

STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

A Synopsis of Lead Poisoning Prevention and Control Regulations

The Connecticut Department of Health Services' Lead poisoning Prevention and Control regulations became effective September 29, 1992. The primary goal of these regulations is the prevention of lead poisoning. These regulations were adopted pursuant to Connecticut General Statutes Sections 19a-111(c) and 19a-111(d). The regulations establish requirements and procedures for lead inspections and requirements for the abatement and management of materials containing toxic levels of lead.

Applicability - Section 19a-111-2

The regulations require that defective interior and exterior surfaces which contain toxic levels of lead and which are in a residential dwelling where children under the age of 6 reside must be properly abated. When a child resides in a dwelling requiring lead abatement, an assessment of interior dust and exterior soil must also be made. If the soil is found to be a source or a potential source of lead, the soil shall be abated. The regulations do not require that a child be diagnosed with an elevated blood lead level in order for the regulations to be applicable. The key words are "defective" and "residential dwelling where a child under age 6 resides".

In general, intact surfaces containing toxic levels of lead are not required to be abated. However, when a child has an elevated blood level then abatement shall include all lead-based chewable surfaces whether or not that surface is defective and all lead-based movable Darts of windows and surfaces that rub against moveable Darts of windows. A chewable surface means any projection one half inch or greater from an interior or exterior surface up to five feet in height that can be mouthed by a child.

When intact surfaces containing toxic levels of lead are identified in a dwelling in which a child resides and no abatement is required, the owner must have a lead management plan written within sixty days of receipt of the inspection results. This lead management plan must identify the location of intact lead surfaces and describe how these surfaces will be monitored on a regular basis by the owner to ensure that if they become defective, the surfaces will be identified and abated.

Definitions - Section 19a-111-1

The term "toxic level of lead" means a level of lead which:

1. When present in paint offered for sale for use on or in a residential dwelling contains more than 0.06 percent lead by weight, or;
2. When present in a dried paint, plaster or other accessible surface in a residential dwelling contains more than 0.50 percent lead by dry weight as measured by atomic absorption spectrophotometry, or more than 1.0 milligrams lead per square centimeter of surface as measured on site by an x-ray fluorescence analyzer.

The term "elevated blood lead level" means a blood lead level concentration equal to or greater than twenty (20) micrograms per deciliter (ug/dL).

Inspection Priorities - Section 19a-111-3(c)

Code enforcement agencies shall carry out inspections according to the following priorities.

1. **Elevated blood lead level:** As part of an epidemiological investigation of a child's elevated blood lead level, dwelling units in which the child under age six resides shall be inspected for toxic levels of lead by the local director of health. This epidemiological investigation shall begin within five working days after notification of the local director of health and be completed as expeditiously as possible.

Note: This inspection is required for a reported blood lead level: of equal to or greater than twenty (20) micrograms per deciliter (ug/dL).

2. **Other dwellings** - Other dwellings in the same building where a child with an elevated blood lead has been identified. These inspections must begin within thirty (30) working days and be completed as expeditiously as possible.
3. **Child day care services** - Before licensure or relicensure of a child day care center, group day care home, or family day care home by the Department of Public Health, the premises in which the services are provided must be inspected for toxic levels of lead.

Inspection, Reports and Notifications - Section 19a-111-3

During an inspection all defective and intact lead-based surfaces must be identified. The location of interior and exterior surface testing sites are detailed within Sections 19a-111 (a) (1) (A) and (B) of the regulations.

Whenever an inspector finds a toxic level of lead requiring abatement, the inspector shall report this to the owner, local director of health and the Commissioner of the Department of Health Services. This report shall include a properly completed copy of the inspection form prescribed by the Department of Health Services and shall be postmarked and sent by certified mail or hand delivered by the end of the second working day following completion of the inspection.

Within two days after receipt of an inspection report identifying toxic levels of lead requiring abatement, the owner shall have posted notice on each entrance to the dwelling unit or common area if affected. The notice must state that the dwelling unit contains a toxic level of lead which may be dangerous and which a child should not be allowed to mouth or chew. The owner must provide a summary report of the lead inspection and/or lead management plan, and the post abatement inspection report to the residents. Further, the owner must provide the residents with information, prescribed by the Department of Health Services, concerning the toxicity of lead and precautions that should be taken to avoid exposure.

When a dwelling is fifty years old or older and requires lead abatement, the owner shall within five working days after completion of the inspection report, postmark or hand deliver an inspection report and a good quality photograph of the property to the Connecticut Historical Commission. The commission will determine whether the property is historic in order to provide guidance on which lead abatement techniques are appropriate. The commission shall within ten working days after receipt of the inspection report and photograph send a written report of the building's historic status.

