

SOUTHERN NEVADA HEALTH DISTRICT REGULATIONS GOVERNING LEAD PAINT HAZARD PREVENTION AND CONTROL

WHEREAS, the Southern Nevada Health District (SNHD) is the public health entity for Clark County, Nevada, pursuant to Nevada Revised Statutes (NRS) 439, and has jurisdiction over all public health matters in the health district; and

WHEREAS, the Southern Nevada District Board of Health (Board) is the governing body of the SNHD, and is authorized by NRS 439.366 to adopt regulations to prevent and control public health hazards and nuisances and to protect and promote the public health and safety in the geographical area subject to the jurisdiction of the health district; and

WHEREAS, the Board finds that lead-related hazards do affect the health and the well being of the children residing in Southern Nevada, and finds that it is necessary to adopt Regulations Governing Lead Paint Hazard Prevention and Control to prevent and control lead-related health and safety hazards, and to regulate the safe and sanitary conditions of those areas and structures where lead hazards have been identified, and

WHEREAS, lead is a naturally occurring heavy metal element whose toxicity in humans has been well documented. Lead is a toxic substance that attacks many different organs and body systems. Lead adversely impacts neurological, cardiovascular, renal, gastrointestinal, reproductive [greater than ninety (90) percent passes from mother to fetus], skeletal, skin, and other body systems. Lead is widely present in the environment due to its natural occurrence and human activities that have introduced it into the general environment such as the use of lead paint.

WHEREAS, the Health Authority recognizes the importance of proper abatement or remediation of lead hazards and removal of lead-contaminated materials such as lead-based paint, lead-contaminated dust, and lead-contaminated soil; with intent to reduce the likelihood of illness resulting from exposure to lead, and

WHEREAS, Nevada Revised Statutes 439.479, gives the Health District authority to adopt regulations to ensure the enforcement of laws that protect public health and safety associated with the condition of rental dwelling units and to establish an administrative hearing process to address such concerns, and

WHEREAS, owners and occupants of target housing and child-occupied facilities receive information on lead-based paint hazards before renovations begin; and individuals performing renovations are properly trained, renovators and firms performing these renovations are certified, and the approved work practices are required to be followed during these renovations, and

WHEREAS, NRS 439.490 authorizes the Health District to order the abatement or removal of the hazard and to recover any of the costs associated with any actions required by the Health Authority to cause the abatement or removal to be completed.

WHEREAS, the Board believes that the following Regulations are designed to protect and promote the public health and safety, it does therefore publish, promulgate and order compliance within Clark County, Nevada with the substantive and procedural requirements hereinafter set forth.

INTENT AND SCOPE

Intent The purpose of these Regulations is to protect and promote the public health, safety and environment through preventive measures and timely correction of significant public health and environmental issues related to lead exposure in children.

Scope These Regulations establish definitions; set standards for the identification, notification, and remediation, abatement, or removal of lead-related hazards; provide for enforcement actions; and include provisions for recovery of the direct and administrative costs associated with the identification, remediation, abatement, or removal of lead-related hazards. Compliance required in these regulations does not substitute for or preclude being in compliance with the federal requirements found in all applicable EPA regulations.

**SOUTHERN NEVADA HEALTH DISTRICT REGULATIONS GOVERNING
LEAD PAINT HAZARD PREVENTION AND CONTROL**

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Section 1

DEFINITIONS

Summary of abbreviations of terms used in these Regulations

ASTM	American Society for Testing and Materials
EBL	Elevated blood lead level
EHS	Environmental Health Specialist
EPA	United States Environmental Protection Agency
NLLAP	National Lead Laboratory Accreditation Program
NRS	Nevada Revised Statutes
OSHA	Occupational Safety and Health Administration
ppm	Parts per million
RLH	Residential lead hazard
SNHD	Southern Nevada Health District

As used in these Regulations, unless the context otherwise requires, the following words and terms defined have the meanings ascribed to them in this document.

- 1.1 “Abate” defined. Abate** means to suppress or put an end to a lead-related health hazard or contributing act, or to reduce the degree of a lead-related health hazard to a level acceptable to the Health Authority.
- 1.2 “Abatement” defined. Abatement** is any measure or set of measures designed to permanently eliminate lead-based paint hazards. Abatement includes, but is not limited to:
- 1.2.1** The removal of paint and dust, the permanent enclosure or encapsulation of lead-based paint, the replacement of painted surfaces or fixtures, or the removal or permanent covering of soil, when lead-based paint hazards are present in such paint, dust or soil; and
- 1.2.2** All preparation, cleanup, disposal, and post-abatement clearance testing activities associated with such measures.
- 1.2.3** Specifically, abatement includes, but is not limited to:
- 1.2.3.1** Projects for which there is a written contract or other documentation, which provides that an individual or firm will be conducting activities in or to a residential dwelling or child-occupied facility that:
- 1.2.3.1.1** Shall result in the permanent elimination of lead-based paint hazards; or
- 1.2.3.1.2** Are designed to permanently eliminate lead-based paint hazards and are described in **definition Sections 1.2.1 and 1.2.2.**
- 1.2.3.2** Projects resulting in the permanent elimination of lead-based paint hazards, conducted by certified firms or individuals, unless such projects are covered by **definition Section 1.2.4;**
- 1.2.3.3** Projects resulting in the permanent elimination of lead-based paint hazards, conducted by firms or individuals who, through their company name or promotional literature, represent, advertise, or hold themselves out to be in the business of performing lead-based paint activities as identified and defined by this section, unless such projects are covered by **definition Section 1.2.4;** or
- 1.2.4** Abatement does not include renovation, remodeling, landscaping or other activities, when such activities are not designed to permanently eliminate lead-based paint hazards, but, instead, are designed to repair, restore, or remodel a given structure or

dwelling, even though these activities may incidentally result in a reduction or elimination of lead-based paint hazards. Furthermore, abatement does not include interim controls, operations and maintenance activities, or other measures and activities designed to temporarily, but not permanently, reduce lead-based paint hazards.

- 1.3 “**Adequate quality control**” defined. **Adequate quality control** means a plan or design which ensures the authenticity, integrity, and accuracy of samples, including dust, soil, and paint chip or paint film samples. Adequate quality control also includes provisions for representative sampling.
- 1.4 “**Administrative Hearing Officer**” defined. An **Administrative Hearing Officer** is the Administrator or any person designated by him to conduct a hearing relating to a citation, order, or notice issued by the Health Authority pursuant to these Regulations.
- 1.5 “**Agency of jurisdiction**” defined. The **agency of jurisdiction** is the local building department; safety authority; business licensing; federal, state or local health agency; federal regulatory agencies; other than the Health Authority, having jurisdiction concerning construction, operation, maintenance, and public safety of any structure or facility, which may have a lead-related hazard.
- 1.6 “**Agent**” defined. An **Agent** is any party who enters into a contract with a seller or lessor, including any party who enters into a contract with a representative of the seller or lessor, for the purpose of selling or leasing target housing. This term does not apply to purchasers or any purchaser's representative who receives all compensation from the purchaser.
- 1.7 “**Approved**” defined. **Approved** means acceptable to the Health Authority based on conformance with any applicable, adopted Regulations, good public health practices, and recognized industry standards.
- 1.8 “**Arithmetic mean**” defined. The **arithmetic mean** is the algebraic sum of data values divided by the number of data values (e.g., the sum of the concentration of lead in several soil samples divided by the number of samples).
- 1.9 “**Available**” defined. **Available** means in the possession of or reasonably obtainable by the seller or lessor at the time of the disclosure.
- 1.10 “**Building**” defined. A **building** is a fixed construction with walls, foundation, and roof, such as a house, factory, or garage.
- 1.11 “**Business day**” defined. A **business day** is Monday through Friday with the exception of SNHD holidays.
- 1.12 “**Certified firm**” defined. **Certified firm** is a company, partnership, corporation, sole proprietorship, association, or other business entity that performs lead-based paint activities to which EPA has issued a certificate of approval.

- 1.13 “Certified inspector”** defined. A **certified inspector** is an individual who has been trained by a program accredited by the EPA and carries an EPA certificate to work in the state of Nevada. A certified inspector also samples for the presence of lead in dust and soil for the purposes of abatement clearance testing.
- 1.14 “Certified project designer”** defined. A **certified project designer** is an individual who has been trained by a program accredited by the EPA and carries an EPA certificate to work in the state of Nevada preparing abatement project designs, occupant protection plans, and abatement reports.
- 1.15 “Certified risk assessor”** defined. A **certified risk assessor** is an individual who has been trained by a program accredited by the EPA and carries an EPA certificate to work in the state of Nevada. A risk assessor also samples for the presence of lead in dust and soil for the purposes of abatement clearance testing.
- 1.16 “Certified supervisor”** defined. A **certified supervisor** is an individual who has been trained by a program accredited by the EPA and carries an EPA certificate to work in the state of Nevada supervising and conducting abatements, and to preparing occupant protection plans and abatement reports.
- 1.17 “Chewable surface”** defined. A **chewable surface** is 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 dented by the bite of a young child are not considered chewable.
- 1.18 “Child care facility”** defined. A **child care facility** is a licensed establishment operated and maintained for the purpose of furnishing care, during the day or overnight, for children under eighteen (18) years of age, in which the parents or guardians are not present.
- 1.19 “Child-occupied facility”** defined. A **child-occupied facility** is a building, or portion of a building, constructed prior to 1978, visited regularly by the same child, under 6 years of age, on at least two different days within any week (Sunday through Saturday period), provided that each day's visit lasts at least 3 hours and the combined weekly visits last at least 6 hours, and the combined annual visits last at least 60 hours.

Child-occupied facilities may include, but are not limited to, day care centers, preschools and kindergarten classrooms.

Child-occupied facilities may be located in target housing or in public or commercial buildings.

With respect to common areas in public or commercial buildings that contain child-occupied facilities, the child-occupied facility encompasses only those common areas that are routinely used by children under age 6, such as restrooms and cafeterias. Common areas that children under age 6 only pass through, such as hallways, stairways, and garages are not included.

In addition, with respect to exteriors of public or commercial buildings that contain child-occupied facilities, the child-occupied facility encompasses only the exterior sides of the building that are immediately adjacent to the child-occupied facility or the common areas routinely used by children under age 6.

