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**Date:** April 10, 2008 11:54:28 AM PDT  
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**Subject: San Diego Lead Hazard Prevention and Control Ordinance Signed Into Law**

Yesterday, the Mayor of San Diego signed into law, a comprehensive "Lead Hazard Prevention and Control Ordinance." The ordinance will become effective on May 9, 2008. Special thanks to all the taskforce members that worked hard on this ordinance for many years, especially, Leticia Ayala from Environmental Health Coalition. A copy of the ordinance may be downloaded by clicking on the following link and scrolling down to the bottom of the page:

<http://www.sandiego.gov/environmental-services/ep/leadsafe.shtml>

Summary of the ordinance

1. Renovation and remodeling rule (Section 54.1005-1006) - Renovators are required to use lead-safe work practices when disturbing lead paint that contains lead concentrations equal or greater than 1000 ppm or 0.5 mg/cm<sup>2</sup> on all pre-1979 buildings and structures, not just residential. Ordinance provides for very specific minimum work practices taken from the HUD Guidelines, Chapter 8. In some cases, relocation of occupants is required. Visual clearance is required for all work where lead paint is assumed or tested above the 1000 ppm or 0.5 mg/cm<sup>2</sup>. If contractor is disturbing lead paint that meets the federal definition, and they are disturbing over identified quantities, it requires lead dust clearance by state certified personnel. Ordinance also mirrors the federal pre-renovation remodeling notification (406b) to provide local enforcement authority.
2. Lead hazards in housing (Section 54.1007) - Presence of Lead Hazards constitutes substandard housing and property owners are required to correct lead hazards in pre-1979 residential housing. Unlawful to maintain lead hazards.
3. Relocation requirements (Section 54.1008) - Identifies when relocation is required.
4. Lead visual inspection at rental property turnover (Section 54.1009) - Property owners are required to perform visual inspection and correction of presumed lead hazards prior to re-occupancy of a vacant pre-1978 rental unit. Maintain records for three years and provide upon request by City.
5. Duty to notify (Section 54.1010) - Home improvement/water pressure equipment rental stores are required to post lead display and provide lead education material to customers provided by the City. Also mirrors the federal lead property notification rule (1018) to provide local enforcement authority. State notification form identifying lead hazards (referred to as a 8552) must be provided to the City.
6. Childcare Facility (Section 54.1011) - Childcare facilities are required to obtain proof of blood lead testing at enrollment or within 60 days.
7. Enforcement Authority, Remedies, and Cost Recovery language (Section 54.1012-14) - Provides specific language for enforcement authority, enforcement remedies and cost recovery associated with this ordinance. Not referenced in the ordinance but included with the council approval of ordinance is a cost-recovery fee added to specific building permits for enforcement.
8. Strict liability offense regardless of intent (Section 54.1015)  
This new ordinance will provide the City with additional enforcement opportunities to ensure lead hazards are not created or maintained. It sends a very clear and loud message to all of San Diego and surrounding communities about the importance of eliminating lead hazards from our environment.

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