

Date: March 1, 2012
To: Maintenance Directors
Subject: Lead Based Paint

I wanted to give you heads up about a letter you may be receiving from the EPA and also remind you about the Lead-based Paint Renovation, Repair, and Painting Program (RRP). Please see the attached letter from the EPA.

The EPA letter is missing a few critical points to determine if you need a RRP certified employees or contractors to conduct the work. The paint must contain 5,000 ppm or more of lead and be in or on a building that is "regularly" visited by children under six years old. In a typical elementary school, this might be your kindergarten classroom wings or childcare areas only. I have also attached a flow chart to help you determine if you need RRP certified workers on any painting or maintenance job when disturbing painted surfaces which are greater than 6 square feet per room inside or greater than 20 square feet outside.

In addition to the RRP regulations, all district employees or contractors disturbing painted surfaces ANYWHERE with ANY detectable amounts of lead must always follow the Cal/OSHA requirements.

<http://www.cdph.ca.gov/programs/olppp/Documents/ligi.pdf>

In the event you contract out any work dealing with painted surfaces or ceramic tile, please see the attached recommended lead language for your job specifications and bids.

TO SIPE

Let's Make All Kids Lead-Free Kids

Learning disabilities, hearing loss, and violent behavior are some of the effects lead paint can have on young children. If your home was built before 1978, lead paint on your walls, doors, windows and sills may be dangerous.

Call 800-424-5323 (LEAD) or [read more](#).



Lead paint poisoning affects over one million children today.

To All School Buildings and Grounds Managers:

Beginning April 22, 2010, federal law requires that contractors performing renovation, repair and painting projects that disturb more than six square feet of paint in homes, child care facilities, and schools built before 1978 must be **certified and trained** to follow specific work practices to prevent lead contamination.

Lead is a highly toxic metal, particularly dangerous to children whose growing bodies absorb more of the metal, and whose brains and nervous systems are more sensitive to its damaging effects. Even low levels of lead in children can reduce IQ and retard physical development. Many buildings built before 1978 have lead-based paint. Lead from paint chips, which you can see, and lead dust, which you can't always see, can be serious hazards.

When your school district hires contractors for repair projects (even sanding before painting) in your pre-1978 elementary schools, **hire a firm that has been certified by EPA in renovation** and will employ lead-safe work practices when disturbing lead-based paint.



If your school district has its own maintenance crew, the supervisor or work leader must become trained and certified in lead-safe work practices and must train the rest of the crew members on those practices before each renovation, repair or painting project at the pre-1978 elementary schools in your district.

