

MIOSHA Fact Sheet

MIOSHA and EPA Lead Rules:

What's the Difference?



MIOSHA and the Environmental Protection Agency (EPA) are both governmental agencies, however, the rules they enforce are significantly different when it comes to contractors performing demolition, renovation, and/or repair to structures that may contain lead-based paint or coatings. MIOSHA rules and regulations are designed to protect the **employee**, while the EPA rules and regulations focus on protecting **the environment and the general public**. Contractors must comply with all agencies' rules and regulations.

What is the EPA Lead-Based Paint Renovation, Repair and Painting Program (RRP)?

The Lead-Based Paint Renovation, Repair and Painting Program (RRP) is a federal regulatory program affecting contractors, property managers, and others who disturb painted surfaces during work operations. It applies to residential houses, apartments, and child-occupied facilities built before 1978.

Pre-renovation education requirements:

- Contractors, property managers, and others who perform renovations for compensation in residential houses, apartments, and child-occupied facilities built before 1978, are required to distribute a lead pamphlet to owners, tenants, and child-care facilities before starting renovation work. This regulation is enforced by the Michigan Department of Health and Human Services.

Training, certification, and work practice requirements:

- Contractors are required to be EPA Lead-Safe certified, and their employees **must** be trained (either as a certified renovator or trained by a certified renovator while on-the-job) in the use of lead-safe work practices, as well as in lead-safe work practices that minimize exposures to lead hazards. These safe-work practices must always be followed.
- RRP Certification does not allow the contractor to conduct lead abatement. To find out more information about lead abatement and becoming certified, visit www.michigan.gov/leadsafe or call 866-691-5323.

Renovation is broadly defined as any activity that disturbs painted surfaces and includes most repair, remodeling, and maintenance activities, including window replacement. The program includes requirements implementing both Section 402(c) and 406(b) of the Toxic Substances Control Act (TSCA). EPA's lead renovation regulations can be found at [40 CFR Part 745, Subpart E](http://www.ecfr.gov/title40/chapterI/part745/subpartE).

MIOSHA Requirements - Employer Responsibilities

The MIOSHA Construction Standard [Part 603, Lead Exposure in Construction](#) (Part 603) applies to all construction work operations where an employee may be occupationally exposed to lead. Any employer who has a workplace or operation that is covered by the standard is required to initially determine if employees are exposed to lead at or in excess of the eight-hour Action Level of 30 ug/m³ (micrograms per cubic meter of air). If work operations include tasks such as spray painting with lead paint, manual demolition or disturbance of any structure that contains lead paint/coatings or other products, the employer is required to provide the affected employees with appropriate interim protection (i.e., respiratory protection, personal protective clothing, change areas, hand washing facilities, biological monitoring, and training) until such time that employee exposures have been determined.

LEO is an equal opportunity employer/program.



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When employee exposures are at, or in excess of the action level, but less than the eight-hour Permissible Exposure Limit (PEL) of 50 $\mu\text{g}/\text{m}^3$; the employer is required to implement routine air monitoring, medical surveillance, housekeeping and training. Exposures in excess of the PEL require similar actions by the employer, including routine air monitoring, methods of complying with the PEL, the use of respiratory protection, the use of protective work clothing and equipment, housekeeping practices, hygiene facilities (i.e., change areas, shower and hand washing facilities, and eating facilities), and implementation of engineering and work practice controls. These methods can be accomplished through the development of a written compliance program, medical surveillance and medical removal protection, employee information and training, warning signs, and recordkeeping.

Medical surveillance and medical removal protection are based on the blood lead level (BLL) measured in micrograms of lead per deciliter of blood ($\mu\text{g}/\text{dL}$). MIOSHA rules (effective December 11, 2018) require that employees be removed from lead exposure when their BLL reaches 30 $\mu\text{g}/\text{dL}$ and may not return to work involving lead exposure until their BLL is below 15 $\mu\text{g}/\text{dL}$ based on two (2) consecutive blood sampling tests.

How to Avoid Hazards

The best way to prevent over-exposures to lead is to install and maintain engineering controls to eliminate or reduce the hazard. When employees are exposed above the PEL, the employer must develop a compliance program that includes engineering and work practice controls such as the following:

- Conduct bulk material analysis to determine if lead is present.
- Provide interim protection, as outlined in Part 603 Rule 86, until air monitoring determines exposure levels.
- Use exhaust ventilation and dust collection systems. For example, power tools used for grinding surfaces coated with lead containing paint can be equipped with dust collection systems. Use local exhaust ventilation where feasible.
- Use wet methods or a vacuum equipped with a high efficiency particulate (HEPA) filter to clean work areas contaminated with lead materials. Do not dry sweep or use compressed air to remove lead from any surface.
- Comply with all requirements of Part 603 with regard to air monitoring, compliance program, use of protective work clothing and equipment, housekeeping, hygiene facilities, medical surveillance and medical removal protection, employee information and training, warning signs, and record keeping.
- When engineering and work practice controls cannot be used or do not reduce exposure to an acceptable level, then the employer must provide respiratory protection. The type of respiratory protection required is based on the level of exposure determined by air monitoring. At a minimum, the respirator should be a half mask, air-purifying respirator with HEPA filters. Remember, before employees use respirators, the employer must implement a respiratory protection program as required by MIOSHA General Industry and Construction Standard [Part 451, Respiratory Protection](#).
- If respirators are used to protect employees, then a regulated area should be established to prevent unprotected employees from entering the exposure area.

For additional information on this subject, visit the following web sites at:

- [EPA Lead RRP Rules - Entity Compliance Guide](#)
- [OSHA, Safety and Health Topics, Construction - Lead](#)
- [NIOSH, Preventing Lead Poisoning in Construction Workers](#)
- [NIOSH, Protecting Workers Exposed to Lead-Based Paint Hazards](#)
- [MIOSHA Consultation Education and Training Division](#)