

## CHESTER COUNTY HEALTH DEPARTMENT

### §405. CHILDHOOD LEAD POISONING PREVENTION REGULATION

**405.1. PURPOSE.** The purpose of this Chapter is to protect and promote public health through the identification and elimination of lead-based paint hazards.

**405.2. DEFINITIONS.** The following words, terms and phrases when used in this Chapter shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

**405.2.1. BUILDING:** Any structure occupied or designed or intended to be occupied as a place of human habitation or use, or any part thereof, including any accessory structure belonging thereto or usually enjoyed therewith and any institutional structure including but not limited to an orphanage, day care center or shelter.

**405.2.2. CHEWABLE SURFACE:** An interior or exterior surface painted with lead-based paint that a young child can mouth or chew. Hard metal substrates and other materials that cannot be dentured by the bite of a young child are not considered chewable.

**405.2.3. CLEARANCE EXAMINATION:** Activities conducted following lead-based paint hazard reduction activities to determine that the hazard reduction activities are complete and that no soil-lead hazards or settled dust-lead hazards exist in the dwelling, dwelling unit or building.

**405.2.4. DEPARTMENT:** Chester County Health Department.

**405.2.5. DETERIORATED PAINT:** Any interior or exterior paint or other coating that is peeling, chipping, chalking or cracking, or any paint or coating located on an interior or exterior surface or fixture that is otherwise damaged or separated from the substrate.

**405.2.6. DUST-LEAD HAZARD:** Surface dust in a dwelling, dwelling unit, or building that contains a dust-lead loading (area concentration of lead) at or exceeding 40 micrograms per square foot on floors and 250 micrograms per square foot on interior window sills based on wipe samples.

**405.2.7. DWELLING:** Any building or structure, or part thereof, occupied or intended to be occupied as the home, residence, shelter, or sleeping place of one or more persons.

**405.2.8. DWELLING UNIT:** Any room or group of rooms located within a dwelling and forming a single-habitable unit, with facilities which are used or intended to be used for living, sleeping, cooking and eating for the exclusive use of the occupants thereof.

**405.2.9. EMERGENCY:** Any case where the physician in charge of care of a child less than six (6) years of age deems the blood lead level of the child is high enough to require hospitalization of the child.

**405.2.10. ENVIRONMENTAL INTERVENTION BLOOD LEAD LEVEL:** Any case where the confirmed concentration of lead in whole blood of a child under six (6) years of age is found to be greater than or equal to 20.0 micrograms per deciliter for a single test or between 15.0 and 19.9 micrograms per deciliter in two (2) tests at least three (3) months apart.

**405.2.11. EPA:** The United States Environmental Protection Agency.

**405.2.12. FRICTION SURFACE:** An interior or exterior surface that is subject to abrasion or friction, including, but not limited to, certain floor, window, and stair surfaces.

**405.2.13. HAZARD REDUCTION:** The measures designed to significantly reduce or eliminate human exposure to lead-based paint hazards through methods including the removal of lead-based paint and dust-lead levels, the permanent enclosure or encapsulation of lead-based paint, the replacement of components or fixtures painted with lead-based paint, and the removal or covering of soil-lead hazards, as well as repairs, painting, temporary containment, specialized cleaning and maintenance measures.

**405.2.14. HUD:** The United States Department of Housing and Human Development.

**405.2.15. IMPACT SURFACE:** An interior or exterior surface that is subject to damage by repeated sudden force, such as certain parts of door frames.

**405.2.16. IN-PLACE MANAGEMENT:** Repair and housekeeping measures that are able to be undertaken immediately, safeguarding occupants until hazard reduction can be completed as set forth or approved by the Department.

**405.2.17. LEAD-BASED PAINT:** Any paint or other surface coating that is tested and found to contain lead equal to or exceeding one half of one percent (0.50%) by weight of its non-volatile content when measured chemically or by atomic absorption; or lead exceeding 1.0 mg/cm<sup>2</sup> when a Spectrum X-Ray Fluorescence Analyzer is used.

**405.2.18. LEAD-BASED PAINT HAZARD:** Any condition that causes exposure to lead from dust-lead hazards, soil-lead hazards, or paint-lead hazards, and that would result in adverse health effects in children.

**405.2.19. OCCUPANT:** Any person (including an owner or operator) who lives, sleeps, cooks, eats, inhabits, or uses a dwelling, dwelling unit or building.

**405.2.20. OPERATOR:** Any person, whether or not he or she is the owner, who has charge, care or control of any dwelling, dwelling unit, or building.

