee to Eliminate Childhood Lead Poisoning in Texas



# **PAINTING THE HOUSE THAT JACK BUILT**

Do Not Forget the Children—  
Some Day They May Be Customers

# Products / Activities Involving Lead



## ▶ Lead-Based Paint

- 30 million old residences
  - overpasses/bridges/highways
  - commercial buildings
- ▶ Lead pipes/solder/batteries
- ▶ Toys with lead paint (imports), jumpers
- ▶ Lead ceramics, crystals and cans
- ▶ Dirt contaminated with leaded gasoline
- ▶ Home remedies/cosmetics in cultures
- ▶ Parent hobbies and jobs/cigarette smoke
- ▶ Brass fixtures/old water coolers/computers
- ▶ Root vegetable uptake from soil
- ▶ Paint on packaging (bright yellow)
- ▶ Abandoned and current industrial lead sites
- smelters, rubber, municipal waste, radiator repair, steel welding, ammunitions



# Lead is Everywhere!



# Current Lead Standards / Laws

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## ▶ Lead laws

- Clean Air Act banned leaded gasoline in 1995
- Lead Based Paint banned in 1978
- Texas Environmental Lead Reduction Rules, 1996
- Lead Contamination Control Act, 1998
- Residential Lead-Based Paint Reduction Act, 1992 (Title X)
- Hazard Education Before Renovation, TSCA 406(a) and (b), 1999
- CDC: 10 µg/dl action level for children
- EPA's new Pre-renovation and Renovate, Remodeling and Painting (RRP) rule, 2008, 2010

## ▶ Lead standards

- EPA: residential floor dust, window sills, window well (trough), play area, yard soil (40 µg/ft<sup>2</sup>, 250 µg/ft<sup>2</sup>, 400µg/ft<sup>2</sup>, 400 ppm and 1200 ppm)
- OSHA: 50 µg/m<sup>3</sup>, 40 µg/dl (30 µg/m<sup>3</sup> action level)
- EPA: 0.5ug/m<sup>3</sup> for air, 2008, 0.015mg/l drinking water
- Lead allowable in paint was lowered by federal law to 1% in 1971 and then to 0.06% in 1977.
- Consumer Product Safety Act of 2008 incorporates the Lead-Free Toys Act
  - reduces lead in paint coatings from 600 ppm to 90 ppm, Aug, 2009
  - by August 2011, total lead content must not exceed 100 ppm

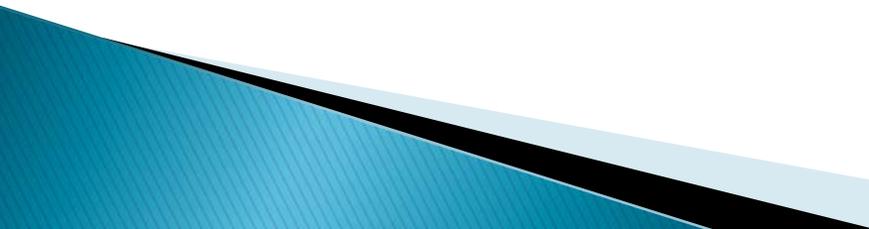
# Definition of Lead-Based Paint

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- ▶ Paint or other surface coatings that contain lead  $\geq 1$  mg/cm<sup>2</sup> or more than 0.5% by weight (5,000 ppm) in housing or child-occupied facilities. If unknown and structure built before 1978, it must be assumed to contain lead-based paint until proven otherwise.

# How to reduce a child's exposure and adverse health

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- proper hygiene, proper diet
  - proper food preparation and handling techniques
  - proper housecleaning (no dry mopping/dry dusting)
  - proper lead remodeling and renovation techniques
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# Proper lead interim and abatement techniques: paint removal

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- ▶ Wet-scrape or wet-sand
- ▶ Heat guns-1,100 degrees or less
- ▶ Wear an approved respirator
- ▶ Control dust
- ▶ Use care on lead-based painted surfaces
  - Nailing, drilling, screwing
  - Cutting, sawing, chopping
  - Tearing out, cutting into walls





# Texas Housing Data

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- ▶ As of 2009, there are 130.6 million housing units nationally
- ▶ As of 2009, there are 9.72 million housing units in Texas
- ▶ As of 1979, 4.93 million housing units were in Texas
- ▶ Therefore, about half of Texas' housing stock was built prior to 1978 and is second only to California in number of housing units.