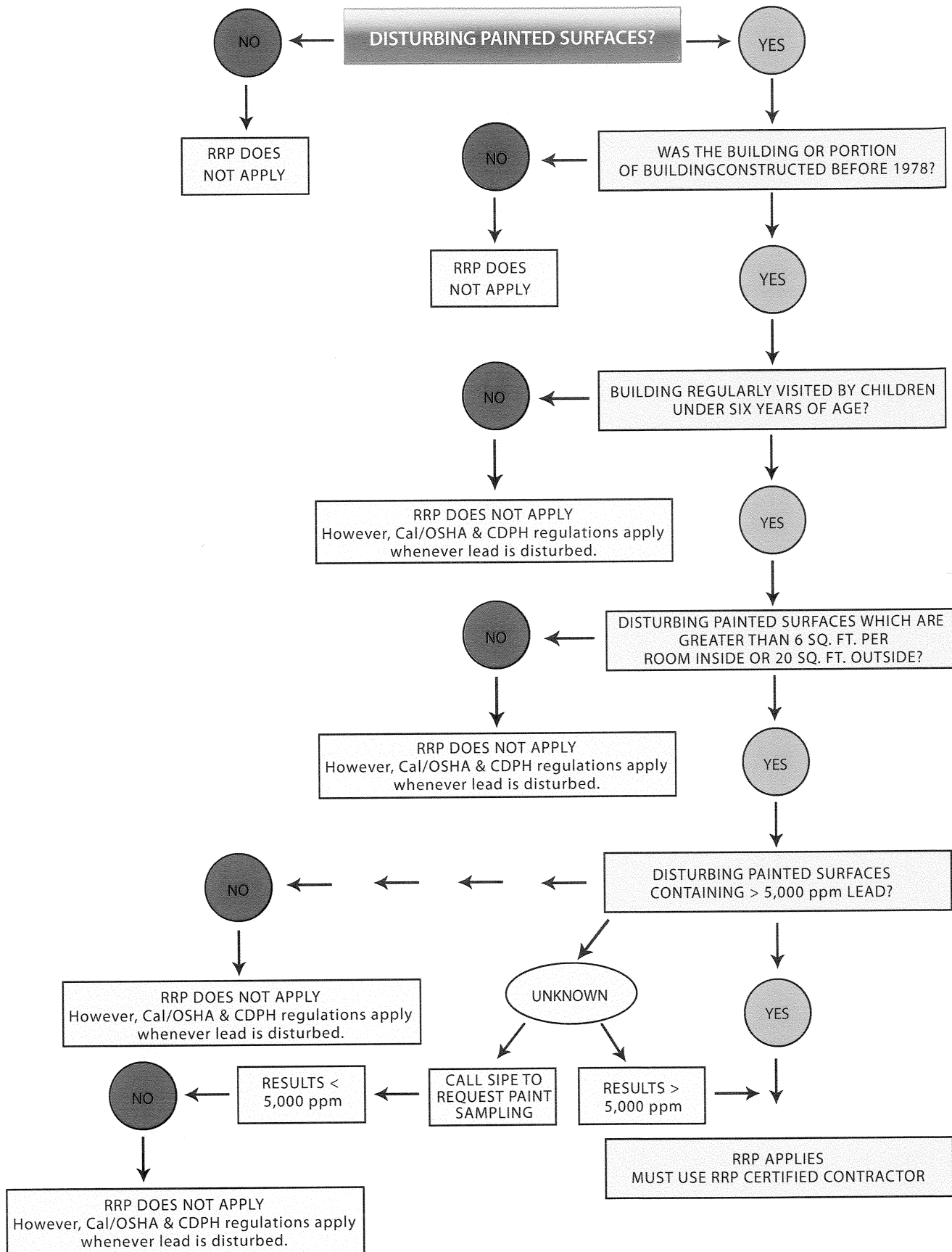
For more information, visit epa.gov/getleadsafe or call 1-800-424-LEAD (5323).

Sincerely,

Adrienne Priselac, Toxics Office Manager
U.S. EPA, Pacific Southwest



LEAD-BASED PAINT
RENOVATION, REPAIR, AND PAINTING PROGRAM (RRP)
FLOW CHART FOR THE PUBLIC SCHOOLS OF SAN LUIS OBISPO COUNTY
40 CFR PART 745, SUBPART E



NOTE: CAL/OSHA TITLE 8, SECTION 1532.1 AND CDPH TITLE 17
ALSO APPLY WHEN DISTURBING PAINTED SURFACES WITH ANY DETECTABLE LEVELS OF LEAD

CONTRACT LANGUAGE FOR PROJECTS WHICH DISTURB LEAD SURFACES

Contractors involved with demolition, renovation, painting, electrical, plumbing, heating, ventilating, and air conditioning projects in buildings will most likely come into contact with lead painted/varnished surfaces and/or lead-containing ceramic tile. It is the building owner's responsibility to notify contractors of the presence of hazardous materials which they could be exposed to during the project. Therefore, all contracts should have some general language notifying contractors of the presence of lead in paint, varnish, and ceramic tile in buildings.

If the project will disturb surfaces containing greater than 5,000 parts per million (ppm) lead which are more than 6 square feet inside or 20 square feet outside in a child-occupied facility (children less than 6 years old) constructed before 1978, the contractor must be a "Certified Renovator" in compliance with the Renovation, Repair and Painting (RRP) Program, 40 CFR Part 745, Subpart E.

If the intent of the project is renovation, demolition, repair, maintenance, painting, etc., a certified lead abatement contractor is normally not required. California Department of Public Health (CDPH) certification (ie: certified lead abatement contractor) is only required for projects when one of the following exists:

1. The intent of the project is the abatement of lead containing building materials or lead hazards.
2. The project could produce personal exposures to lead which exceed the CAL-OSHA permissible exposure limit.
3. The project is in response to an elevated blood lead level of a child.

If the building owner chooses, they can require a certified lead abatement contractor to conduct the work, however it will significantly increase the cost of the project. In addition, painted and varnished surfaces are located throughout most buildings and the majority of the projects will only disturb small amounts of these materials which normally do not merit the use and added cost of a certified lead abatement contractor.