- 1.20** “**Children**” defined. For the purposes of these Regulations, **children** are defined as people twelve (12) years of age and younger.
- 1.21** “**Cleaning verification card**” defined. A **cleaning verification card** is a card developed and distributed, or otherwise approved, by EPA for the purpose of determining, through comparison of wet and dry disposable cleaning cloths with the card, whether post-renovation cleaning has been properly completed.
- 1.22** “**Clearance levels**” defined. **Clearance levels** are values that indicate the maximum amount of lead permitted in dust on a surface following completion of an abatement activity.
- 1.23** “**Commercial property**” defined. **Commercial property** means any real property which is not used as a dwelling unit and is not occupied as, or designed or intended for occupancy as, a residence or sleeping place. **[NRS 439.479.8(a)]**
- 1.24** “**Common area**” defined. The **common area** is a portion of a building generally accessible to all residents/users including, but not limited to, hallways, stairways, laundry and recreational rooms, playgrounds, community centers, and boundary fences.
- 1.25** “**Common area group**” defined. A **common area group** is a group of common areas that are similar in design, construction, and function. Common area groups include, but are not limited to hallways, stairwells, and laundry rooms.
- 1.26** “**Components or building components**” defined. **Components or building components** are specific design or structural elements or fixtures of a building or residential dwelling that are distinguished from each other by form, function, and location.

These include, but are not limited to, interior components such as ceilings, crown molding, walls, chair rails, doors, door trim, floors, fireplaces, radiators and other heating units, shelves, shelf supports, stair treads, stair risers, stair stringers, newel posts, railing caps, balustrades, windows and trim (including sashes, window heads, jambs, sills or stools and troughs), built in cabinets, columns, beams, bathroom vanities, counter tops, and air conditioners; and exterior components such as painted roofing, chimneys, flashing, gutters and downspouts, ceilings, soffits, fascias, rake boards, cornerboards, bulkheads, doors and door trim, fences, floors, joists, lattice work, railings and railing caps, siding, handrails, stair risers and treads, stair stringers, columns, balustrades, windowsills or stools and troughs, casings, sashes and wells, and air conditioners.

- 1.27** “**Concentration**” defined. **Concentration** means the relative content of a specific substance contained within larger mass, such as the amount of lead (in micrograms per gram or parts per million by weight) in a sample of dust or soil.
- 1.28** “**Contract for the purchase and sale of residential real property**” defined. A **contract for the purchase and sale of residential real property** is any contract or agreement in which one party agrees to purchase an interest in real property on which there is situated one or more residential dwellings used or occupied, or intended to be used or occupied, in whole or in part, as the home or residence of one or more persons.

- 1.29 “**Containment**” defined. **Containment** is a process to protect workers and the environment by controlling exposures to the lead-contaminated dust and debris created during an abatement project.
- 1.30 “**Debris**” defined. **Debris** means materials which may be present in accumulations including, but not limited to: deteriorated lumber; old newspapers; furniture parts; stoves, sinks; cabinets; household fixtures; refrigerators; car parts; abandoned, broken, or neglected equipment; or the scattered remains of items.
- 1.31 “**Deteriorated paint**” defined. **Deteriorated paint** is 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.
- 1.32 “**Deterioration**” defined. **Deterioration** is a lowering in quality of the condition or appearance of a building, structure, or premises or parts thereof characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, or any other evidence of physical decay, damage, neglect, or lack of maintenance. **(Hend Muni Code 15.12.020)**
- 1.33 “**Discipline**” defined. A **discipline** is one of the specific types or categories of lead-based paint activities identified in this Section for which individuals may receive training from accredited programs and become certified by EPA. For example, “risk assessor” is a discipline.
- 1.34 “**Distinct painting history**” defined. A **distinct painting history** is the application history, as indicated by its visual appearance or a record of application, over time, of paint or other surface coatings to a component or room.
- 1.35 “**Documented methodologies**” defined. **Documented methodologies** are methods or protocols used to sample for the presence of lead in paint, dust, and soil.
- 1.36 “**Dripline**” defined. The **dripline** is the area within three (3) feet surrounding the perimeter of a building.
- 1.37 “**Dry disposable cleaning cloth**” defined. A **dry disposable cleaning cloth** is a commercially available dry, electrostatically charged, white disposable cloth designed to be used for cleaning hard surfaces such as uncarpeted floors or counter tops.
- 1.38 “**Dwelling**” and “**dwelling unit**” defined. A **dwelling** or **dwelling unit** is a structure or the part of a structure that is occupied as, or designed or intended for occupancy as, a residence or sleeping place by one person who maintains a household or by two or more persons who maintain a common household. **[NRS 118A.080, NRS 439.479.8(b)]**
- 1.39 “**Elevated blood lead (EBL) level**” defined. An **elevated blood lead (EBL) level** is an excessive absorption of lead that is a confirmed concentration of lead in whole blood of 10 µg/dl (micrograms of lead per deciliter of whole blood) for a single venous test, or the most current levels as defined by CDC and EPA.
- 1.40 “**Encapsulant**” defined. An **encapsulant** is a substance that forms a barrier between lead-based paint and the environment using a liquid-applied coating (with or without reinforcement materials) or an adhesively bonded covering material.

- 1.41 “**Encapsulation**” defined. **Encapsulation** means the application of an encapsulant.
- 1.42 “**Enclosure**” defined. **Enclosure** means the use of rigid, durable construction materials that are mechanically fastened to the substrate in order to act as a barrier between lead-based paint and the environment.
- 1.43 “**Enforcement**” defined. **Enforcement** means diligent effort to secure compliance, including review of plans and permit applications, response to complaints, issuance of Notices of Violation or Orders for Abatement, and other legal processes. Except as otherwise provided in these Regulations, **enforcement** may include inspections of existing land, buildings, and structures.
- 1.44 “**Environmental surface**” defined. An **environmental surface** is the surface of any furniture, equipment, fixtures, walls, floors, ceilings, lavatories, toilets, tables, countertops, cabinets, play equipment, or similar surface which is part of a dwelling.
- 1.45 “**Equipment**” defined. **Equipment** is an article that is used in the functional operation of a dwelling such as a freezer, refrigerator, ice maker, mixer, oven, stove, scale, sink, table, temperature measuring device, laundry washer, dryer, or warewashing machine. This definition excludes disposable or single-use articles which are discarded after use.
- 1.46 “**Evaluation**” defined. An **evaluation** is a risk assessment and/or inspection.
- 1.47 “**Faucet**” defined. A **faucet** is a device that regulates the flow rate of water at the point of delivery at a sink or bathtub.
- 1.48 “**Firm**” defined. A **firm** is a company, partnership, corporation, sole proprietorship or individual doing business, association, or other business entity; a federal, state, or local government agency; or a nonprofit organization.
- 1.49 “**Foreclosure**” defined. **Foreclosure** means any of the various methods, statutory or otherwise, known in different jurisdictions, of enforcing payment of a debt, by the taking and selling of real property.
- 1.50 “**Friction surface**” defined. The **friction surface** is an interior or exterior surface that is subject to abrasion or friction, including, but not limited to, certain window, floor, and stair surfaces.
- 1.51 “**Furniture**” defined. **Furniture** is any movable article in a room or public area that makes it fit for living or working. Furniture includes but is not limited to, tables, chairs, bed headboards, bed frames, box frames, sofas, carpets, curtains, pictures, vases, mirrors, televisions and other electrical equipment, and appliances. Bedding, utensils, and tableware are NOT considered to be furniture.
- 1.52 “**Health Authority**” defined. **Health Authority** means the officers and agents of the Southern Nevada District Board of Health and the SNHD.
- 1.53 “**Health hazard**” defined. A **health hazard** is any biological, physical, or chemical exposure, condition, or public nuisance that may adversely affect the health of a person.

- 1.54 “Health-Permitted facilities”** defined. **Health-Permitted facilities** are those facilities or businesses, which have been issued a document by the Health Authority that authorizes a person to operate a business legally regulated by the Health Authority.
- 1.55 “HEPA vacuum”** defined. A **HEPA vacuum** is a vacuum cleaner which has been designed with a high-efficiency particulate air (HEPA) filter as the last filtration stage. A HEPA filter is a filter that is capable of capturing particles of 0.3 microns with 99.97% efficiency. The vacuum cleaner must be designed so that all the air drawn into the machine is expelled through the HEPA filter with none of the air leaking past it.
- 1.56 “Housing for the elderly”** defined. **Housing for the elderly** means retirement communities or similar types of housing reserved for households composed of one or more persons 62 years of age or more at the time of initial occupancy.
- 1.57 “Impact surface”** defined. The **impact surface** is an interior or exterior surface that is subject to damage by repeated sudden force such as certain parts of door frames.
- 1.58 “Inspection”** defined. An **inspection** is a surface-by-surface investigation to determine the presence of lead-based paint and the provision of a report explaining the results of the investigation.
- 1.59 “Interim controls”** defined. **Interim controls** are a set of measures designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards, including specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring of lead-based paint hazards or potential hazards, and the establishment and operation of management and resident education programs.
- 1.60 “Interior window sill”** defined. The **interior window sill** is the portion of the horizontal window ledge that protrudes into the interior of the room.
- 1.61 “Kitchen”** defined. A **kitchen** is a room within a dwelling or dwelling unit or part of a building equipped for preparing and cooking food.
- 1.62 “Lead”** defined. **Lead** is a naturally occurring heavy metal element that is widely present in the environment due to both its natural occurrence and human activities. Lead toxicity in humans has been well documented and adversely impacts many body systems. Even low exposures to lead has been shown to severely affect the development of children under the age of six. There is no safe level of lead for children.
- 1.63 “Lead-based paint”** defined. **Lead-based paint** is paint or other surface coatings that contain lead equal to or in excess of 1.0 milligram per square centimeter or 0.5 percent by weight.
- 1.64 “Lead-based paint activities”** defined. **Lead-based paint activities** are, in the case of target housing and child-occupied facilities, inspection, risk assessment, and abatement, as defined in these Regulations.
- 1.65 “Lead-based paint free housing”** defined. **Lead-based paint free housing** is target housing that has been found to be free of paint or other surface coatings that contain lead equal to or in excess of 1.0 milligram per square centimeter or 0.5 percent by weight.