# Texas Environmental Lead Reduction Rules (TELRR)

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- ▶ Applies to housing and child-occupied facilities built before 1978
- ▶ TELRR basically mirrors EPA abatement rule
- ▶ Requires notification to state 7 working days in advance of abatement
- ▶ Six certifications offered
  - Lead Inspector
  - Lead Risk Assessor
  - Lead Abatement Supervisor
  - Lead Abatement Worker
  - Lead Abatement Project Supervisor
  - Lead Firm

# Texas Environmental Lead Reduction Rules (con't)

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- ▶ Accredits trainers to teach lead courses
- ▶ Requires an Occupant Protection Plan (OPP) to be developed for abatement projects
- ▶ Prohibits certain work practices during abatement
  - Open-flame burning or torching of lead-based paint
  - Machine sanding or grinding unless HEPA equipped
  - Dry scraping; dry sanding
  - Operating a heat gun above 1100 degrees F.
- ▶ Clearance of abatement jobs can only be performed by a certified Lead Inspector or Lead Risk Assessor
- ▶ Abatement Project design not required but recommended for larger scale projects

# Texas Environmental Lead Reduction Rules (con't)

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## ▶ Clearance Standards for abatements:

- Floors: 40  $\mu\text{g}/\text{ft}^2$
- Window sills: 250  $\mu\text{g}/\text{ft}^2$
- Window troughs: 400 $\mu\text{g}/\text{ft}$

## ▶ A soil lead hazard is present:

- in a play area that has 400 ppm or greater lead
- in the rest of the yard that has 1200 ppm or greater lead

## ▶ Recordkeeping

- All records required by the TELRR must be kept for a minimum of 3 years

# Common Deficiencies of the TELRR

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- ▶ Abatement Notification start/end date wrong
- ▶ Abatement Notification not amended
- ▶ Regional office not notified of Abatement
- ▶ Workers not having their certification ID cards
- ▶ No Occupant Protection Plan (OPP) on site
- ▶ Using uncertified abatement workers
- ▶ Abatement supervisor not site or available within 2 hours when abatement work occurring
- ▶ Doing a HUD Rehab project that costs >\$25,000



# EPA's Federal RRP Rule (Renovation, Repair, Painting Rule)

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- ▶ In effect April 22, 2010
- ▶ Require that contractors to be certified (8-hr. Renovator lead-safe class) and they must work for a company licensed by EPA as a Lead Renovation Firm
- ▶ Applies to renovation, repair and painting projects in pre-1978 properties
  - homes
  - child care facilities
  - schools



# Abatement vs. Renovation

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Under the **TELRR**, **abatements** are considered the intentional permanent removal of lead hazards. The TELRR exempts **renovations** since lead hazard removal of lead is not the intention. However, similar lead hazards are created by both abatements & renovations.

The **EPA RRP rule** fills this gap by covering **renovations, repairs, and painting**. Renovations are performed for many reasons and most having nothing to do with lead-based paint. The EPA RRP rule is designed to prevent the introduction of new lead hazards created by renovation, not to address existing lead hazards.

# EPA RRP Applicability

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**Renovation** means the modification of any existing structure, or portion thereof, that results in the disturbance of painted surfaces, unless performed as part of an abatement.

**Applies to renovations** conducted in target housing or child-occupied facilities *for compensation*. (Nationally, EPA estimates 37.8 million covered pre-1978 facilities nationwide, including 100,000 child-occupied facilities).

