

# Lead Abatement Trainer Newsletter

## Michigan Department of Community Health Healthy Homes Section (HHS)

### The New HUD Guidelines - 2nd Edition, released 2012

In July of 2012 the Department of Housing and Urban Development (HUD) released the long awaited second edition of the HUD Guidelines. This "Lead Abatement Training Newsletter" is devoted to discussing changes, updates, and new information in the Guidelines. The revised Guidelines is a large document (over 900 pages). It is taking time to read and understand all the changes and ramifications to the Lead Abatement Program in Michigan. This newsletter is not intended to answer all questions regarding the revised Guidelines and how they affect you. The intent is to begin looking at some of the major changes and the impact they will have in this State. Detailed interpretive guidance will soon be available at the Healthy Homes Section (HHS) website at [www.michigan.gov/leadsafe](http://www.michigan.gov/leadsafe) under **Announcements**.

In this newsletter references to the HUD Guidelines will have a page number, for example 7-24 will stand for Chapter 7 and page 24 of that chapter. Also, within chapters there is an outline format to the information, so in addition to the page number there will be outline headings to indicate where in the chapter to look. For example, you might see after the page number something like III.B.2, which stands for section 3 of the chapter, sub section B, sub-sub section 2. Sometimes information such as which paragraph or which sentence have been included to make it easier

to find the information that is being discussed.

To obtain a copy of the HUD Guidelines you can go to [www.hud.gov/lead](http://www.hud.gov/lead). On the left hand side, near the bottom, under **Additional Resources** click on **Lead Regulations**. On the right hand side of the next page under **Related Information** click on **The HUD Guidelines**. You may also go to the Healthy Homes website listed above and find the **HUD Guidelines** under the **Announcements** link.

You may want to save a copy on your computer, or perhaps copy off specific sections that deal with the work you do.

You should spend time reading the New HUD Guidelines. This newsletter does not cover all the changes, nor does just reading this newsletter remove liability from not meeting the standards set in the HUD Guidelines.

Not everything in this newsletter is new to the revised Guidelines. Some of these items were in the old Guidelines, but have been overlooked or ignored. They are mentioned here because they are important to know.

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Volume 2 Issue 2

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### **Important!!! Read This if Nothing Else:**

In Michigan's Lead Hazard Control Rules 325.99401(2)(a) the HUD Guidelines are adopted as "documented methodologies" and are enforceable by the State of Michigan. There will be a phase in period where violations may be treated as "compliance assists." By June of 2013 it will be expected that certified lead professionals are aware that changes have been made to the HUD Guidelines and they will be held accountable if violations are found on lead abatement work sites.

# Work Site Preparation:

8-4 Introduction (2nd paragraph) - Containment refers to various methods of preventing lead dust from migrating beyond the work area. Containment includes a variety of measures, including the use of disposable, impermeable protective sheeting as drop cloths (polyethylene plastic), the sealing of doors and vents with such plastic using tape, and measures taken by workers to keep from tracking lead dust into non-work areas.

**GUIDANCE (yet to be finalized): In the future the wording of the violations will be changing. Instead of “contractor failed to use plastic sheeting...”, the new wording will be more like “Contractor failed to implement a containment system to sufficiently protect the floors from contamination.”**

**This adjustment will take into account that there are some instances plastic that is thinner than 6 mil may be used, and key becomes how well floor protection is deployed in the work area.**

8-4 I. (5<sup>th</sup> paragraph) Things required of the Guidelines are labeled “must” be done. Things that are recommended are labeled “should” be done. Discretionary items are labeled “optional”. The Department will begin in this newsletter, and continue over the next several months, to provide interpretive guidance for the “should” and “optional” items.

8-13–23 Table 8.1

In Tables 8.1, 8.2, and 8.3 of the old HUD Guidelines work site preparation was determined primarily by the amount of area to be disturbed and/or the length of time the project would take. The revised Guidelines, in table 8.1, determine work site preparation primarily by the amount of dust being generated. The designations in the New Guidelines are Low-Dust Jobs and High-Dust Jobs – found on pages 8-13 to 8-23.

8-14 (Table 8.1– Low-Dust Jobs) If residents are not relocated then the residents need access to sleeping area, bath-

**The revised Guidelines, in table 8.1, determine work site preparation primarily by the amount of dust being generated.**

room, and kitchen facilities.