- 1.66 “Lead-based paint hazard” defined.** A **lead-based paint hazard** is one of the following: hazardous lead-based paint, dust-lead hazard or soil-lead hazard.
- 1.66.1 Paint-lead hazard.**
- 1.66.1.1** 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 **Section 1.68.2.**
- 1.66.1.2** 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 its door frame).
- 1.66.1.3** Any chewable lead-based painted surface on which there is evidence of teeth marks.
- 1.66.1.4** Any other deteriorated lead-based paint in any residential building or child-occupied facility or on the exterior of any residential building or child-occupied facility.
- 1.66.2 Dust-lead hazard.** A dust-lead hazard is surface dust in a residential dwelling or child-occupied facility that contains a mass-per-area concentration of lead equal to or exceeding 40 µg/ft² on floors or 250 µg/ft² on interior window sills based on wipe samples.
- 1.66.3 Soil-lead hazard.** A soil-lead hazard is bare soil on residential real property or on the property of a child-occupied facility that contains total lead equal to or exceeding 400 parts per million (ppm) (µg/g) in a play area or average of 1,200 ppm of bare soil in the rest of the yard based on soil samples.
- 1.67 “Lead-containing paint” defined.** **Lead-containing paint** is paint or other similar surface coating materials containing lead or lead compounds in which the lead content (calculated as lead metal) is in excess of 0.009 percent [ninety (90) parts per million (ppm)] by weight of the total nonvolatile content of the paint or the weight of the dried paint film.
- 1.68 “Lead-bearing substance” defined.** A **lead-bearing substance** means any of the following if they contain an amount equal to or greater than the amount of lead by weight (as determined by regulation) which may pose a significant health hazard to humans:
- Soil;
 - Dust on any permanent or non-permanent surface of the dwelling, residential building, child care facility, or school;
 - Items, substances, and surfaces that are edible or chewable by or accessible to children, including toys, furniture, or decorative objects;
 - Food or other ingestible substances or items; and
 - Paint or other surface coating material.

These Regulations regarding **lead-bearing substances** shall be based upon lead levels established, utilized, recommended, or offered as guidance by federal and state agencies as legally required, where established by law and regulation, or as best available control technology, when such becomes available.

- 1.69 “**Lead hazard**” defined. A **lead hazard** is any lead-bearing substance that poses a significant health hazard to humans.
- 1.70 “**Lead-hazard screen**” defined. **Lead-hazard screen** is a limited risk assessment activity for housing in good condition that involves limited paint and dust sampling as described in **Section 5.2.3**.
- 1.71 “**Lead poisoning**” defined. **Lead poisoning** is a medical condition caused by increased levels of the heavy metal lead in the body. Lead interferes with a variety of body processes and is toxic to many organs and tissues including the heart, bones, intestines, kidneys, and reproductive and nervous systems. It interferes with the development of the nervous system and is therefore particularly toxic to children, causing potentially permanent learning and behavior disorders. Symptoms include abdominal pain, headache, anemia, irritability, and in severe cases seizures, coma, and death.
- 1.72 **Lessee** defined. The **lessee** is any entity that enters into an agreement to lease, rent, or sublease target housing, including but not limited to individuals, partnerships, corporations, trusts, government agencies, housing agencies, and nonprofit organizations.
- 1.73 “**Lessor**” defined. The **lessor** is any entity that offers target housing for lease, rent, or sublease, including but not limited to individuals, partnerships, corporations, trusts, government agencies, housing agencies, and nonprofit organizations.
- 1.74 “**Licensing authority**” defined. The **licensing authority** is any agency of a county or incorporated city that meets the requirements for which they are authorized to issue the particular license sought by the applicant.
- 1.75 “**Living area**” defined. The **living area** is any area of a residential dwelling used by one or more children age 6 and under, including, but not limited to, living rooms, kitchen areas, dens, play rooms, and children's bedrooms.
- 1.76 “**Loading**” defined. **Loading** means the quantity of a specific substance present per unit of surface area, such as the amount of lead in micrograms contained in the dust collected from a certain surface area divided by the surface area in square feet or square meters.
- 1.77 “**Minor repair and maintenance activities**” defined. **Minor repair and maintenance activities** are activities, including minor heating, ventilation or air conditioning work, electrical work, and plumbing, that disrupt six (6) square feet or less of painted surface per room for interior activities or twenty (20) square feet or less of painted surface for exterior activities where none of the work practices prohibited or restricted by **Section 3.5.1.3**, “**WORK PRACTICE STANDARDS, Prohibited and Restricted Practices**” are used and where the work does not involve window replacement or demolition of painted surface areas. When removing painted components, or portions of painted components, the entire surface area removed is the amount of painted surface disturbed. Jobs, other than emergency renovations, performed in the same room within the same 30 days must be considered the same job for the purpose of determining whether the job is a minor repair and maintenance activity.

- 1.78 “Multi-family dwelling”** defined. A **multi-family dwelling** is a structure that contains more than one separate residential dwelling unit, which is used or occupied, or intended to be used or occupied, in whole or in part, as the home or residence of one or more persons.
- 1.79 “Nonprofit”** defined. A **nonprofit** is an entity which has demonstrated to any branch of the federal Government or to a state, municipal, or territorial government, that no part of its net earnings inure to the benefit of any private shareholder or individual.
- 1.80 “Normal wear”** defined. **Normal wear** is that deterioration which occurs without negligence, carelessness, or abuse of the premises, equipment, or chattels by the tenant, a member of the household, or other person on the premises with the tenant’s consent. **(paraphrased from NRS 118A.110)**
- 1.81 “Nuisance”** defined. A **nuisance** is anything, which is injurious to health, or offensive to the senses, so as to interfere with the comfort or endanger the health or safety of the public as defined by NRS 202.450.
- 1.82 “Operator”** defined. The **operator** is the person who holds the license of a Health-Permitted or other business or is responsible for the management of such a location at the direction of the owner.
- 1.83 “Owner”** defined. The **owner** is one or more persons, jointly or severally, in whom is vested all or part of the legal title to property, except a trustee under a deed of trust who is not in possession of the property or all or part of the beneficial ownership, and a right to present use and enjoyment of the premises. **(NRS 118A.120)**
- 1.84 “Paint and other similar surface-coating materials”** defined. **Paint and other similar surface-coating materials** means any fluid, semi-fluid, or other material, with or without a suspension of finely divided coloring matter, which changes to a solid film when a thin layer. This definition does not include the glaze applied to ceramic tiles.
- 1.85 “Paint in fair condition”** defined. **Paint in fair condition** is a condition in which paint is intact, but worn; minor chips are evident as a result of normal wear and tear; no adhesion or substrate problems, e.g., no broken wallboard is present.

Individual interior components with large surface areas (walls, ceilings, floors, doors) that evidence less than or equal to two (2) square feet of normal wear and tear or direct damage are considered to be in fair condition.

Individual interior components with small surface areas (window sills, baseboard) that evidence less than or equal to ten (10) percent normal wear and tear or direct damage on the total surface area of the component are considered to be in fair condition.

Exterior components with large surface areas that evidence less than or equal to ten (10) square feet of normal wear and tear or direct damage are considered to be in fair condition. Individual exterior components with small surface areas (soffits, trim) that evidence less than or equal to ten (10) percent normal wear and tear or direct damage on the total surface area of the component are considered to be in fair condition.

- 1.86 “Paint in good condition”** defined. **Paint in good condition** is paint which is entirely intact.

1.87 “Paint in poor condition” defined. **Paint in poor condition** is a condition in which paint is severely worn, weathered or no longer adhering, i.e., peeling, cracking, flaking, chalking; or the substrate is broken, exposed or otherwise deteriorated.

Individual interior components with large surface areas (walls, ceilings, floors, doors) that evidence greater than two (2) square feet of normal wear and tear or direct damage are considered to be in poor condition.

Individual interior components with small surface areas (window sills, baseboard) that evidence greater than ten (10) percent normal wear and tear or direct damage on the total surface area of the component are considered to be in poor condition.

Exterior components with large surface areas that evidence greater than ten (10) square feet of normal wear and tear or direct damage are considered to be in poor condition.

Individual exterior components with small surface areas (soffits, trim) that evidence greater than ten (10) percent normal wear and tear or direct damage on the total surface area of the component are considered to be in poor condition.

1.88 “Pamphlet” defined. A **pamphlet** is the EPA pamphlet titled “Renovate Right: Important Lead Hazard Information for Families, Child Care.” This includes reproductions of the pamphlet when copied in full and without revision or deletion of material from the pamphlet (except for the addition or revision of state or local sources of information).

1.89 “Permanently covered soil” defined. **Permanently covered soil** is soil which has been separated from human contact by the placement of a barrier consisting of solid, relatively impermeable materials, such as pavement or concrete. Grass, mulch, and other landscaping materials are not considered permanent covering.

1.90 “Person” defined. **“Person”** includes individuals, firms, partnerships, associations, public or private institutions, municipalities, political subdivisions of the state of Nevada, governmental agencies, or public or private corporations.

1.91 “Play area” defined. The **play area** is an area of frequent soil contact by children of less than 6 years of age as indicated by, but not limited to, such factors including the following: the presence of play equipment (e.g., sandboxes, swing sets, and sliding boards), toys, or other children's possessions, observations of play patterns, or information provided by parents, residents, care givers, or property owners.

1.92 “Premises” defined. **Premises** means a dwelling unit and the structure of which it is a part, facilities, furniture, utilities and appurtenances therein and grounds, areas and facilities held out for the use of tenants. **(NRS 118A.140)**

1.93 “Principal instructor” defined. The **principal instructor** is the individual who has the primary responsibility for organizing and teaching a particular course.

1.94 “Purchaser” defined. The **purchaser** is an entity that enters into an agreement to purchase an interest in target housing, including but not limited to individuals,

partnerships, corporations, trusts, government agencies, housing agencies, and nonprofit organizations.