# EPA RRP Applicability *(continued)*

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Applies to all renovations performed ***for compensation***, except:

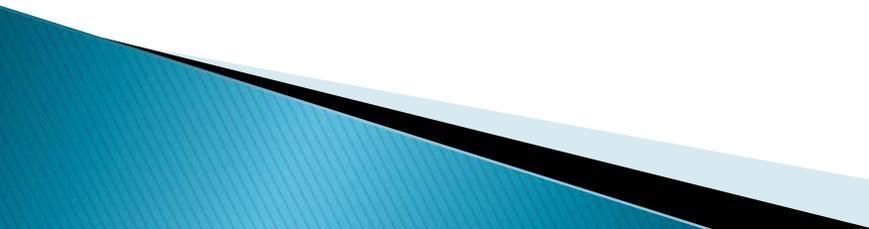
For interiors: Activities that disturb **less than 6 ft<sup>2</sup>** painted surface;

For exteriors: Activities that disturb **less than 20 ft<sup>2</sup>** painted surface;

Where an inspection shows no lead-based paint; or

Where a test kit used by a certified renovator on a component to renovated shows no lead-based paint.

Rule does not apply to individuals doing work in housing that they own and occupy.



# EPA RRP Certification Requirements

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**Only two licenses are specified in the new EPA Renovation/Remodeling rule.**

For Renovation Firm certification, a fee must be paid (\$300) to EPA and License is good for 5 years



For a Renovator Training Program Provider accreditation, a fee must be paid and license is good for 4 years (\$560 for Initial, \$400 for Refresher)

# Two other certifications specified

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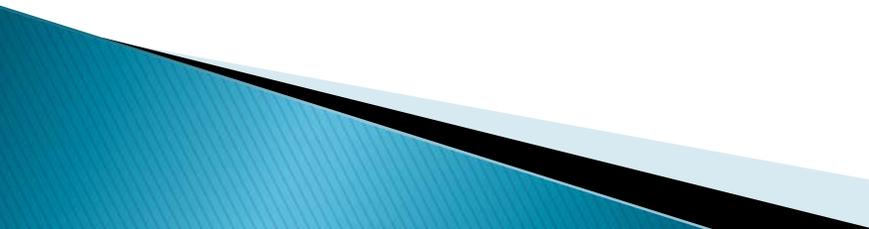
There are two other certifications specified in this Final Rule but do not require a licensure fee:

For **Renovator** certification, only an 8-hour class is to be completed from an accredited trainer. Good for 5 years.

For **Dust Sampling Technician** certification, only an 8-hour class is to be completed from an accredited trainer. Good for 5 years.

Course completion certificate serves as official certification in both instances.

EPA (or authorized state) receives info. on each person, including photo, from accredited trainer and maintains in database.



# Recordkeeping Requirements

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- A Renovation Firm maintains the following for a period of 3 years:
- Copy of the certified renovator's training certificate.
- Documentation of the issuance of the **Renovate Right** pamphlet to the tenant occupants and property owner
- A signed and dated form that describes:
  - Worker training,
  - Sign posting,
  - Work area containment,
  - Waste handling,
  - Cleaning, and
  - Post-renovation cleaning verification.

*(EPA has developed a sample checklist that will assist firms in complying with this requirement.)*

# EPA RRP Enforcement

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- ▶ 61 RRP Enforcement Actions issued in 2014
- ▶ Settlements led to **\$213,171** in civil penalties
- ▶ EPA states that lead dust and debris from improper renovation activities on properties built prior to 1978 is a major source of lead exposure that can cause lead poisoning. Although using lead-based paint in dwellings was prohibited after 1978, it is still present in more than 30 million homes across the nation.

# Questions?

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- ▶ **Contact the Environmental Lead Program office in Austin at:**

**512-834-6787, ext. 2434**

**888-778-9440, ext. 2434 (toll-free)**

**More helpful information can also be found on the DSHS Environmental Lead Program website at:**

**[www.dshs.state.tx.us/elp](http://www.dshs.state.tx.us/elp)**