8-15 (Table 8.1– Low-Dust Jobs) For low dust activities it says 6 mil or less may be used depending on the situation.

8-15 (Table 8.1– High-Dust Jobs) For high dust activities it says contractors “should” use 2 layers of 6 mil plastic on the floor.

8-24 III.C. (1<sup>st</sup> paragraph) It says that screens or windows on a porch make them “interior rooms” for worksite preparation.

8-25 III.C.2 (1<sup>st</sup> full paragraph) On exterior work: No gaps are permitted between wall and plastic, ladders

should not be on plastic, and if power washing is done containment should be designed by an “experience lead abatement supervisor.”

8-25 III.C.2 (2<sup>nd</sup> full paragraph) On exterior work: If doorway is closer than 20’ to work area place a “shroud” above and on the sides of the door area and make an airlock at the door and use a tack pad for shoes.

8-27 III.D. (1<sup>st</sup> paragraph) Windows are only a “low dust” activity if Interim Controls are used.

8-27 III.D. (2<sup>nd</sup> paragraph) If storm window can’t be closed or plastic put up to prevent wind from entering the window opening, then Table 8.1 (pages 8-14 to 8-16) interior worksite preparation should be followed. This means the entire floor should be covered with plastic.

8-30 IV.A.5 Relocation exemption for elderly residents. This discusses that elderly residents may receive a relocation exemption, meaning they could stay in the residence just not in the work area. It specifically discusses that the exemption is for “housing for the elderly” not just housing occupied by the elderly. A form needs to be signed by the resident. A sample of a consent form is on page 8-31.

8-34 On-site clearances may be done, but mobile labs have to be NLLAP accredited and no labs in Michigan currently offer this service.

## Cleaning:

14-9 III. (1<sup>st</sup> paragraph) HEPA, wet wash, HEPA a “proven” cleaning procedure. It goes on to say, “However, it may not be necessary to use all three steps on all surfaces.”

14-12 III.D. (1<sup>st</sup> paragraph) HUD no longer recommends TSP for use as cleaning agent on abatement work.

14-16 IV.C.3 Exterior Cleaning (last two sentences of paragraph at top of

page) Exterior debris, “should be raked or vacuumed...” and “Vacuuming is appropriate for hard exterior surfaces, but not for soil.”

## Encapsulation:

13-9 II.B. (1st paragraph)

A patch test and surface preparation are required before an encapsulant is used for lead abatement. The purpose of the patch test is mainly to determine if the encapsulant will adhere to the surface layer of paint.

13-9 II.B. Last Paragraph, 3rd sentence. It states the need for an X-cut adhesion

test of old layers of paint to determine if the old layers of paint are adhering well enough to each other. This is a different test than the patch test for the encapsulant.

13-17 VI.B. (1<sup>st</sup> paragraph)

Surface prep requirements. "All encapsulant manufacturers provide surface preparation recommendations for their

products." These recommendations must be followed for the encapsulant to perform properly. Page 13-17 lists general prep procedures.

13-18 VI.C Field Patch Tests

There is a good step-by-step procedure for doing patch tests for liquid-applied encapsulants.

## Lead Inspections:

7-9, 10 I.A.4

Rental Property Owners (RPO's) and home sellers should be made aware by the lead inspector or risk assessor that they have an obligation to notify home buyers and tenants of lead paint issues in the residential dwelling. Suggested language for the notice to RPO's and home sellers is on pages 7-34, 35 (IV.I.3).

7-13 I.G (1st paragraph 1st sentence) "...paint-chip analysis is not recommended because it is time consuming, costly, and requires extensive repair of painted surfaces."