- 1.95 “Recognized laboratory”** defined. A **recognized laboratory** is an environmental laboratory recognized by EPA pursuant to the National Lead Laboratory Accreditation Program (NLLAP) as being capable of performing an analysis for lead compounds in paint, soil, and dust. Information regarding NLLAP can be located at www.epa.gov/lead/pubs/nllap.htm
- 1.96 “Recognized test kit”** defined. A **recognized test kit** is a test kit capable of allowing a user to determine the presence of lead at levels equal to or in excess of 1.0 milligrams per square centimeter, or more than 0.5 percent lead by weight, in a paint chip, paint powder, or painted surface.
- 1.97 “Reduction”** defined. **Reduction** means measures designed to reduce or eliminate human exposure to lead-based paint hazards through methods including interim controls and abatement.
- 1.98 “Renovation”** defined. **Renovation** is the modification of any existing structure, or portion thereof, that results in the disturbance of painted surfaces, unless that activity is performed as part of an **abatement** as defined by this Section. The term renovation includes (but is not limited to): The removal, modification or repair of painted surfaces or painted components (e.g., modification of painted doors, surface restoration, window repair, surface preparation activity (such as sanding, scraping, or other such activities that may generate paint dust)); the removal of building components (e.g., walls, ceilings, plumbing, windows); weatherization projects (e.g., cutting holes in painted surfaces to install blown-in insulation or to gain access to attics, planing thresholds to install weather-stripping), and interim controls that disturb painted surfaces. A renovation performed for the purpose of converting a building, or part of a building, into target housing or a child-occupied facility is a renovation under this SECTION. The term renovation does not include minor repair and maintenance activities.
- 1.99 “Renovator”** defined. A **renovator** is an individual who either performs or directs workers who perform renovations. A certified renovator is a renovator who has successfully completed a renovator course accredited by EPA or an EPA-authorized state program.
- 1.100 “Residential building”** defined. A **residential building** is a building containing one or more residential dwellings.
- 1.101 “Residential dwelling”** defined. A **residential dwelling** is a single-family dwelling, including attached structures such as porches and stoops; or a single-family dwelling unit in a structure that contains more than one separate residential dwelling unit, and in which each such unit is used or occupied, or intended to be used or occupied, in whole or in part, as the residence of one or more persons.
- 1.102 “Residential lead hazard (RLH)”** defined. A **residential lead hazard** is any paint hazard as specified in **Section 5.2.8.2**, any dust lead hazard as specified in **Section 5.2.8.3** or any soil-lead hazard as specified in **Section 5.2.8.4**.
- 1.103 “Responsible person”** defined. The **responsible person** is the individual designated by the operator as being responsible for compliance with these Regulations.

- 1.104 “Risk assessment”** defined. A **risk assessment** is an on-site investigation to determine and report the existence, nature, severity, and location of lead-based paint hazards in residential dwellings, including:
Information gathering regarding the age and history of the housing and occupancy by children under age 6;
Visual inspection;
Limited wipe sampling or other environmental sampling techniques;
Other activity as may be appropriate; and
Provision of a report explaining the results of the investigation.
- 1.105 “Room”** defined. A **room** is a separate part of the inside of a building, such as a bedroom, living room, dining room, kitchen, bathroom, laundry room, or utility room. To be considered a separate room, the room must be separated from adjoining rooms by built-in walls or archways that extend at least 6 inches from an intersecting wall. Half walls or bookcases count as room separators if built-in. Movable or collapsible partitions or partitions consisting solely of shelves or cabinets are not considered built-in walls. A screened in porch that is used as a living area is a room.
- 1.106 “Safety”** defined. **Safety** is the condition of being reasonably free from danger and hazards that may cause accidents or disease.
- 1.107 “School”** defined. A **school** is a licensed public, charter, or private primary or secondary educational institution providing educational services to students from Kindergarten through the twelfth grade. The term does not include a home in which instruction is provided to a child who is excused from compulsory attendance pursuant to subsection 1 of NRS 392.070.
- 1.108 “Seller”** defined. The **seller** is any entity that transfers legal title to target housing, in whole or in part, in return for consideration, including but not limited to individuals, partnerships, corporations, trusts, government agencies, housing agencies, and nonprofit organizations. The term **seller** also includes:
- An entity that transfers shares in a cooperatively owned project, in return for consideration; and
- An entity that transfers its interest in a leasehold, in jurisdictions or circumstances where it is legally permissible to separate the fee title from the title to the improvement, in return for consideration.
- 1.109 “Soil sample”** defined. A **soil sample** is a sample collected in a representative location using ASTM E1727, “Standard Practice for Field Collection of Soil Samples for Lead Determination by Atomic Spectrometry Techniques,” or equivalent method.
- 1.110 “Sound condition”** defined. **Sound condition** means any structure, building, or component that is in a condition to withstand designed or anticipated loads. This would include maintenance for weather protection, free of deterioration and damage.
- 1.111 “Start date”** defined. The **start date** is the first day of any lead-based paint activities training course or lead-based paint abatement activity.

- 1.112 **“Start date provided to EPA”** defined. The **start date provided to EPA** is the start date included in the original notification or the most recent start date provided to EPA in an updated notification.
- 1.113 **“State”** defined. A **state** is any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Canal Zone, American Samoa, the Northern Mariana Islands, or any other territory or possession of the United States.
- 1.114 **“Structure”** defined. A **structure** means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.
- 1.115 **“Supplied”** defined. **Supplied** means paid for, furnished by, provided by, or under the control of the owner, operator, or responsible person.
- 1.116 **“Target housing”** defined. **Target housing** is any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any child who is less than 6 years of age resides or is expected to reside in such housing) or any zero (Ø)-bedroom dwelling.
- 1.117 **“Toxic substance”** defined. A **toxic substance** is any chemical product applied on the surface of or incorporated into any structural or decorative material, or any other chemical, biological, or physical agent in the home environment or its immediate surroundings, which constitutes a potential hazard to human health at acute or chronic exposure levels.
- 1.118 **“Visual inspection for clearance testing”** defined. A **visual inspection for clearance testing** is the visual examination of a residential dwelling or a child-occupied facility following an abatement project to determine whether or not the abatement has been successfully completed.
- 1.119 **“Visual inspection for risk assessment”** defined. A **visual inspection for risk assessment** is the visual examination of a residential dwelling or a child-occupied facility to determine the existence of deteriorated lead-based paint or other potential sources of lead-based paint hazards.
- 1.120 **“Weighted arithmetic mean”** defined. The **weighted arithmetic mean** is the **arithmetic** mean of sample results weighted by the number of subsamples in each sample. Its purpose is to give influence to a sample relative to the surface area it represents. A single surface sample is comprised of a single subsample. A composite sample may contain from two to four subsamples of the same area as each other and of each single surface sample in the composite. The **weighted arithmetic mean** is obtained by summing, for all samples, the product of the sample's result multiplied by the number of subsamples in the sample, and dividing the sum by the total number of subsamples contained in all samples. For example, the weighted arithmetic mean of a single surface sample containing 60 µg/ft², a composite sample (three subsamples) containing 100 µg/ft², and a composite sample (4 subsamples) containing 110 µg/ft² is 100 µg/ft². This result is based on the equation $[60+(3*100)+(4*110)]/(1+3+4)$.

- 1.121 “Wet disposable cleaning cloth”** defined. A **wet disposable cleaning cloth** is a commercially available, pre-moistened white disposable cloth designed to be used for cleaning hard surfaces such as uncarpeted floors or counter tops.
- 1.122 “Wet mopping system”** defined. A **wet mopping system** is a device with the following characteristics: A long handle, a mop head designed to be used with disposable absorbent cleaning pads, a reservoir for cleaning solution, and a built-in mechanism for distributing or spraying the cleaning solution onto a floor, or a method of equivalent efficacy.
- 1.123 “Window trough”** defined. The **window trough** is, for a typical double-hung window, the portion of the exterior window sill between the interior window sill (or stool) and the frame of the storm window. If there is no storm window, the window trough is the area that receives both the upper and lower window sashes when they are both lowered. The window trough is sometimes referred to as the window “well.”
- 1.124 “Wipe sample”** defined. A **wipe sample** is a sample collected by wiping a representative surface of known area, as determined by ASTM E1728, “Standard Practice for Field Collection of Settled Dust Samples Using Wipe Sampling Methods for Lead Determination by Atomic Spectrometry Techniques, or equivalent method, with an acceptable wipe material as defined in ASTM E 1792, “Standard Specification for Wipe Sampling Materials for Lead in Surface Dust.”
- 1.125 “Work area”** defined. The **work area** is the area that the certified renovator establishes to contain the dust and debris generated by a renovation.
- 1.126 “Zero (Ø)-bedroom dwelling”** defined. **Zero (Ø)-bedroom dwelling** is any residential dwelling in which the living area is not separated from the sleeping area. The term includes efficiencies, studio apartments, dormitory housing, military barracks, and rentals of individual rooms in residential dwellings.

Section 2

LEAD PAINT-RELATED SUBSTANTIAL HAZARDS TO PUBLIC HEALTH AND SAFETY

- 2.1 A lead hazard screening or lead risk assessment shall be completed by the Health Authority whenever the Health Authority is made aware of *potentially* hazardous paint condition(s) either through:
 - 2.1.1 An EBL investigation conducted at the residence of a child identified with an EBL or other location where the child is reported to spend time, which may include but is not limited to, family members homes, caregiver's residence, and child occupied facilities. or
 - 2.1.2 Referral from a federal, state or local entity that identified a renter occupied residence constructed before 1978 that contains a possible lead paint-related hazard(s).
 - 2.1.3 An observation made by an EHS during the investigation of a complaint addressing another public health issue. If the EHS notices conditions that may present a lead hazard, then they will conduct a preliminary investigation for the presence of lead. A more thorough screening will be scheduled if the results of the preliminary survey are positive for the presence of lead.
- 2.2 When, as a result of the screening or assessment, a structure has been determined to have lead paint-related hazard the Health Authority shall consider it a substantial hazard to public health, and shall require that the condition(s) be corrected either through the use of interim controls or abatement as required by the Health Authority.
- 2.3 Correction(s) shall be implemented as soon as reasonably possible, or as specified by the Health Authority.
- 2.4 The areas deemed a substantial public health hazard, by the Health Authority, must be removed from public access immediately. Lead-related substantial hazards to public health and safety include, but are not limited to the following areas that have exceeded the limits, as determined by the United States Department of Housing and Urban Development (HUD) and the EPA:
 - 2.4.1 The presence of lead-based paint in a fair or poor condition,
 - 2.4.2 Dust-lead hazards, or
 - 2.4.3 Soil-lead hazards;

Section 3

RESIDENTIAL PROPERTY RENOVATION

3.1 Applicability

This Section applies to all renovations performed in target housing and child-occupied facilities.

