

The Lead Abatement Newsletter

Michigan Department of Community Health Healthy Homes Section

Contractor & Risk Assessor Workshop—2013

The annual Contractor, Risk Assessor & Trainer Workshop was held on August 8, 2013 at the Opera House in Grand Ledge, Michigan. There were over 100 people in attendance.

The three most significant topics of the day were the announcement of the 1.25 million dollar award that the Healthy Homes Section (HHS) received from the State of Michigan; the release of the new Risk Assessment Report Template; and the revisions, and additions, to the Interpretive Guidance questions that the Healthy Homes Section maintains.

Details regarding the monetary award from the State, and possible opportunities for lead abatement work that will be available are discussed in the article below.



HHS staff member Steve Smith revised the State's Risk Assessment Report template to be compliant with the 2012 Revised HUD Guidelines. It is not a requirement that this report template be used when doing risk assessments, but it

does meet all the requirements for State and Federal regulations. It can be added to and customized to meet individual needs. A copy of the template can be obtained from the HHS website at: www.michigan.gov/leadsafe >

State Certified Lead Professionals > Forms and Resources > Lead Professionals. Mr. Smith also updated the abatement clearance report template.

On page three of this newsletter there are a few of the new Interpretive Guidance questions that were discussed at the workshop. A link to the whole list is provided there. The list has already been reorganized and some additions have been added since the workshop. The Department's intent is to review the Interpretive Guidance questions more regularly, to insure answers are current and correct, and the Department will be more diligent in writing new guidance responses to your questions. Please remember to check the website for the latest version if you have questions.

September, 2013

Volume 3 Issue 1

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Opportunities for Abatement Contractors:

Because of tireless efforts by the Michigan Alliance for Lead Safe Housing, Michigan Environmental Council and lead advocates statewide, the Michigan Department of Community Health was informed in June that the Michigan State Legislature approved \$1.25 million for the Department for Lead Abate-

ment services. This was a huge victory for the Alliance and lead advocates statewide. The champions for the funding, Senator Bruce Caswell (R-District 16) and Representative John Olumba (D-District 003), have directed that this funding be used for residential lead remediation services statewide.

Because of this new funding, the MDCH, Lead Safe Home Program is in need of more contractors to perform the abatement work. If you are interested in working as a lead abatement contractor for the program and would like more information, please visit our website at: www.michigan.gov/leadsafe > Help for Lead Safe Homes

> [Application for Lead Safe Housing Program \(LSHP\) Vendor](#), or call Carin Speidel at (517) 335-9833 for details of the program and a vendor contractor application.

The money for these projects becomes available on October 1st, 2013 and must be spent within a year.

Exam Issues:

Since the last newsletter a new combined Inspector/Risk Assessor exam has been developed and released. HHS staff reviewed the original Environmental Protection Agency (EPA) learning objectives for the Inspector and Risk Assessor exams. During the review process it was noted that some of the EPA learning objectives were outdated, so they were modified. It was also noticed that there were a few learning objects that were not sufficiently covered in the existing Michigan exam. As a result the exam has been lengthened. The new Inspector/Risk Assessor exam will have

a total of 155 questions.

The goal was to develop an exam that better reflects information and practices that are necessary to perform compliant Inspections, Risk Assessments, combinations and clearances.

The new Inspector/Risk Assessor exam will have 155 questions.

The main additions to the exam are: 1) The Michigan specific questions have

been incorporated into the exam, 2) There are more questions regarding Inspections and Risk Assessments in multi-family housing structures. 3) There are more general questions about how to do lead inspections.

Questions dealing with paint chip sampling and Occupational Safety and Health Administration (OSHA) issues were reduced.

As you take the exam we would appreciate your comments and input. We are continuously trying to improve the examinations that we administer.

Enforcement/Certification/Citations:

Recently the department has noticed there has been an increase in the number of enforcement citations due to lapsed certifications and the lack of lead abatement notifications. We are currently reviewing all lead abatement notifications received from lead abatement contractors. Once we receive the notifications we check to ensure the contractor, supervisor, inspector or risk assessor listed all have current lead certifications. Several citations have a resulted from this process of verifying the certifications.