[GUIDANCE: At this time the State of Michigan has not disallowed doing a Lead-Based Inspection with paint chips, but the State also discourages the practice for the reasons listed above. Also, bear in mind that to do a compliant lead inspection by taking paint chips you need to take about the same number of paint chips as you would XRF shots, and that is likely to make the paint chip inspection more expensive than an XRF inspection when considering the time to take the samples and the lab costs to have the samples processed.](#)

7-21 IV.A.4

Regarding tubs and tiles: The glazes "...are not considered lead-based paint..." and "...their presence does not need to be included in disclosure under the Lead Disclosure Rule." (See appendix 6 for more information)

[GUIDANCE: It is true that if smashed, tubs and tiles may release lead dust, so if it is known that they will be removed, then it may be a good idea to sample them. It is not a violation of any rules or regulations to test tubs and tiles for lead, but a disclaimer should be in your report that tubs, tiles and similar items are not painted surfaces and under most circumstances would not be considered when addressing lead-based paint hazards.](#)

**For random sampling grouping the buildings need to 1) be built at about the same time, 2) have similar paint history, and 3) be of a similar type (or style), of construction.**

7-22 IV.B.2 (paragraph 2)

Paint chip sampling allows for one wall to be sampled and not all four because of the destructiveness of sampling.

7-25 IV.C. (1<sup>st</sup> paragraph at top of page)

The inspector should include source age of XRF in field notes or in the Inspection Report.

7-26 IV.D.2 (1<sup>st</sup> full paragraph)

Requirement for taking calibration checks. Also, states what not to do calibration checks on - "The NIST SRM film should not be placed on a tool box, suitcase, or surface coated with paint, shellac, or any other coating. Rather, the NIST SRM film

should be attached to a solid (not plywood) wooden board or other non-metal rigid substrate such as drywall, or attached directly to the XRF probe."

7-34 V.

There has been some discussion regarding what is the required information that necessary to group buildings and apartments for random sampling. On page 7-34 V. (2<sup>nd</sup> paragraph, last sentence) It states, "The number of units tested is based on the date of construction and the number of units in the housing development."

7-35 V.B. (end of 1<sup>st</sup> sentence) says, "...with a common construction based on written documentation or visual evidence of construction type." Also the 3<sup>rd</sup> sentence in that paragraph states, "For example, if two buildings in the development were built at the same time by the same builder and appear to be of similar construction, all of the units in the two buildings can be grouped for sampling purposes." Addendum 1, 7-56 B. (2<sup>nd</sup> paragraph, 2<sup>nd</sup> sentence) where it states, "...buildings with a common construction and painting history were identified and the date of construction - 1962 - was determined."

The conclusion will be: For random sampling grouping the buildings need to 1) be built at about the same time, 2) have similar paint history, and 3) be of a similar type (or style), of construction.

## Risk Assessments:

5-13,14 (Introduction A.5.) Selective Testing. The HUD Guidelines allow for selective testing before rehab, renovation, or maintenance activities. Selective testing is not allowed for lead abatement activities.

5-18 I.C.2 HUD Guidelines do not recommend assessing all lead hazards, only the most likely hazards (lead-based paint). This is the explanation for not sampling tubs and ceramics.

5-20 II.A.1 Sketch should be done before resident questionnaire.

5-24 II.D.3 (Hazard Definition) Any deteriorated paint is a hazard. There is no intact, fair, and poor condition designations. Hairline cracks and nail holes still exempt (last sentence of first paragraph of “What to Look For” on page 5-24). Actually, EPA in CFR 40 745.65(a) eliminated the “intact”, “fair”, and “poor” designations back in 2001. The HUD Guidelines were not updated at that time and the intent of EPA’s changes were not clearly communicated, so the new defi-

nition of a “Paint-lead hazard” (EPA citation above), were not widely accepted or understood by many people until the release of the New HUD Guidelines.

5-24 II.D.3 (bottom of page) Causes of paint deterioration are listed. Causes should be in the report, if known.

5-26 II.D.3 (Field Report) Form 5.2 (found on page 5-102), “can” be used, but it is not required, but good to use. More effort is required by risk assessors to identify “cause of deterioration” and this form has spaces to add that information.

5-38 II.E.1 (1st bullet point on page) Spike samples not required. Not necessarily new information, but new in the HUD Guidelines. A good explanation of why spike samples are no longer required is given there.

5-39 II.E.2 It recommends selecting rooms for dust wipe sampling in order of importance by where children spent the most time in the residence.

5-66 III.B.1 Re: Multi-family projects; if any sampled dwellings contain

identified lead hazard, all similar unsampled dwellings should also be presumed to contain similar hazards.