**405.2.21. OWNER:** A person who, alone or jointly or severally with others:

**405.2.21.1.** Has legal or equitable title to a dwelling, dwelling unit, or building, either with or without possession of said dwelling, dwelling unit, or building; or

**405.2.21.2.** Has charge, care or control of a dwelling, dwelling unit, or building, either as agent of the owner or as administrator, executor, trustee, or guardian of the estate of the owner.

**405.2.22. PAINT-LEAD HAZARD:** A paint-lead hazard is any of the following:

**405.2.22.1.** Any lead-based paint on a friction surface that is subject to abrasion and where the lead dust levels on the nearest horizontal surface underneath the friction surface (e.g., the window sill or floor) are equal to or greater than the dust-lead hazard levels identified in §405.2.6. of this regulation, or

**405.2.22.2.** Any damaged or otherwise deteriorated lead-based paint on an impact surface that is caused by impact from a related building component (such as a door knob that knocks into a wall or a door that knocks against a door frame), or

**405.2.22.3.** Any chewable lead-based painted surface on which there is evidence of teeth marks, or

**405.2.22.4.** Any other deteriorated lead-based paint in any dwelling, dwelling unit, or building or on the exterior of any dwelling, dwelling unit, or building.

**405.2.23. PREMISES:** A lot(s), plot(s) or parcel(s) of land, including any building and structures thereon, and all facilities and improvements thereon.

**405.2.24. SOIL-LEAD HAZARD:** Bare soil on residential real property that contains total lead equal to or exceeding 400 parts per million in a play area or average of 1200 parts per million in the rest of the yard based on soil samples.

**405.2.25. SURFACE:** The outermost layer or superficial area of materials of which a dwelling, dwelling unit or building is constructed, excluding paint, plaster or putty of the interior or exterior of a dwelling, dwelling unit or building, including but not limited to the outermost layer or superficial area of walls, ceilings, floors, stairs, windows, window sills, window frames, window sashes, door, door frames, baseboard and woodwork of a dwelling, dwelling unit or building.

### **405.3. INSPECTION OF PROPERTY.**

**405.3.1.** If one or more children under six (6) years of age are determined to have environmental intervention blood lead levels, the Department shall inspect any dwelling, dwelling unit, or building used for housing, or regularly for other sustained activities by that child or those children to determine if lead-based paint hazards exist there.

### **405.4. NOTICE OF LEAD-BASED PAINT HAZARD.**

**405.4.1.** The Department shall report the occurrence and findings of an alleged lead-based paint hazard immediately to all occupants of the affected dwellings, dwelling unit(s) or buildings and to the owner and/or operator of the dwelling, the dwelling unit(s) or the building. The Department may cause to have prominently posted on all entrances to the said dwelling, dwelling unit(s) or building a notice as follows:

“This dwelling, dwelling unit or building has lead-based paint hazards and is unfit for habitation by pregnant women and children under 6 years of age.”

Such notice shall not be removed without the approval of the Department. A report of the finding shall be given to other persons or agencies as required by law.

#### **405.5. EXAMINATION OF CHILDREN.**

**405.5.1.** When a lead-based paint hazard is found in a dwelling, dwelling unit or building the Department may cause to have examined all children under six (6) years of age, and such other children as it may find advisable to examine, residing or who recently resided in said dwelling, dwelling unit or building. The results of such examination shall be reported to the Department and to the parent(s) or legal guardian of the affected individual.

#### **405.6. HAZARD REDUCTION.**

**405.6.1.** Whenever the Department determines that any lead-based paint hazard exists in a dwelling, dwelling unit or building as described in Subsection 405.3.1., the Department shall issue a written order to the owner and/or operator to reduce the hazard. This order shall be sent by certified mail, return receipt requested to the last known address of the owner and/or operator. In addition, the Department shall post the order on the dwelling, dwelling unit or building described in the order. The Department shall have the authority to seek alternate housing for the family.

**405.6.2.** Within thirty (30) days following receipt of the written order, or posting of the property, whichever is earlier, the owner shall submit to the Department written plan and schedule for lead hazard reduction. Said plan and schedule shall specify in detail the means, methods, materials and dates by which correction will be achieved. The plan must include work practices that conform to HUD and EPA guidelines, rules, and regulations on lead-based paint activities, and all other federal, state and local requirements.

**405.6.3.** Within thirty (30) days of receipt of the plan and schedule, the Department shall approve or disapprove such plan and schedule. Notice of any disapproval shall be accompanied by specific reasons therefore. Upon receipt of such notice, the owner shall within fourteen days resubmit the plan and schedule with such revisions as are necessary to remove the objections. Upon disapproval of a second plan by the Department, the owner shall be issued a written notice indicating a schedule and a method of hazard reduction which shall be required to bring the dwelling, dwelling unit or building into compliance.