The Department recommends: When you get awarded a lead abatement job **the first thing you should do** is pull out your lead contractor certification and verify it is current. Also, check any individual(s) that will be working on your lead abatement job for current certification. Ask for a copy of their current lead abatement certification card. If they say they don't have it, it may be lapsed. You may go to the Healthy Homes Section (HHS) website at: www.mi.gov/leadsafe and look under the **Find Certified Lead Professionals and Contractors** link, or visit www7.dleg.state.mi.us/free where you

can verify a certification if you know the name or certification number of the individual or contractor. You may also contact the HHS office directly (517-335-9390), to verify the certification status of any individual or company.

It will be much cheaper to take the extra steps in verifying certifications, then it will be to pay the citation. Make copies

Please remember that every year, in January, you will receive a letter from the department that alerts you to pay your annual fee, or your need to take your refresher and State exam again. If your certification is current when we generate the mailing lists a letter will be sent. If you are not current or you have moved without giving HHS a forwarding address you will not receive a letter.

To help you renew



your certification card, please look at the

front your card. It has two dates. The upper date (in red), tells the date to pay your next annual fee. The lower number (in blue), tells the date when you need to have your next refresher and exam completed.

If there are ever any questions please call.

Interpretive Guidance:

At the Contractor, Risk Assessor, and Trainer Workshop there were about 20 guidance questions announced and discussed. There isn't room here to go through all the questions discussed at the work shop, but several of the new items, and significant changes will be shared here. For a list of all Healthy Homes Section Interpretive Guidance questions you may go to our website at www.michigan.gov/leadsafe and then go to the "Announcements" link.

A-10. Question: If a risk assessment is performed in the winter and there is snow on the ground are risk assessors required to take soil samples?

Response – Yes, a risk assessment is not complete until soil samples are taken, provided bare soil is present, and that can't be determined if the ground is covered by snow. Snow cover does not remove the necessity to sample soil. Serious hazards may exist. The Department is adopting, as a policy, June 1st as a date by which soil samples must be taken for risk assessments done in the winter where snow prevented the taking of soil samples. It is advised that additional expenses that may be incurred be discussed with the customer or agency paying for the risk assessment prior to performing the work.

A-26. Question: Under the Revised HUD Guidelines of 2012 what are the paint condition designations to be used by risk assessors to determine lead paint hazards?

Response – Under the Revised HUD Guidelines the paint condition designations are "Intact" and "Deteriorated." The term "Fair" has been done away with. Any damage greater than a "nail hole" or "hair line crack" is considered deteriorated, (Revised HUD Guidelines 2012 page 5-24, end of 2nd paragraph). Lead-based paint, or assumed lead-based paint is considered a hazard if it is in deteriorated condition.

A-27. Question: We have started lead abatement work on a rehabilitation project that will require more work to be done once the lead abatement is completed. Since HUD requires a clearance at the end of the project, do we have to have a clearance conducted at the end of the lead abatement activities?

Response – Yes, lead abatement site is considered a lead abatement site until a full clearance is conducted and passed. One of two things must occur when the lead abatement activities are finished.

1. The abatement worksite must have a full clearance conducted and passed before other non-abatement certified personnel can enter what use to be the abatement worksite.

2. If a clearance is not conducted and passed, all workers entering the abatement site would be required to be lead abatement certified, including plumbers, painters, carpenters, etc., until a full clearance is passed. In a case that occurred in March of 2013 both HUD and EPA were consulted and confirmed that the above statements were the correct and appropriate guidance for lead abatement projects.

B-24. Question: Under the Revised HUD Guidelines of 2012 tables 8.1, 8.2 and 8.3 have been done away with and replaced with the terms "high dust activities" and "low dust activities" to determine the appropriate containment procedures and the amount of plastic to be used on lead abatement projects. Can it be clarified how these new terms are to be used on lead abatement worksites?

Response – The short definition of a "low dust activity" is found in Table 8.1 on page 8-13 of the Revised HUD Guidelines 2012:

"A low-dust job creates a small amount of dust that will not spread beyond 6 feet from the painted surfaces being disturbed, depending on the type of work performed."

Four things must be considered for a work activity to be a low-dust generating activity.

1. Will the work activity itself fall in the low-dust generating category?
2. Are the windows and doors shut, HVAC system turned off and sealed and fans turned off preventing air from flowing through the work area?
3. Is all of the dust and debris falling on the plastic and not going beyond the 6 foot workspace?
4. Are there measures in place to prevent tracking of dust and debris?

If the answer is yes to all questions then the work is considered low-dust generating.