3.2 Exceptions

The following are exceptions from the applicability of the requirements of this Section of these Regulations:

- 3.2.1** Renovations in target housing or child-occupied facilities in which a written determination has been made by an inspector or risk assessor that the components affected by the renovation are free of paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams/per square centimeter (mg/cm^2) or 0.5 percent by weight, where the firm performing the renovation has obtained a copy of the determination.
 - 3.2.2** Renovations in target housing or child-occupied facilities in which a certified renovator, using an EPA recognized test kit and following the kit manufacturer's instructions, has tested each component affected by the renovation and determined that the components are free of paint or other surface coatings that contain lead equal to or in excess of $1.0 \text{ mg}/\text{cm}^2$ or 0.5 percent by weight. If the components make up an integrated whole, such as the individual stair treads and risers of a single staircase, the renovator is required to test only one of the individual components, unless the individual components appear to have been repainted or refinished separately.
- #### **3.3 Exemptions for emergency renovations**
- 3.3.1** The information distribution requirements in the following Sections do not apply to emergency renovations, which are renovation activities that were not planned but result from a sudden, unexpected event (such as non-routine failures of equipment) that, if not immediately attended to, presents a safety or public health hazard, or threatens equipment and/or property with significant damage.
 - 3.3.2** Emergency renovations include interim controls put in place in response to an elevated blood lead level (EBL) in a resident child.
 - 3.3.3** Emergency renovations other than interim controls are also exempt from the warning sign, containment, waste handling, training, and certification requirements to the extent necessary to respond to the emergency.
 - 3.3.4** Emergency renovations are not exempt from the cleaning requirements, which must be performed by certified renovators or individuals trained in accordance with the cleaning verification requirements which must be performed by certified renovators, and the recordkeeping requirements.

3.4 Information distribution requirements

When renovations are performed for compensation, then the owners and occupants of target housing and child-occupied facilities shall be given, by the firm performing the renovation, certain information regarding lead-based paint hazards, specific to the type of dwelling or facility that is being remediated before these renovations begin.

3.4.1 Renovations in dwelling units

No more than 60 days before beginning renovation activities in any residential dwelling unit of target housing, the firm performing the renovation must:

- 3.4.1.1 Provide the owner of the unit with the required informational pamphlet, and comply with one of the following:
 - 3.4.1.1.1 Obtain, from the owner, a written acknowledgment that the owner has received the pamphlet or
 - 3.4.1.1.2 Obtain a certificate of mailing at least 7 days prior to the renovation.
- 3.4.1.2 In addition to the requirements in **Section 3.4.1.1**, if the owner does not occupy the dwelling unit, provide an adult occupant of the unit with the pamphlet, and comply with one of the following:
 - 3.4.1.2.1 Obtain, from the adult occupant, a written acknowledgment that the occupant has received the pamphlet; or certify in writing that a pamphlet has been delivered to the dwelling and that the firm performing the renovation has been unsuccessful in obtaining a written acknowledgment from an adult occupant. Such certification must include the address of the unit undergoing renovation, the date and method of delivery of the pamphlet, names of the persons delivering the pamphlet, reason for lack of acknowledgment (e.g., occupant refuses to sign, no adult occupant available), the signature of a representative of the firm performing the renovation, and the date of signature.
 - 3.4.1.2.2 Obtain a certificate of mailing at least 7 days prior to the renovation.

3.4.2 Renovations in common areas

No more than 60 days before beginning renovation activities in common areas of multi-unit target housing, the firm performing the renovation must:

- 3.4.2.1 Provide the owner with the pamphlet, and *comply with one of the following*:
 - 3.4.2.1.1 Obtain, from the owner, a written acknowledgment that the owner has received the pamphlet.
 - 3.4.2.1.2 Obtain a certificate of mailing at least 7 days prior to the renovation.
- 3.4.2.2 *Comply with one of the following*:
 - 3.4.2.2.1 Notify in writing, or ensure written notification of, each affected unit and make the pamphlet available upon request prior to the start of renovation. Such notification shall be accomplished by distributing written notice to each affected unit. The notice shall describe the general nature and locations of the planned renovation activities; the expected starting and ending dates; and a statement of how the occupant can obtain the pamphlet and a copy of the records required by **Section 3.6.3 and 3.6.4**, at no cost to the occupants, or
 - 3.4.2.2.2 While the renovation is ongoing, post informational signs describing the general nature and locations of the renovation and the anticipated completion date. These signs must be posted in areas where they are likely to be seen by the

occupants of all of the affected units. The signs must be accompanied by a posted copy of the pamphlet or information on how interested occupants can review a copy of the pamphlet or obtain a copy from the renovation firm at no cost to occupants. The signs must also include information on how interested occupants can review a copy of the records required by **Section 3.6.3 and 3.6.4** or obtain a copy from the renovation firm at no cost to the occupants.

3.4.2.3 Prepare, sign, and date a statement describing the steps performed to notify all occupants of the intended renovation activities and to provide the pamphlet.

3.4.2.4 If the scope, locations, or expected starting and ending dates of the planned renovation activities change after the initial notification, and the firm provided written initial notification to each affected unit, the firm performing the renovation must provide further written notification to the owners and occupants providing revised information on the ongoing or planned activities. This subsequent notification must be provided before the firm performing the renovation initiates work beyond that which was described in the original notice.

3.4.3 *Renovations in child-occupied facilities*

No more than 60 days before beginning renovation activities in any child-occupied facility, the firm performing the renovation must:

3.4.3.1 Provide the owner of the building with the pamphlet, and comply with one of the following:

3.4.3.1.1 Obtain, from the owner, a written acknowledgment that the owner has received the pamphlet or

3.4.3.1.2 Obtain a certificate of mailing at least seven (7) days prior to the renovation.

3.4.3.2 If the operator of the child-occupied facility is not the owner of the building, provide the operator of the child-occupied facility with the pamphlet, and comply with one of the following:

3.4.3.2.1 Obtain, from the operator, a written acknowledgment that the operator has received the pamphlet; or certify in writing that a pamphlet has been delivered to the facility and that the firm performing the renovation has been unsuccessful in obtaining a written acknowledgment from the operator. Such certification must include the address of the child-occupied facility undergoing renovation, the date and method of delivery of the pamphlet, names of the persons delivering the pamphlet, reason for lack of acknowledgment (e.g., operator refuses to sign), the signature of a representative of the firm performing the renovation, and the date of signature or

3.4.3.2.2 Obtain a certificate of mailing at least seven (7) days prior to the renovation.

3.4.3.3 Provide the parents and guardians of children using the child-occupied facility with the pamphlet, information describing the general nature and locations of the renovation and the anticipated completion date, and information on how interested parents or guardians of children frequenting the child-occupied facility can review a copy of the records required by **Section 3.6.3 and 3.6.4** or obtain a copy from the renovation firm at no cost to the occupants by complying with one of the following:

3.4.3.3.1 Mail or hand-deliver the pamphlet and the renovation information to each parent or guardian of a child using the child-occupied facility or

3.4.3.3.2 While the renovation is ongoing, post informational signs describing the general nature and locations of the renovation and the anticipated completion date. These signs must be posted in areas where they can be seen by the parents or guardians of the children frequenting the child-occupied facility. The signs must be accompanied by a posted copy of the pamphlet or information on how

interested parents or guardians of children frequenting the child-occupied facility can review a copy of the pamphlet or obtain a copy from the renovation firm at no cost to the parents or guardians. The signs must also include information on how interested parents or guardians of children frequenting the child-occupied facility can review a copy of the records required by **Section 3.6.3 and 3.6.4** or obtain a copy from the renovation firm at no cost to the parents or guardians.

- 3.4.3.4 The renovation firm must prepare, sign, and date a statement describing the steps performed to notify all parents and guardians of the intended renovation activities and to provide the pamphlet.

3.5 Work practice standards

3.5.1 *Standards for renovation activities*

Renovations must be performed by certified firms using certified renovators. See **Appendix A** for the *Small Entity Compliance Guide to Renovate Right-EPA's Lead-Based Paint, Renovation, Repair, and Painting Program*.

3.5.1.1 Occupant protection

Firms must post signs clearly defining the work area and warning occupants and other persons not involved in renovation activities to remain outside of the work area. To the extent practicable, these signs must be in the primary language of the occupants. These signs must be posted before beginning the renovation and must remain in place and readable until the renovation and the post-renovation cleaning verification steps have been completed. If warning signs have been posted in accordance with **OSHA regulations 24 CFR 35.1345(b)(2) or 29 CFR 1926.62(m)**, additional signs are not required by this section.

3.5.1.2 Containing the work area

Before beginning the renovation, the firm must isolate the work area so that no dust or debris leaves the work area while the renovation is being performed. In addition, the firm must maintain the integrity of the containment by ensuring that any plastic or other impermeable materials are not torn or displaced, and taking any other steps necessary to ensure that no dust or debris leaves the work area while the renovation is being performed. The firm must also ensure that containment is installed in such a manner that it does not interfere with occupant and worker egress in an emergency.

3.5.1.2.1 *Interior renovations*

The firm must:

- 3.5.1.2.1.1 Remove all objects from the work area, including furniture, rugs, and window coverings, or cover them with plastic sheeting or other impermeable material with all seams and edges taped or otherwise sealed.
- 3.5.1.2.1.2 Close and cover all ducts opening in the work area with taped-down plastic sheeting or other impermeable material.
- 3.5.1.2.1.3 Close windows and doors in the work area. Doors must be covered with plastic sheeting or other impermeable material. Doors used as an entrance to the work area must be covered with plastic sheeting or other impermeable material in a manner that allows workers to pass through while confining dust and debris to the work area.
- 3.5.1.2.1.4 Cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area six (6) feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater.