Ceramic tile and painted or varnished surfaces should either be sampled or assumed to contain lead. Experience has shown that buildings built prior to 1993 will almost always have painted or varnished surfaces with some detectable level of lead. In these cases, it is best to assume there is lead and comply with the CAL-OSHA regulations rather than collect samples.

GENERAL CONTRACT LANGUAGE

The following language, as a minimum, should be provided in all construction related contracts as a hazardous materials notification and to prevent lead contamination in buildings.

The Contractor shall assume that all ceramic tile and painted or varnished surfaces in the building contain detectable levels of lead which trigger compliance with California Code of Regulations, Title 8, Section 1532.1. In addition, waste products from these materials could contain lead at levels which are subject to the hazardous waste requirements in the California Code of Regulations, Title 22, Sections 66260.1 - 66263.12 and 66268.1 - 66268.124 and the Health and Safety Code Section 25157.8 and 25163, subdivision (c).

It is the Contractor's responsibility to handle and dispose of these materials in accordance with the regulations. If failure to comply with these regulations results in a site or worker contamination, the Contractor will be held solely responsible for all costs involved in any required corrective action.

If the project involves painting the building, the following paragraph should be added to the general contract language.

It is the intent and purpose of this project to paint the building. First by removing any loose flaking and peeling paint using hand scraping/sanding techniques and then re-painting. This project is not a lead abatement and personal exposures are not expected to exceed the CAL-OSHA Permissible Exposure Limit (PEL) for lead. If a sub-contractor is specifically hired by the painting contractor to remove the loose flaking and peeling paint, it does not change the intent of the project which is to paint the building and therefore is not lead abatement and does not require CDPH certified workers.

If the project meets the requirements for the RRP Program (disturbing more than 6 square feet inside or 20 square feet outside in a child-occupied facility built prior to 1978 which contains lead coated surfaces in excess of 5,000 ppm), the following should be added to the general contract language.

The Contractor shall be a Certified Renovator and their employees trained in accordance with the Renovation, Repair and Painting Program. In addition to the Cal-OSHA requirements, all work shall be conducted in accordance with 40 CFR Part 745, Subpart E.

ADDITIONAL CONTRACT LANGUAGE

Although it is not required, the building owner may choose to add additional contract language for larger contracts to ensure contractors have an understanding of the lead requirements. The following language could be added to the general contract lead language if the building owner prefers to be more specific with their contract language.

The Contractor may use their employees to perform this work if the activity will not produce personal exposures to lead over the CAL/OSHA Permissible Exposure Limit (PEL) of 50 $\mu\text{g}/\text{m}^3$ and the employees have received the required training, personal protective equipment, and medical surveillance. The CAL/OSHA regulations for lead related work require, but are not limited to the following:

1. Worker Training (generally 8 hours)
2. Worker physical exams including blood monitoring for lead.
3. Warning signs and barriers to restrict access to the work area.
4. Personal Air Monitoring
5. Personal protective equipment such as respirators, disposable coveralls, and gloves.
6. Engineering and work practice controls to reduce exposure to lead such as wet methods and power tools attached to a HEPA vacuum.
7. Plastic drop sheets are required under the activity which will disturb the paint. All lead containing paint chips, dust, and debris must be collected and disposed of properly.
8. Worker Decontamination
9. Water or sand blasting of lead painted surfaces requires full containment, showers, and air supplied respirators.
10. Written Compliance Plan

Compliance with the Renovation, Repair and Painting Program would require additional measures and are not limited to the following:

1. Contractor/Certified Renovator and Worker Training in accordance with the RRP
2. Distribute lead pamphlet to parents of children before starting work
3. Containment set-up
4. Cleaning verification

In addition, the waste produced from these activities could be classified as hazardous waste and may require the contractor to collect samples to determine the appropriate waste disposal method.

To ensure the contractor is qualified to disturb lead/varnished surfaces or lead containing ceramic tile, the building owner could also require the contractor to provide any or all of the following documentation as part of their bid submittal package:

1. Lead Training Records
2. Previous Personal Air Monitoring Data
3. Medical Surveillance Program
4. Respiratory Protection Program
5. Written Compliance Plan
6. RRP Certification (if required)