5-94 - 98 New re-evaluation protocol. Re-evaluation recommendations are no longer in chapter 6. There is no longer any table 6.1 to insert in the risk assessment report to meet the re-evaluation and on-going monitoring requirements. Pages 5-95 and 5-96 give the most specific information regarding re-evaluation schedules in the revised guidelines.

5-99 New and improved form 5.0. The new HUD form 5.0 has added information that is required. If you choose not to use the new form 5.0 be aware that you cannot use the old form 5.0 as the information requested is different.

5-102 New form 5.2—visual assessment form. This form, as all HUD forms, is recommended but not required, but the information in the forms is required. If the sample HUD forms are not used, then the lead professional must develop a form or some other method that captures all the required information.

## Clearances:

15-12 IV.A.1 (Category 2) New requirement for an additional sample to be taken outside of containment. One near entrance to containment area (past requirement), plus one sample taken along passageway to exit of building.

15-17,18 V.A. Visual Assessment.  
- “Nail holes and hairline cracks are not considered deteriorated paint”  
- “chalking is a form of paint deterioration” and must be identified by the clearance examiners.  
- “all deteriorated paint should be recorded on a form”

GUIDANCE: 1) Do not consider nail holes or hairline cracks as deteriorated paint. 2) Look for and report all chalking paint as deteriorated paint. 3) Record all areas of deteriorated paint, dust and debris on form 15.1 or equivalent.

4) Give form 15.1 to the owner and/or contractor identifying exactly where deteriorated paint, chips and/or dust has been found.

15-25 VI.B.3 - Clearance Dust Sampling Sealant Application

“Wipe samples should be collected after any application of a sealant on a rough, unfinished, horizontal surface, such as a floor or window sill, not before.” “It (sealant) is recommended for wood and concrete surfaces that are not coated with paint, varnish, polyurethane, or other coating.”

15-27 Table 15.1 - Left hand column, upper box, last paragraph: If the area to be cleared consists of only one room, then three samples should be taken within the contained area; a floor, a window sill, and a window trough.

15-27 VI.C. Table 15.1 (Category 2) Clearance With Containment.  
- “One floor sample outside of, and within 10 feet of, each containment area”  
- “One floor sample along each passageway used by workers walking to and from the work area”  
- “Closets are not considered separate rooms unless they are unusually large”  
- “The first priority is to sample rooms where most of the dust-generating work was done.”

GUIDANCE: 1) As before one floor sample shall be taken outside the containment entry, but within 10 feet. 2) Additionally one floor sample shall be collected along each passageway used by workers walking to and from the work area. 3) If the passageway fails dust sampling then this failure represents all floors on the same level. (continued next page)

# Clearances Continued:

The contractor must clean all floors outside the passageway. The Clearance examiner shall re-test the area of failed clearance on the passageway and all adjacent floors to the passageway. 4) sample areas inside the containment area where the most dust generating work was performed if known.

15-34 VII.B. (2nd paragraph)

**Clearance Soil Sampling** - "Soil sampling, however, should be conducted if, contrary to the prohibitions of EPA and HUD regulations and the recommendations of these *Guidelines*, exterior paint was removed by abrasive blasting, power washing or large-scale power sanding without local HEPA exhaust and full containment."

GUIDANCE: the clearance examiner should conduct a bare soil test if abrasive blasting, power washing or large scale power sanding without HEPA controls was used.

15-37, 38 VIII.A. Recommends visual clearance by professional before repainting.

## Where Michigan Law Vs. the HUD Guidelines:

The State of Michigan, in the Lead Hazard Control Rules (R325.99401(2)(a)), has adopted the "Guidelines for the Evaluation and Control of lead-Based Paint Hazards in Housing," better known as "The HUD Guidelines." These guidelines are considered the "industry standard" except where State law is more protective. There are several instances of where State law is more protective and therefore supersedes the HUD Guidelines. The following list may not include all cases of where current State law is considered more stringent than the HUD Guidelines, nor does it presume that there might not be future changes to State law that would change this list.