- 3.5.1.2.1.5** Use precautions to ensure that all personnel, tools, and other items, including the exteriors of containers of waste, are free of dust and debris before leaving the work area.
- 3.5.1.2.2** *Exterior renovations*
The firm must:
- 3.5.1.2.2.1** Close all doors and windows within 20 feet of the renovation. On multi-story buildings, The doors and windows within an area consisting of the 20 feet lateral to the area under renovation on either side of the same floor as the renovation, and directly above and directly below the floor of the renovation, both parallel and perpendicular to the area under renovation. The results should be that there are closed doors and windows in all directions 20 feet from the renovation activities.
- 3.5.1.2.2.2** Ensure that doors within the work area that will be used while the job is being performed are covered with plastic sheeting or other impermeable material in a manner that allows workers to pass through while confining dust and debris to the work area.
- 3.5.1.2.2.3** Cover the ground with plastic sheeting or other disposable impermeable material extending ten (10) feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to collect falling paint debris, whichever is greater, unless the property line prevents ten (10) feet of such ground covering.
- 3.5.1.2.2.4** In certain situations, the renovation firm must take extra precautions in containing the work area to ensure that dust and debris from the renovation does not contaminate other buildings or other areas of the property or migrate to adjacent properties.
- 3.5.1.3** *Prohibited and restricted practices*
The work practices listed below shall be prohibited or restricted during a renovation as follows:
- 3.5.1.3.1** Open-flame burning or torching of lead-based paint is prohibited.
- 3.5.1.3.2** The use of machines that remove lead-based paint through high speed operation such as sanding, grinding, power planing, needle gun, abrasive blasting, or sandblasting, is prohibited unless such machines are used with HEPA exhaust control.
- 3.5.1.3.3** Operating a heat gun on lead-based paint is permitted only at temperatures below 1,100 degrees Fahrenheit.
- 3.5.1.4** *Waste from renovations*
- 3.5.1.4.1** Waste from renovation activities must be contained to prevent releases of dust and debris before the waste is removed from the work area for storage or disposal. If a chute is used to remove waste from the work area, it must be covered.
- 3.5.1.4.2** At the conclusion of each work day and at the conclusion of the renovation, waste that has been collected from renovation activities must be stored under containment, in an enclosure, or behind a barrier that prevents release of dust and debris out of the work area and prevents access to dust and debris.
- 3.5.1.4.3** When the firm transports waste from renovation activities, the firm must contain the waste to prevent release of dust and debris.
- 3.5.1.5** *Cleaning the work area*
After the renovation has been completed, the firm must clean the work area until no dust, debris or residue remains.
- 3.5.1.5.1** *Interior and exterior renovations*
The firm must:

- 3.5.1.5.1.1 Collect all paint chips and debris and, without dispersing any of it, seal this material in a heavy-duty bag.
- 3.5.1.5.1.2 Remove the protective sheeting. Mist the sheeting before folding it, fold the dirty side inward, and either tape shut to seal or seal in heavy-duty bags. Sheeting used to isolate contaminated rooms from non-contaminated rooms must remain in place until after the cleaning and removal of other sheeting. Dispose of the sheeting as waste.
- 3.5.1.5.2 *Additional cleaning for interior renovations*
The firm must clean all objects and surfaces in the work area and within two (2) feet of the work area in the following manner, cleaning from higher to lower:
 - 3.5.1.5.2.1 *Walls*
Clean walls starting at the ceiling and working down to the floor by either vacuuming with a HEPA vacuum or wiping with a damp cloth.
 - 3.5.1.5.2.2 *Remaining surfaces*
Thoroughly vacuum all remaining surfaces and objects in the work area, including furniture and fixtures, with a HEPA vacuum. The HEPA vacuum must be equipped with a beater bar when vacuuming carpets and rugs.
 - 3.5.1.5.2.3 Wipe all remaining surfaces and objects in the work area, except for carpeted or upholstered surfaces, with a damp cloth. Mop uncarpeted floors thoroughly, using a mopping method that keeps the wash water separate from the rinse water, such as the 2-bucket mopping method, or using a wet mopping system.

3.5.2 **Standards for post-renovation cleaning verification**

3.5.2.1 Interiors

- 3.5.2.1.1 A certified renovator must perform a visual inspection to determine whether dust, debris or residue is still present. If dust, debris or residue is present, these conditions must be removed by re-cleaning and another visual inspection must be performed.
- 3.5.2.1.2 After a successful visual inspection, a certified renovator must:
 - 3.5.2.1.2.1 Verify that each windowsill in the work area has been adequately cleaned, using the following procedure.
 - 3.5.2.1.2.1.1 Wipe the windowsill with a wet disposable cleaning cloth that is damp to the touch. If the cloth matches or is lighter than the cleaning verification card, the windowsill has been adequately cleaned.
 - 3.5.2.1.2.1.2 If the cloth does not match and is darker than the cleaning verification card, re-clean the windowsill as directed in **Sections 3.5.1.5.2.2 and 3.5.1.5.2.3**, then either use a new cloth or fold the used cloth in such a way that an unused surface is exposed, and wipe the surface again. If the cloth matches or is lighter than the cleaning verification card, then windowsill has been adequately cleaned.
 - 3.5.2.1.2.1.3 If the cloth does not match and is darker than the cleaning verification card, wait for one (1) hour or until the surface has dried completely, whichever is longer.
 - 3.5.2.1.2.1.4 After waiting for the windowsill to dry, wipe the windowsill with a dry disposable cleaning cloth. After this wipe, the windowsill has been adequately cleaned.
 - 3.5.2.1.2.2 Wipe uncarpeted floors and countertops within the work area with a wet disposable cleaning cloth. Floors must be wiped using an application device with a long handle and a head to which the cloth is attached. The cloth must remain damp at all times while it is being used to wipe the surface for post-

renovation cleaning verification. If the surface within the work area is greater than 40 square feet, the surface within the work area must be divided into roughly equal sections that are each less than 40 square feet. Wipe each such section separately with a new wet disposable cleaning cloth. If the cloth used to wipe each section of the surface within the work area matches the cleaning verification card, the surface has been adequately cleaned.

- 3.5.2.1.2.2.1 If the cloth used to wipe a particular surface section does not match the cleaning verification card, re-clean that section of the surface as directed in **Sections 3.5.1.5.2.2 and 3.5.1.5.2.3**, then use a new wet disposable cleaning cloth to wipe that section again. If the cloth matches the cleaning verification card, that section of the surface has been adequately cleaned.
- 3.5.2.1.2.2.2 If the cloth used to wipe a particular surface section does not match the cleaning verification card after the surface has been re-cleaned, wait for one (1) hour or until the entire surface within the work area has dried completely, whichever is longer.
- 3.5.2.1.2.2.3 After waiting for the entire surface within the work area to dry, wipe each section of the surface that has not yet achieved post-renovation cleaning verification with a dry disposable cleaning cloth. After this wipe, that section of the surface has been adequately cleaned.
- 3.5.2.1.3 When the work area passes the post-renovation cleaning verification, remove the warning signs.

3.5.2.2 Exteriors

A certified renovator must perform a visual inspection to determine whether dust, debris or residue is still present on surfaces in and below the work area, including windowsills and the ground. If dust, debris or residue is present, these conditions must be eliminated and another visual inspection must be performed. When the area passes the visual inspection, remove the warning signs.

3.5.3 ***Optional dust clearance testing***

Cleaning verification need not be performed if the contract between the renovation firm and the person contracting for the renovation or another federal, state, or local law or regulation requires:

- 3.5.3.1 The renovation firm to perform dust clearance sampling at the conclusion of a renovation covered by this Section.
- 3.5.3.2 The dust clearance samples are required to be collected by a certified inspector, risk assessor or dust sampling technician.
- 3.5.3.3 The renovation firm is required to re-clean the work area until the dust clearance sample results are below the clearance standards in **Section 5.2.5.8** or any applicable state, territorial, or local standard.

3.5.4 ***Activities conducted after post-renovation cleaning verification***

Activities that do not disturb paint, such as applying paint to walls that have already been prepared, are not regulated by this Section if they are conducted after post-renovation cleaning verification has been performed.

3.5.5 **Written acknowledgment**

The written acknowledgments required by this Section must:

- 3.5.5.1 Include a statement recording the owner or occupant's name and acknowledging receipt of the pamphlet prior to the start of renovation, the address of the dwelling unit(s), common area(s), or child-occupied facility undergoing renovation, the signature of the owner or occupant as applicable, and the date of signature.
- 3.5.5.2 Be either a separate sheet or part of any written contract or service agreement for the renovation.
- 3.5.5.3 Be written in the same language as the text of the contract or agreement for the renovation or, in the case of non-owner occupied target housing, in the same language as the lease or rental agreement or the pamphlet.

3.6 **Recordkeeping and reporting requirements**

- 3.6.1 Firms performing renovations must retain and, if requested, make available to the Health Authority all records necessary to demonstrate compliance with this Section for a period of three (3) years following completion of the renovation. This three (3)-year retention requirement does not supersede longer obligations required by other provisions for retaining the same documentation, including any applicable federal, state or local laws or regulations.
- 3.6.2 Records that must be retained pursuant to **Section 3.6.1** shall include (where applicable):
 - 3.6.2.1 Records or reports certifying that a determination had been made that lead-based paint was not present on the components affected by the renovation, as described in **Section 3.2**. These records or reports include:
 - 3.6.2.1.1 Reports prepared by a certified inspector or certified risk assessor.
 - 3.6.2.1.2 Records prepared by a certified renovator after using EPA-recognized test kits, including an identification of the manufacturer and model of any test kits used, a description of the components that were tested including their locations, and the result of each test kit used.
 - 3.6.2.2 Signed and dated acknowledgments of receipt as described in **Section 3.4**
 - 3.6.2.3 Certifications of attempted delivery.
 - 3.6.2.4 Certificates of mailing
 - 3.6.2.5 Records of notification activities performed regarding common area renovations and renovations in child-occupied facilities.
 - 3.6.2.6 Documentation of compliance with the requirements of **Section 3.5**, including documentation that a certified renovator was assigned to the project, that the certified renovator provided on-the-job training for workers used on the project, that the certified renovator performed or directed workers who performed all of the tasks described in **Section 3.5** and that the certified renovator performed the post-renovation cleaning verification. If the renovation firm was unable to comply with all of the requirements of this rule due to an emergency as defined in **Section 3.3**, the firm must document the nature of the emergency and the provisions of the rule that were not followed. This documentation must include a copy of the certified renovator's training certificate, and a certification by the certified renovator assigned to the project that:
 - 3.6.2.6.1 Training was provided to workers (topics must be identified for each worker).
 - 3.6.2.6.2 Warning signs were posted at the entrances to the work area.

- 3.6.2.6.3 If test kits were used, that the specified brand of kits was used at the specified locations and that the results were as specified.
- 3.6.2.6.4 The work area was contained by:
 - 3.6.2.6.4.1 Removing or covering all objects in the work area (interiors).
 - 3.6.2.6.4.2 Closing and covering all HVAC ducts in the work area (interiors).
 - 3.6.2.6.4.3 Closing all windows in the work area (interiors) or closing all windows in and within 20 feet of the work area (exteriors).
 - 3.6.2.6.4.4 Closing and sealing all doors in the work area (interiors) or closing and sealing all doors in and within 20 feet of the work area (exteriors).
 - 3.6.2.6.4.5 Covering doors in the work area being used for entrance and egress with a cover that allows easy passage of personnel and equipment, but prevents the spread of dust. (Examples include heavy-duty tarps or plastic sheeting)
 - 3.6.2.6.4.6 Covering the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area 6 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater (interiors) or covering the ground with plastic sheeting or other disposable impermeable material anchored to the building extending ten (10) feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to collect falling paint debris, whichever is greater, unless the property line prevents ten (10) feet of such ground covering, weighted down by heavy objects (exteriors).
 - 3.6.2.6.4.7 Installing (if necessary) vertical containment to prevent migration of dust and debris to adjacent property (exteriors).
- 3.6.2.6.5 Waste was contained on-site and while being transported off-site.
- 3.6.2.6.6 The work area was properly cleaned after the renovation by:
 - 3.6.2.6.6.1 Picking up all chips and debris, misting protective sheeting, folding it dirty side inward, and taping it for removal.
 - 3.6.2.6.6.2 Cleaning the work area surfaces and objects using a HEPA vacuum and/or wet cloths or mops (interiors).
- 3.6.2.6.7 The certified renovator performed the post-renovation cleaning verification (the results of which must be briefly described, including the number of wet and dry cloths used).

