

# Lead-Based Paint Requirements and Guidance

## 1. All homebuyers purchasing a pre-1978 home must receive the lead hazard brochure "Protect Your Family from Lead in Your Home".

- Brochures are available in a variety of languages.  
To access the brochures, please see this link:

<http://www.epa.gov/lead/pubs/leadprot.htm>

## 2. All homes built prior to 1978 must have a visual assessment performed by a person trained to identify deteriorated paint.

The visual assessment is a surface-by-surface inspection for deteriorated paint consisting of a visual search for cracking, scaling, chalking, peeling or chipping paint.<sup>1</sup> HUD also recommends that a visual assessment include a search for dust and debris, including paint chips. A visual assessment does not include a lead-based paint inspection or a risk assessment.

## 3. Who can perform a visual assessment?

The persons conducting the visual assessment for deteriorated paint must either hold a lead risk assessor license from the Minnesota Department of Health, or be trained using the Visual Assessment Training Module that is available on-line from HUD via the following web link:

<http://www.nls.gov/offices/lead/training/visualassessment/h00101.htm>

Generally, professionals (such as those listed below) already inspecting housing units may be trained, or interested in obtaining training, to conduct visual assessments.

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| <ul style="list-style-type: none"><li>• Appraiser</li><li>• Housing quality standards inspector</li><li>• Maintenance supervisor</li><li>• Building engineer</li><li>• Person with housing inspection duties</li></ul> | <ul style="list-style-type: none"><li>• Lead-based paint risk assessor</li><li>• Lead-based paint inspector</li><li>• Sampling technician</li><li>• Other building maintenance staff</li></ul> |
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## 4. When should a visual assessment be conducted?

The visual assessment should occur as early in the home search/selection process as possible. Ideally, a home inspector or qualified appraiser will conduct the visual assessment. (See above for the Visual Assessment Training Module)

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<sup>1</sup> The HUD regulation defines deteriorated paint as: "Any interior or exterior paint or other coating that is peeling, chipping, chalking or cracking, or any paint or coating located on an interior or exterior surface or fixture that is otherwise damaged or separated from the substrate."

## 5. What if deteriorated paint is detected in the visual assessment?

Deteriorated paint that is paint that is peeling, chipping, chalking or cracking, or any paint or coating located on a surface or fixture that is otherwise damaged or separated from the substrate. Deteriorated paint must be stabilized before the house is occupied by the buyer.

## 6. What is paint stabilization?

“Paint stabilization” means repairing the damaged paint, and any conditions that lead to its failure, such as moisture problems, rust, etc.

## 7. All homes requiring stabilization are required to follow lead safe work practices if the area of deteriorated paint exceeds de minimis levels.

Lead safe work practices must be used if the area of the deteriorated paint that must be repaired exceeds the de minimis levels of 24CFR §35.1350(d).

De minimis levels are areas that do not exceed:

- 1) 20 square feet on exterior surfaces,
- 2) 2 square feet in any one interior room or space,
- 3) 10 per cent of the total surface area on an interior or exterior type of component with a small surface area, such as window sills, baseboards, and trim.

Lead safe work practices are defined at HUD’s website:

<http://www.hud.gov/offices/cpd/affordablehousing/training/web/leadsafe/keyrequirements/safepactices.cfm> and include:

### A. Occupant Protection

Appropriate actions must be taken to protect occupants from lead-based paint hazards associated with Lead Hazard Reduction, paint stabilization, maintenance, or rehabilitation activities.

- Occupants may not enter the worksite during Lead Hazard Reduction activities.
- Occupants must be temporarily relocated to a suitable unit that is decent, safe, and sanitary and free of lead-based paint hazards during Lead Hazard Reduction activity. There are circumstances when occupant relocation is not required.
- Property owners must protect occupants' belongings from lead contamination by relocating, covering or sealing them, and securing the worksite against entry during non-work hours.

### B. Worksite Preparation and Containment

The worksite must be prepared to prevent the release of leaded dust and debris.

- Use practices to minimize the spread of lead dust, paint chips, soil, and debris.

- Place warning signs at each entry where Lead Hazard Reduction activities are conducted when occupants are present. The signs are required at the main and secondary entrance to a building, and at exterior worksites signs must be readable from 20 feet.

### C. Prohibited Methods

There are some methods that may not be used at any time to remove paint that is or may be lead-based paint.

- Open flame burning or torching.
- Machine sanding or grinding without a high-efficiency particulate air (HEPA) local exhaust control.
- Abrasive blasting or sandblasting without HEPA local exhaust control.
- Heat guns operating above 1,100 degrees Fahrenheit, or those that operate high enough to char the paint.
- Dry sanding or dry scraping.
  1. **Note:** Four exceptions to this provision are:
    - Dry scraping in conjunction with heat guns;
    - Dry scraping within 1.0 ft (0.20 m.) of electrical outlets;
    - Treating deteriorated paint spots that total no more than 2 ft. square (0.2 m square) in any one interior room or space; or
    - Treating deteriorated paint spots that total no more than 20 ft. square (2.0 m square) on exterior surfaces.
- Paint stripping in a poorly ventilated space using a volatile stripper that is a hazardous substance in accordance with regulations of the Consumer Product Safety Commission at *16 CFR 1500.3*, and/or a hazardous chemical in accordance with the Occupational Safety and Health Administration at *29 CFR 1010.1200* or *1926.59*, as applicable to the work.

**Note:** Methylene chloride paint strippers may cause cancer and should be avoided. Use of these strippers is prohibited by some jurisdictions.

### D. Worksite Cleanup

Worksite cleanup removes dust and debris from the work area. Good cleanup is critical to passing [clearance](#) and leaving the unit safe for habitation. Worksite cleanup must be done using methods, products and devices that are successful in cleaning lead-contaminated dust, such as vacuum cleaners with HEPA filters and household or lead-specific detergents.

The only time exemptions from lead safe work practices are allowed include:

- If the paint being disturbed has been tested and found not to be lead-based paint, OR
- If maintenance or Lead Hazard Reduction activities disturb a total surface area that is less than the [de minimis](#) amount.

**8. Clearance testing is required if the area of the deteriorated paint exceeds the de minimis levels of 24CFR §35.1350(d). Clearance must be achieved for the work site, not necessarily the entire property.**

- Clearance examinations include both a visual investigation to identify paint chips and/or dust in the worksite and the collection and analysis of dust-lead samples.
- Dust-lead samples are collected using a dust wipe of floor and window surface.
- Clearance sampling must be performed by an individual who is **authorized by** the EPA regulations.
- Lead-based paint inspectors, risk assessors, and sampling/clearance technicians may conduct a clearance examination.

**To access information on lead professionals in Minnesota, please see the following web link provided by the MN Department of Health:**

[http://www.health.state.mn.us/divs/eh/lead/find\\_firm/index.cfm](http://www.health.state.mn.us/divs/eh/lead/find_firm/index.cfm).

Companies that are listed as “Consultants” on this website generally can assist with lead risk assessments, lead paint inspections, lead project design or lead sampling technician services; companies that are listed as “Contractors” generally do the actual lead hazard reduction (painting, specialized cleaning, component replacement, etc.).

Companies that are listed on both lists are able to function as either a consultant or a contractor.