

Title 17, CCR, Div 1, Ch 8
**Accreditation, Certification, and Work Practices
For Lead-Based Paint and Lead Hazards**
(changes are underlined)

35032. Lead Activities.

“Lead activities” means abatement, lead hazard evaluation, lead-related construction work, or any activity which disturbs lead-based paint, presumed lead-based paint, or creates a lead hazard.

(Any individual conducting “lead activities” (except lead evaluations) must:

- a. use “containment”
- b. use lead safe work practices
- c. make sure there is no visible dust or debris at the end of a project
- d. demonstrate compliance of a and b if asked by CDPH or a local enforcement agency)

35035 Lead-Contaminated Dust.

“Lead contaminated dust” means dust that contains an amount of lead equal to, or in excess of:

- (a) 40 ug/ft² for interior floor surfaces; or
- (b) 250 ug/ft² for interior horizontal surfaces; or
- (c) 400 ug/ft² for exterior floor and exterior horizontal surfaces.

35038. Lead Hazard Evaluation.

“Lead hazard evaluation” means the on-site investigation, for compensation, of lead-based paint or lead hazards for public and residential buildings, but does not include: (a) activities intended to determine adequacy of containment; or air monitoring for lead, as specified in Title 8, California Code of Regulations, section 1532.1, and Title 17, California Code of Regulations, sections 70100 and 70200; or testing components removed from a residential or public building for lead to determine the applicability of hazardous waste requirements specified in Title 22, California Code of Regulations, Division 4.5, chapters 10, 11, 12, 13, and 18, and California Health and Safety Code, section 25163, subdivision (c).

The exemption related to the identification and disposal of hazardous waste materials only applies to exempted waste (building materials that are already removed from a structure and awaiting disposal).

The air monitoring exemption does NOT include paint sampling to determine employee exposure. Thus, paint chip sampling, for compensation, is a lead-hazard evaluation, and can only be done by a certified Inspector/Assessor, or a certified Sampling Technician. An 8552 must be submitted.

However, contractors often take paint samples during pre-bidding periods, and these are unregulated because “lead hazard evaluation” excludes any uncompensated activity (i.e. the contractors are not being paid by the owner to take paint samples). Note that if a paid employee of the contractor takes the sample, it becomes a lead hazard evaluation. Before and after soil or dust samples to determine the adequacy of containment, continue to be exempt from the definition of a lead hazard evaluation.

35043. Presumed Lead-Based Paint.

“Presumed lead-based paint” means paint or surface coating affixed to a component in or on a structure constructed prior to January 1, 1978. “Presumed lead-based paint” does not include paint or surface coating that has been tested and found to contain an amount of lead less than one milligram per square centimeter (1.0 mg/cm²) or less than half of one percent (0.5%) by weight.

Summary

Lead Hazard Evaluations *in Public and Residential Buildings*

- Must be conducted only by a certified lead inspector/assessor
(Clearance can be done by a lead inspector/assessor or a certified project monitor.)

(Sampling technicians can do visual inspections and sample soil, dust, and paint if an inspector/assessor identifies the specific locations where samples are to be taken, interprets the results, and complies with the record keeping and reporting requirements (8552s). Sampling technicians can NOT do visual inspections, or take samples if those activities are:

- a. part of an “appropriate case management” activity or
- b. in a structure inhabited by a child with a blood level of 10 ug/dl or greater)

(Although there is no requirement that the IA be onsite to identify sampling locations, the IA is ultimately liable that the evaluations are done properly.)

- Must follow appropriate chapters of the HUD Guidelines
 - Risk assessments - Chap 5
 - Lead inspections - Chap 7
 - Clearance inspections - Chap 15
- Samples must be sent to an NLLAP laboratory
- Form 8552 must be sent to CDPH within 30 days of when samples were taken
 - a copy of 8552 must also be given to the person who ordered the lead hazard evaluation
 - inspector/assessors must keep 8552s (and attachments) for 3 years
 - inspector/assessors must send 8552 and attachments (see below) to CDPH upon request
- Reports must contain form 8552 and the following attachments:
 - a. a **foundation diagram** showing location of each lead hazard or presence of lead-based paint, and results of visual inspection (risk assessments, clearance)
 - b. a summary of each testing method, device, and sampling procedure used
 - c. a description of testing and sampling locations
 - d. results of lab analysis including name, address, and telephone of each lab

Summary
Abatement
in public and residential buildings

1. Abatement for 20 years or more shall be conducted
 - by certified lead workers and supervisors
 - A certified supervisor must be onsite during setup and cleanup. The rest of the time he must be able to get to the job site within 2 hours.
 - according to Chapter 12 of the HUD Guidelines
 - A clearance inspection must be performed.
2. Abatement for less than 20 years shall be conducted
 - according to Chapter 11 of the HUD Guidelines
 - using containment
 - so there is no lead contaminated dust at the end of the job
 - Clearance must be done if responding to a poisoned child.
3. Before conducting abatement, the person doing the abatement must:
 - deliver Form 8551 to CDPH at least 5 days prior to the start of the job.
 - post Form 8551 at entrances to the work area until clearance is passed
 - keep Form 8551 for at least 3 years and send to CDPH if requested
4. Abatement plans must be written by a certified supervisor, monitor or ****project designer**.
 - plan writers must keep plans for 3 years and send to CDPH if asked
 - abatement plans must include
 - a detailed description of the measures, procedures, including containment, to prevent exposure to lead hazards
 - detailed description of how and where abatement is planned
 - recommended schedule for re-inspection
 - how to maintain potential hazards in safe condition

**The new Title 17 allow existing project designers to renew their certification, but eliminates the existing project designer course and prohibits new certification applications.