3.6.3 *Information provided following renovation*

- 3.6.3.1 When the final invoice for the renovation is delivered or within 30 days of the completion of the renovation, whichever is earlier, the renovation firm must provide information pertaining to compliance with this Section to the following persons:
 - 3.6.3.1.1 The owner of the building; and, if different,
 - 3.6.3.1.2 An adult occupant of the residential dwelling, if the renovation took place within a residential dwelling, or the operator of the child-occupied facility, if the renovation took place within a child-occupied facility.
- 3.6.3.2 When performing renovations in common areas of multi-unit target housing, renovation firms must post the information required by this Section or instructions on how interested occupants can obtain a copy of this information. This information must be posted in areas where it is likely to be seen by the occupants of all of the affected units.
- 3.6.3.3 The information required to be provided by **Section 3.6.3** may be provided by completing the sample form titled "Sample Renovation Recordkeeping Checklist" or a similar form containing the test kit information required by **Section 3.6.2.1.2** and the training and work practice compliance information required by **Section 3.6.2.6**.

- 3.6.4** If dust clearance sampling is performed in lieu of cleaning verification as permitted by **Section 3.5.3** the renovation firm must provide, when the final invoice for the renovation is delivered or within 30 days of the completion of the renovation, whichever is earlier, a copy of the dust sampling report to:
- 3.6.4.1** The owner of the building; and, if different,
 - 3.6.4.2** An adult occupant of the residential dwelling, if the renovation took place within a residential dwelling, or the operator of the child-occupied facility, if the renovation took place within a child-occupied facility.
 - 3.6.4.3** When performing renovations in common areas of multi-unit target housing, renovation firms must post these dust sampling reports or information on how interested occupants of the housing being renovated can obtain a copy of the report. This information must be posted in areas where they are likely to be seen by the occupants of all of the affected units.

Section 4

DISCLOSURE OF LEAD-BASED PAINT HAZARDS UPON SALE OR LEASE OF RESIDENTIAL PROPERTY

4.1 Purpose

This Section imposes certain requirements on the sale or lease of target housing. Under this Section, a seller or lessor of target housing shall disclose to the purchaser or lessee the presence of any known lead-based paint and/or lead-based paint hazards; provide available records and reports; provide the purchaser or lessee with a lead hazard information pamphlet; give purchasers a ten (10)-day opportunity to conduct a risk assessment or inspection; and attach specific disclosure and warning language to the sales or leasing contract before the purchaser or lessee is obligated under a contract to purchase or lease target housing.

4.2 Scope and applicability

For the purposes of this **Section** lease renewal shall include both renegotiation of existing lease terms and/or ratification of a new lease.

This Section applies to all transactions to sell or lease target housing, including subleases, with the exception of the following:

4.2.1 Sales of target housing at foreclosure.

4.2.2 Leases of target housing that have been found to be lead-based paint free by an inspector certified under the federal certification program or under a federally accredited state certification program. Until a federal certification program or federally accredited state certification program is in place within the state, inspectors shall be considered qualified to conduct an inspection for this purpose if they have received certification under any existing state inspector certification program. The lessor has the option of using the results of additional test(s) by a certified inspector to confirm or refute a prior finding.

4.2.3 Renewals of existing leases in target housing in which the lessor has previously disclosed all information required under **Section 4.3** and where no new information described in **Section 4.3** has come into the possession of the lessor.

4.3 Disclosure requirements for sellers and lessors

4.3.1 The following activities shall be completed before the purchaser or lessee is obligated under any contract to purchase or lease target housing that is not otherwise an exempt transaction pursuant to **Section 4.2**. Nothing in this Section implies a positive obligation on the seller or lessor to conduct any evaluation or reduction activities.

4.3.1.1 The seller or lessor shall provide the purchaser or lessee with an EPA-approved lead hazard information pamphlet. Such pamphlets include the EPA document entitled *Protect Your Family From Lead in Your Home* (EPA #747-K-94-001) or an equivalent pamphlet that has been approved for use in that Nevada or Clark County by EPA.

- 4.3.1.2** The seller or lessor shall disclose to the purchaser or lessee the presence of any known lead-based paint and/or lead-based paint hazards in the target housing being sold or leased. The seller or lessor shall also disclose any additional information available concerning the known lead-based paint and/or lead-based paint hazards, such as the basis for the determination that lead-based paint and/or lead-based paint hazards exist, the location of the lead-based paint and/or lead-based paint hazards, and the condition of the painted surfaces.
- 4.3.1.3** The seller or lessor shall disclose to each agent the presence of any known lead-based paint and/or lead-based paint hazards in the target housing being sold or leased and the existence of any available records or reports pertaining to lead-based paint and/or lead-based paint hazards. The seller or lessor shall also disclose any additional information available concerning the known lead-based paint and/or lead-based paint hazards, such as the basis for the determination that lead-based paint and/or lead-based paint hazards exist, the location of the lead-based paint and/or lead-based paint hazards, and the condition of the painted surfaces.
- 4.3.1.4** The seller or lessor shall provide the purchaser or lessee with any records or reports available to the seller or lessor pertaining to lead-based paint and/or lead-based paint hazards in the target housing being sold or leased. This requirement includes records or reports regarding common areas. This requirement also includes records or reports regarding other residential dwellings in multifamily target housing, provided that such information is part of an evaluation or reduction of lead-based paint and/or lead-based paint hazards in the target housing as a whole.
- 4.3.2** If any of the disclosure activities identified in **Section 4.3.1** occurs after the purchaser or lessee has provided an offer to purchase or lease the housing, the seller or lessor shall complete the required disclosure activities prior to accepting the purchaser's or lessee's offer.

4.4 Opportunity to conduct an evaluation

- 4.4.1** Before a purchaser is obligated under any contract to purchase target housing, the seller shall permit the purchaser a 10-day period (unless the parties mutually agree, in writing, upon a different period of time) to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards.
- 4.4.2** Notwithstanding **Section 4.4.1**, a purchaser may waive the opportunity to conduct the risk assessment or inspection by so indicating in writing.

4.5 Certification and acknowledgment of disclosure

4.5.1 Seller requirements

Each contract to sell target housing shall include an attachment containing the following elements, in the language of the contract (e.g., English, Spanish):

- 4.5.1.1** A Lead Warning Statement consisting of the following language:
Every purchaser of any interest in residential real property on which a residential dwelling was built prior to 1978 is notified that such property may present exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning. Lead poisoning in young children may produce permanent neurological damage, including learning disabilities, reduced intelligence quotient, behavioral

problems, and impaired memory. Lead poisoning also poses a particular risk to pregnant women. The seller of any interest in residential real property is required to provide the buyer with any information on lead-based paint hazards from risk assessments or inspections in the seller's possession and notify the buyer of any known lead-based paint hazards. A risk assessment or inspection for possible lead-based paint hazards is recommended prior to purchase.

- 4.5.1.2** A statement by the seller disclosing the presence of known lead-based paint and/or lead-based paint hazards in the target housing being sold or indicating no knowledge of the presence of lead-based paint and/or lead-based paint hazards. The seller shall also provide any additional information available concerning the known lead-based paint and/or lead-based paint hazards, such as the basis for the determination that lead-based paint and/or lead-based paint hazards exist, the location of the lead-based paint and/or lead-based paint hazards, and the condition of the painted surfaces.
- 4.5.1.3** A list of any records or reports available to the seller pertaining to lead-based paint and/or lead-based paint hazards in the housing that have been provided to the purchaser. If no such records or reports are available, the seller shall so indicate.
- 4.5.1.4** A statement by the purchaser affirming receipt of the information set out in **Sections 4.5.1.2 and 4.5.1.3**, and the lead hazard information pamphlet required under Title 15—Commerce and Trade; Chapter 53--Toxic Substances Control; Subchapter IV—Lead Exposure Reduction; Section 2686—Lead Hazard Information Pamphlet (**15 U.S.C. 2686**) **See Appendix B.**
- 4.5.1.5** A statement by the purchaser that he/she has either:
 - 4.5.1.5.1** Received the opportunity to conduct the risk assessment or inspection required by **Section 4.4.1**; or
 - 4.5.1.5.2** Waived the opportunity.
- 4.5.1.6** When one or more agents are involved in the transaction to sell target housing on behalf of the seller, a statement that:
 - 4.5.1.6.1** The agent has informed the seller of the seller's obligations under Title 42—The Public Health and Welfare; Chapter 63A—Residential Lead-Based Paint Hazard Reduction; Subchapter I—Lead-Based Paint Hazard Reduction; § 4852d—*Disclosure Of Information Concerning Lead Upon Transfer Of Residential Property* (**42 U.S.C. 4852d**) **See Appendix C**; and
 - 4.5.1.6.2** The agent is aware of his/her duty to ensure compliance with the requirements of this Section.
- 4.5.1.7** The signatures of the sellers, agents, and purchasers certifying to the accuracy of their statements to the best of their knowledge, along with the dates of signature.

4.5.2 **Lessor requirements**

Each contract to lease target housing shall include, as an attachment or within the contract, the following elements, in the language of the contract (e.g., English, Spanish):

4.5.2.1 A Lead Warning Statement with the following language:

Housing built before 1978 may contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not managed properly. Lead exposure is especially harmful to young children and pregnant women. Before renting pre-1978 housing, lessors must disclose the presence of lead-based paint and/or lead-based paint hazards in the dwelling. Lessees must also receive a federally approved pamphlet on lead poisoning prevention.

4.5.2.2 A statement by the lessor disclosing the presence of known lead-based paint and/or lead-based paint hazards in the target housing being leased or indicating no knowledge of the presence of lead-based paint and/or lead-based paint hazards. The lessor shall also disclose any additional information available concerning the known lead-based paint and/or lead-based paint hazards, such as the basis for the determination that lead-based paint and/or lead-based paint hazards exist, the location of the lead-based paint and/or lead-based paint hazards, and the condition of the painted surfaces.