Anything else is a "high dust activity." The Healthy Homes Section is also stating that if outside air is coming into the contained work area, then a "low dust activity" will become a high dust activity. The 2012 HUD Guidelines allow for window repair and interim control work to be considered a "low dust activity," but only if plastic is taped in place to prevent air from coming in, or a storm window is present that can be tightly seal and gaps sealed with tape if necessary. If there is no plastic or storm window in place, then it is considered a "high dust activity."

See pg8-27 in the 2012 HUD Guidelines for specifics about windows. Look in section **D. Worksite Preparation for Windows.**

Refer to Table 8.1 in the 2012 HUD Guidelines for more detailed information regarding "low dust" and "high dust" activities.

C-1. Question: Under the Revised HUD Guidelines of 2012, when on a lead abatement job, if part of the house is contained how many dust wipe samples need to be taken outside of the containment area.

Under the 2012 Revised HUD Guidelines the answer has changed. Now potentially two samples are required. In Chapter 15: Clearance, page 15-27 in the Category 2 box it says to take "One floor sample outside of, and within 10 feet of, each containment area." It goes on to say you should take, "One floor sample along each passageway used by workers walking to and from the work area." If the entrance of the containment is within 10 feet of the exit of the home, then one sample is sufficient. If the entrance of the containment is more than 10 feet, then two samples would be necessary.

C-27. Question: If lead hazards are being treated on the exterior of the residence only, is an interior clearance required?

Response – In the Revised HUD Guidelines of 2012 on page 15-13 under the heading **2. Clearance Area Following Exterior Work** it says:

"Exterior areas must be cleared following work that has disturbed or may have disturbed exterior lead-based paint. Interior clearance is not necessary following exterior work if the only work being done is on the outside and if there is dust containment due to a tightly closed opening between exterior and interior spaces (e.g. window and/or door). In this type of containment, windows, doors, vents, and other building openings near the work area are sealed or tightly closed to prevent migration of dust from the outside to the inside during the work."

If you are working on the exterior of a house, and windows and doors are not opened while the work is being performed (siding, trim, soffits, etc.), the work is strictly an exterior project not subject to any interior dust wipes. If you are working on the exterior of windows and doors it may change the picture. Page 15-13 goes on to say:

"If building openings near the work area are not sealed or tightly closed, clearance must be conducted in interior spaces that may have been affected."

Continued on page 4.



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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.

Interpretive Guidance: continued from page 3.

If you are painting the exterior casing on a window or door, and you do not need to open the window or door, it is an exterior project only and no interior clearance required. If, on the other hand you are painting the jambs, the sashes, the door, the threshold, the trough, etc., essentially anything where you would have to open the window or door to complete the task, then an interior clearance would be required. The contractor performing the work has two choices:

- 1) He can erect containment on the interior to prevent the dust from traveling throughout the house, whereupon you would need to take a sample from a floor and window (if available) and one outside the containment in the house within 10' of the containment, or
- 2) The contractor can choose not to put up containment which would require a whole house clearance to be done.

To summarize: If you are working on windows and doors and need to open them to perform the specified activity then an interior clearance is needed. Containment or lack of containment would then determine how many samples need to be taken inside.

Parting Words Regarding Enforcement:

When enforcement actions are performed and citations written, often the lead abatement contractors and certified lead professionals ask, "Why are you citing us? We're the good guys. We're trying to make things better."

By and large that is true, but sometimes the focus appears to get lost. In attempts to make the house more structurally sound, weather tight, or esthetically pleasing concerns regarding lead safe work practices are forgotten or at least marginalized. You,

the abatement professionals and contractors, have been trained and educated so that you can produce the best examples of lead-safe work. When there are problems regarding how the work has been done the Department is required to take corrective action.

It must be remembered that the priority of lead abatement work is to protect children and other family members from exposure to lead-based paint hazards and from getting elevated blood lead levels.

New research continues to show that lesser and lesser amounts of lead may cause permanent damage to children and also to adults. The goal of the Healthy Homes Section, is to ensure a safe living environment for the children we are mandated to protect, as well as their families, and also to provide a safe working environment for those performing lead abatement work. Sometimes it takes enforcement actions to ensure that everyone is protected and kept safe from lead-based paint hazards.

The Healthy Home Section is always looking for your input to make this newsletter a more helpful and useful resource for training providers and certified lead professionals. We are soliciting articles from trainers and certified lead professionals, or suggestions about topics we should address in the future. Direct your questions, concerns, comments or ideas to Jay Wagar at: wagarj@mi.gov, or call 517-335-8466 or mail to

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