The local code enforcement agency shall issue an order to correct all defective lead-based surfaces requiring abatement and soil areas identified as a source, or potential source for elevated blood lead.

Abatement of Toxic Levels of Lead - Section 19a-111-4, 19a-111-5, 19a-111-7

When toxic levels of lead requiring abatement have been identified the owner shall have a written lead abatement plan prepared and submitted to the local director of health. Additionally, if the property is a certified historic property, the lead abatement plan must also be submitted to the Connecticut Historical Commission for review. Review of the plan by the Connecticut Historical Commission will be completed and state if the lead abatement proposes to use lead abatement techniques which are appropriate for historic properties. This written review shall be postmarked within ten (10) working days of receipt of the abatement plan and be sent to the owner and local director of health.

The local director of health shall ensure that lead abatement be completed in accordance with the time frames specified in the lead abatement plan and according to the schedule detailed below. However, the local director of health may shorten this time frame when it is deemed necessary for prevention of an imminent health hazard. If the plan requires revision, the local director of health shall establish a time table for development of a revised plan with the owner.

Child with an elevated blood lead level: In a dwelling unit in which a child resides with an elevated blood lead level, the owner shall submit a written lead abatement plan to the local director of health within fifteen working days of notification of inspection results. When the historic status of property is being reviewed by the Connecticut Historical commission, the owner shall submit a written lead abatement plan to the local director of health within five working days after notification and guidance from the commission.

Upon receipt of the plan, the local director of health shall review the plan and if determined to be incomplete, the local director of health shall notify the owner in writing within ten working days of receipt of the plan of the reasons why the plan was not complete and establish a time table for compliance. The owner shall initiate abatement of toxic levels of lead within forty-five working days of notification of inspection results.

Other dwellings - In a dwelling in which a child resides. but does not have an elevated blood lead level the owner shall submit a lead abatement plan to the local director of health within twenty working days of initial notification of lead hazard. Upon receipt of the plan, the local director of health shall review the plan and if the plan is found to be incomplete, the director of health shall notify the owner in writing within fifteen working days of the reasons why the plan was not approved and establish a time table for compliance. The owner shall initiate abatement of all toxic levels of lead in defective condition within ninety working days of notification of the inspection results.

Lead abatement may be done by licensed lead abatement contractors or the property owner. Prior to beginning a lead abatement project, the owner must give the affected residents a minimum of five working days written notice of the date abatement will begin.

Prior to abatement, the following precautions must be taken:

1. Warning signs must be placed at all entrances and exits to the abatement area.

2. Residents belongings must be moved from the abatement area unless otherwise approved within the lead abatement plan.
3. Residents shall not occupy a room or work area where on-site lead paint abatement is occurring.
4. Lead work areas where abatement is occurring must be sealed from the dwelling to prevent lead dust from leaving the abatement area.

Defective lead-based surfaces requiring abatement shall be abated by either replacement, encapsulation or removal methods. Repainting or the use of paper or vinyl wall covering without abating the defective lead-based surface does not comply with the regulations.

Post abatement clean-up shall include high efficiency particulate air (HEPA) vacuuming and washing with a tin-sodium phosphate detergent. To give airborne lead time to settle, the final clean-up should be scheduled to start no sooner than twenty-four hours after active abatement has ceased.

Prior to reoccupancy of the abatement area the lead inspector shall ensure through reinspection that the lead abatement plan has been followed. This reinspection shall include a test of every building component upon which removal of lead based surfaces has been performed to determine a level of lead less than toxic. Samples of dust must also be taken in each room in which abatement has occurred as required by regulations. After lead abatement has been completed in a dwelling unit according to the lead abatement plan and dust levels have been found to be in compliance with the regulations, the lead inspector shall issue a letter of compliance within five working days for that dwelling unit stating that the lead inspector has found the dwelling unit free of lead hazards.

Worker Protection - Section 19a-111-6

The employers of lead abatement workers are required to provide medical examinations and monitoring. Health monitoring must include periodic testing of blood lead levels. The employer shall ensure that all lead abatement workers wear protective clothing and equipment when performing lead abatement.

Reports to the Commissioner - Section 19a-111-8

Local code enforcement agencies shall submit a report to the commissioner by the fifteenth day of January, April, July and October for the previous quarter. This report shall list:

- (1) the medical status of all lead poisoned children,
 - (2) all uncorrected violations at the end of the previous quarter,
 - (3) all violations corrected during the previous quarter, and
 - (4) what legal action has been taken regarding each uncorrected violation
- amended 1996.