<p><b>LEAD ABATEMENT ACT</b></p> <p>Act Nos. 219 &amp; 220, Public Acts of 1998          Act No. 644, Public Acts of 2002          Act Nos. 400, 431, 432, 433, 434; Public Acts of 2004          Amendments to Michigan Public Health Code          Act 368 of Public Acts of 1978</p>	Vs.	<p><b>Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing</b></p>
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1. The HUD Guidelines allow for lead hazard screens. In amendments made to the Lead Hazard Control Rules in 2005 lead hazard screens were removed as an allowable work practice in the State of Michigan.
2. The New HUD Guidelines continue to allow the taking of composite dust and paint sample, though they don't recommend that they be taken. Michigan Rule (R325.99401(5)) states: "Composite dust or paint samples shall not be used."
3. The HUD Guidelines state that for a Risk Assessment four rooms need to be sampled. The Lead Hazard Control Rules state in R325.99404(5): "(5) In residential dwellings, the risk assessor shall collect the following dust samples in not less than six representative rooms, hall ways, stairwells, or room equivalents:" Six rooms must always be sampled, unless there are less than six rooms.
4. For a Risk Assessment the HUD Guidelines say that window troughs do not need to be sampled for a Risk Assessment. Michigan Rule R325.99404(5)(b) states:

"One dust sample from a window sill or trough, if available, in each selected room, hallway or stairwell. Dust samples from windows shall be collected by alternating the sill and trough in each room to the extent possible."

5. The HUD Guidelines do not require any special certification, other than Risk Assessor, to be an Elevated Blood Lead (EBL) Investigator, while in Michigan the Hazard Control Rules at R325.99302(7) states that in addition to being certified as a Risk Assessor they must, "Pass a written proficiency examination for EBL investigator."
6. The HUD Guidelines discuss how an EBL Investigation differs from a Risk Assessment, but doesn't establish a specific protocol for EBL Investigation. The Lead Hazard Control Rules at R325.99405(1) (second sentence), states, "The EBL investigator shall conduct the EBL environmental investigation in accordance with the procedures in the Michigan Department of Community Health document entitled, "Environmental Investigations for Children with Elevated Blood lead Levels".
7. The Lead Hazard Control Rules, R325.99.405(2), state requirements for the EBL environmental investigation report. The rules say, "The EBL investigator shall prepare an EBL environmental investigation report for each investigation in accordance with pertinent parts of the field guide." The HUD Guidelines do not have report format specific information.

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**Healthy Homes Section  
Mission Statement**

To improve the health and wellbeing of Michigan citizens by promoting safe and healthy home environments through comprehensive home-based intervention programs, lead certification and regulations, public education and outreach, and statewide partnerships.

## Parting Words (the second most important thing to read):

In a newsletter like this, it is impossible to completely examine and evaluate a document the size of the HUD Guidelines. The intent here is to list some of the more important, or potentially more controversial issues, and hopefully, by comments and feedback from you, to find out what is important to you, the people doing lead abatement activities in Michigan.

Eventually, when all the dust settles concerning the revised HUD Guidelines, many things about doing lead-based paint abatement work should be clearer and easier to understand. When the HUD Guidelines were originally written back in 1995, there was no history to look back on and insufficient research to know how things would work out in 10 or 15 years. Now that time has passed, the writers of the revised guidelines were able to look at the results from the last 17 years and determine what has worked and what hasn't. They eliminated the things that weren't working, or have modified practices in light of improvements in procedures, or in view of more research or data.

Each chapter has a Table of Contents and a "How To Do

It" section at the beginning of each chapter and a list of references at the end. The "How To Do It" sections are very helpful at giving a brief step-by-step of procedures for each topic. Also, the appendices have been improved. There are several places in the Guidelines where the appendices are referred to. In most cases the appendices give useful information, either giving more background information or explaining how things were researched and decided. If the appendices are referred to, it is a good idea to check them.

We realize that the revised HUD Guidelines and this newsletter will generate lots of questions. We welcome them. We might not have an immediate answer for every question, but we do our best to find an answer.

If you have specific questions call 517-335-9390 and your call will be directed to the appropriate staffer in the Department. To email a question send it to Jay Wagar at [www.wagarj@michigan.gov](mailto:wagarj@michigan.gov) and your question will be directed to the appropriate person for an answer.

*The Healthy Home Section is looking for your input to make this newsletter a helpful and useful resource for training providers and certified lead professionals. We would like more articles from trainers and certified lead professionals, or suggestions about what we should address in the future. Direct your questions, concerns, comments or ideas to*

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