**405.6.4.** The owner shall complete the lead hazard reduction within thirty (30) days after receiving notification from the Department that the plan and schedule has been approved, unless the Department in writing extends the time for compliance.

**405.6.5.** The Department shall require immediate in-place management in cases where a blood lead level emergency exists. In such instances, in-place management is to be provided for the protection of all children under six (6) year of age forthwith, prior to plan submission and implementation of hazard reduction. In such cases, the Department shall review the proposed method of in-place management, shall approve the method if the Department determines the method will satisfactorily provide protection and shall inspect the involved premises to assure the method is effectively implemented.

**405.6.6.** All hazard reduction activities shall be performed pursuant to the work practice standards established in HUD and EPA guidelines, rules, and regulations on lead-based paint activities, and all other federal, state and local requirements.

**405.6.7.** Hazard reduction is considered complete when the Department has conducted a satisfactory clearance examination. A satisfactory clearance examination consists of visual inspection and dust sampling, as described in this section, by the Department.

**405.6.7.1.** The visual inspection shall be performed to determine that the approved hazard reduction plan has been successfully completed by the owner and/or to determine if visible amounts of dust, debris, paint chips, or other residue are still present.

**405.6.7.2.** Dust samples shall be wipe samples and shall be taken on floors and where practicable, interior window sills and troughs. Analysis must show the dust-lead levels to be below the following clearance standards for lead in dust:

**405.6.7.2.1.** Floors – 40 micrograms per square foot

**405.6.7.2.2.** Window sills – 250 micrograms per square foot

**405.6.7.2.3.** Window troughs – 400 micrograms per square foot

**405.6.7.3.** All surfaces represented by a failed clearance sample shall be recleaned or treated by hazard reduction, and retested, until the applicable clearance level is met.

**405.6.8.** No room or dwelling unit shall be reoccupied or shall be used following hazard reduction until the owner has been notified by the Department of a satisfactory clearance examination.

**405.6.9.** Clearance dust sampling as described in Subsection 405.6.7. shall be conducted by the Department. Samples collected are to be analyzed by a reputable and competent laboratory with the cost of analysis to be borne by the owner/operator of the involved premises.

**405.6.10.** In those instances where in-place management has been required and approved by the Department, the Department shall conduct compliance follow-up inspections as necessary to assure that the approved methods continue to be effectively implemented.

#### **405.7. PROTECTION OF OCCUPANTS.**

**405.7.1.** No owner or operator and/or person or legal entity acting on their behalf, who is given an Order by the Department to reduce a lead-based paint hazard, or no owner or operator or personal entity acting on their behalf, who is found to be in violation of any Section of this Subsection 405 shall evict or shall cause to be evicted, occupants of any dwelling, dwelling unit or building for the purpose of avoiding corrective maintenance ordered by the Department, by a court of competent jurisdiction or any other lawful authority.

**405.7.2.** In the event the dwelling, dwelling unit, building or premises in which a lead-based paint hazard is found is vacated by the occupant who occupied same at the time of the issuance or corrective notice referred to in Subsection 405.4. "Notice of Lead-Based Paint Hazard", such dwelling, dwelling unit, building or premises shall not be let or occupied by any other person until such corrective notice is complied with.

#### **405.8. OTHER.**

**405.8.1.** In those instances where environmental investigation by the Department indicates lead sources other than paint, soil, or dust as factors contributing significantly to environmental intervention blood lead levels, the Department shall advise governmental agencies responsible for enforcing applicable State and Federal laws and regulations of such findings.

#### **405.9. EXEMPTIONS.**

**405.9.1.** The Department may, on a case-by-case basis, approve an alternative procedure for hazard reduction, provided that the owner or operator submits a written description of an alternative procedure to the Department and demonstrates that compliance with procedures specified in Subsection 405.6. "Hazard Reduction" are not practical or feasible, or that the proposed alternative procedure provides the equivalent control and level of protection.

#### **405.10. STATE REGULATIONS.**

**405.10.1.** The provisions of this section do not preempt the requirements, conditions, and terms of the PA Labor and Industry Lead-Based Paint Occupational Accreditation and Certification Rules

and Regulations (PA Code, Title 34, Part X, Chapter 203), relating to the certification of individuals who perform lead-based paint hazard reduction activities in the Commonwealth of Pennsylvania.

CERTIFICATION

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CHESTER ss

I, John P. Maher, M.D., Secretary of the Chester County Board of Health, hereby do certify the within to be a true and correct copy. In witness whereof I have hereunto set my hand this day of

John P. Maher, M.D., M.P.H.

SEAL

Effective close of business 7/5/02