4.5.2.3 A list of any records or reports available to the lessor pertaining to lead-based paint and/or lead-based paint hazards in the housing that have been provided to the lessee. If no such records or reports are available, the lessor shall so indicate.

4.5.2.4 A statement by the lessee affirming receipt of the information set out in **Sections 4.5.2.2 and 4.5.2.3** and the lead hazard information pamphlet required under **15 U.S.C. 2686**. **See Appendix B.**

4.5.2.5 When one or more agents are involved in the transaction to lease target housing on behalf of the lessor, a statement that:

4.5.2.5.1 The agent has informed the lessor of the lessor's obligations under **42 U.S.C. 4852d** **See Appendix C**, and;

4.5.2.5.2 The agent is aware of his/her duty to ensure compliance with the requirements of this Section.

4.5.2.6 The signatures of the lessors, agents, and lessees, certifying to the accuracy of their statements, to the best of their knowledge, along with the dates of signature.

4.5.3 **Retention of Certification and Acknowledgment Information**

4.5.3.1 The seller, and any agent, shall retain a copy of the completed attachment required under **Section 4.5.1** for no less than 3 years from the completion date of the sale. The lessor, and any agent, shall retain a copy of the completed attachment or lease contract containing the information required under **Section 4.5.2** for no less than three (3) years from the commencement of the leasing period.

4.5.3.2 This recordkeeping requirement is not intended to place any limitations on civil suits.

4.5.4 The seller, lessor, or agent shall not be responsible for the failure of a purchaser's or lessee's legal representative (where such representative receives all compensation from the purchaser or lessee) to transmit disclosure materials to the purchaser or lessee, provided that all required parties have completed and signed the necessary certification and acknowledgment language required under **Sections 4.5.1 and 4.5.2**.

4.6 Agent responsibilities

4.6.1 Each agent shall ensure compliance with all requirements of this Section. To ensure compliance, the agent shall:

4.6.1.1 Inform the seller or lessor of his/her obligations under **Sections 4.3, 4.4, and 4.5**.

4.6.1.2 Ensure that the seller or lessor has performed all activities required under **Sections 4.3, 4.4, and 4.5**, or personally ensure compliance with the requirements of **Sections 4.3, 4.4, and 4.5**.

4.6.2 If the agent has complied with **Section 4.6.1.1**, the agent shall not be liable for the failure to disclose to a purchaser or lessee the presence of lead-based paint and/or lead-based paint hazards known by a seller or lessor but not disclosed to the agent.

4.7 Authority to inspect

4.7.1 Health Authority staff shall present SNHD-issued official identification prior to beginning official work.

4.7.2 After presenting official identification, the Health Authority shall be allowed to review, at any reasonable time, any record required to be kept by the agent, seller or lessor in compliance with this section.

Section 5

LEAD-BASED PAINT ACTIVITIES

5.1 Scope and applicability

- 5.1.1** This **Section 5.1** also requires that, except as discussed below, all lead-based paint activities, as defined in this Section, be performed by certified individuals and firms.
- 5.1.2** This Section applies to all individuals and firms who are engaged in lead-based paint activities as defined in these Regulations, except persons who perform these activities within residential dwellings that they own, unless the residential dwelling is occupied by a person or persons other than the owner or the owner's immediate family while these activities are being performed, or a child residing in the building has been identified as having an elevated blood lead level.
- 5.1.3** While this Section establishes specific requirements for performing lead-based paint activities should they be undertaken, nothing in this Section requires that the owner or occupant undertake any particular lead-based paint activity.

5.2 Work practice standards for conducting lead-based paint activities: target housing and child-occupied facilities

5.2.1 *Applicability and terms*

- 5.2.1.1** When performing any lead-based paint activity described by the certified individual as an inspection, lead-hazard screen, risk assessment or abatement, a certified individual must perform that activity in compliance with the appropriate requirements below.
- 5.2.1.2** Documented methodologies that are appropriate for this section are found in the following: *The U.S. Department of Housing and Urban Development (HUD) Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing*; the *EPA Guidance on Residential Lead-Based Paint, Lead-Contaminated Dust, and Lead-Contaminated Soil*; the *EPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling (EPA report number 7474-R-95-001)*; Regulations, guidance, methods or protocols issued by states that have been authorized by EPA; and other equivalent or subsequently approved methods and guidelines, and those specifically approved by the Health Authority.
- 5.2.1.3** Clearance levels are appropriate for the purposes of this section may be found in the *EPA Guidance on Residential Lead-Based Paint, Lead-Contaminated Dust, and Lead Contaminated Soil* or other equivalent guidelines.

5.2.2 *Inspection*

- 5.2.2.1** An inspection shall be conducted only by a person certified by EPA as an inspector or risk assessor and, if conducted, must be conducted according to the procedures in this Section.
- 5.2.2.2** When conducting an inspection, the following locations shall be selected according to documented methodologies and tested for the presence of lead-based paint:
- 5.2.2.2.1** In a residential dwelling and child-occupied facility, each component with a distinct painting history and each exterior component with a distinct painting

history shall be tested for lead-based paint, except those components that the inspector or risk assessor determines to have been replaced after 1978, or to not contain lead-based paint; and

- 5.2.2.2.2 In a multi-family dwelling or child-occupied facility, each component with a distinct painting history in every common area, except those components that the inspector or risk assessor determines to have been replaced after 1978, or to not contain lead-based paint.
- 5.2.2.3 Paint shall be sampled in the following manner:
 - 5.2.2.3.1 The analysis of paint to determine the presence of lead shall be conducted using documented methodologies which incorporate adequate quality control procedures; and/or
 - 5.2.2.3.2 All collected paint chip samples shall be analyzed according to **Section 5.2.6** to determine if they contain detectable levels of lead that can be quantified numerically.
- 5.2.2.4 The certified inspector or risk assessor shall prepare an inspection report which shall include the following information:
 - 5.2.2.4.1 Date of each inspection.
 - 5.2.2.4.2 Address of building.
 - 5.2.2.4.3 Date of construction.
 - 5.2.2.4.4 Apartment numbers (if applicable).
 - 5.2.2.4.5 Name, address, and telephone number of the owner or owners of each residential dwelling or child-occupied facility.
 - 5.2.2.4.6 Name, signature, and certification number of each certified inspector and/or risk assessor conducting testing.
 - 5.2.2.4.7 Name, address, and telephone number of the certified firm employing each inspector and/or risk assessor, if applicable.
 - 5.2.2.4.8 Each testing method and device and/or sampling procedure employed for paint analysis, including quality control data and, if used, the serial number of any x-ray fluorescence (XRF) device.
 - 5.2.2.4.9 Specific locations of each painted component tested for the presence of lead-based paint.
 - 5.2.2.4.10 The results of the inspection expressed in terms appropriate to the sampling method used.

5.2.3 ***Lead hazard screen***

- 5.2.3.1 A lead hazard screen shall be conducted only by a person certified by EPA as a risk assessor.
- 5.2.3.2 If conducted, a lead hazard screen shall be conducted as follows:
 - 5.2.3.2.1 Background information regarding the physical characteristics of the residential dwelling or child-occupied facility and occupant use patterns that may cause lead-based paint exposure to one or more children age 6 years and under shall be collected.
 - 5.2.3.2.2 A visual inspection of the residential dwelling or child-occupied facility shall be conducted to:
 - 5.2.3.2.2.1 Determine if any deteriorated paint is present, and
 - 5.2.3.2.2.2 Locate at least two dust sampling locations.
 - 5.2.3.2.3 If deteriorated paint is present, each surface with deteriorated paint, which is determined, using documented methodologies, to be in poor condition and to have a distinct painting history, shall be tested for the presence of lead.
 - 5.2.3.2.4 In residential dwellings, two composite dust samples shall be collected, one from the floors and the other from the windows, in rooms, hallways or stairwells where

one or more children, age six (6) and under, are most likely to come in contact with dust.

- 5.2.3.2.5** In multi-family dwellings and child-occupied facilities, in addition to the floor and window samples required in **Section 5.2.3.2.4**, the risk assessor shall also collect composite dust samples from common areas where one or more children, age six (6) and under, are most likely to come into contact with dust.
- 5.2.3.3** Dust samples shall be collected and analyzed in the following manner:
 - 5.2.3.3.1** All dust samples shall be taken using documented methodologies that incorporate adequate quality control procedures.
 - 5.2.3.3.2** All collected dust samples shall be analyzed according to **Section 5.2.6** to determine if they contain detectable levels of lead that can be quantified numerically.
- 5.2.3.4** Paint shall be sampled in the following manner:
 - 5.2.3.4.1** The analysis of paint to determine the presence of lead shall be conducted using documented methodologies which incorporate adequate quality control procedures; and/or
 - 5.2.3.4.2** All collected paint chip samples shall be analyzed according to **Section 5.2.6** to determine if they contain detectable levels of lead that can be quantified numerically.
- 5.2.3.5** The risk assessor shall prepare a lead hazard screen report, which shall include the following information:
 - 5.2.3.5.1** The information required in a risk assessment report as specified in **Section 5.2.4**, including **Sections 5.2.4.11.1** through **5.2.4.11.14**, and excluding **Sections 5.2.4.11.15** through **5.2.4.11.18**. Additionally, any background information collected pursuant to **Section 5.2.3.2.1** shall be included in the risk assessment report; and
 - 5.2.3.5.2** Recommendations, if warranted, for a follow-up risk assessment, and as appropriate, any further actions.

5.2.4 Risk assessment

- 5.2.4.1** A risk assessment shall be conducted only by a person certified by EPA as a risk assessor and, if conducted, must be conducted according to the procedures in this Section.
- 5.2.4.2** A visual inspection for risk assessment of the residential dwelling or child-occupied facility shall be undertaken to locate the existence of deteriorated paint, assess the extent and causes of the deterioration, and other potential lead-based paint hazards.
- 5.2.4.3** Background information regarding the physical characteristics of the residential dwelling or child-occupied facility and occupant use patterns that may cause lead-based paint exposure to one or more children age six (6) years and under shall be collected.
- 5.2.4.4** The following surfaces which are determined, using documented methodologies, to have a distinct painting history, shall be tested for the presence of lead:
 - 5.2.4.4.1** Each friction surface or impact surface with visibly deteriorated paint; and
 - 5.2.4.4.2** All other surfaces with visibly deteriorated paint.
- 5.2.4.5** In residential dwellings, dust samples (either composite or single-surface samples) from the interior window sill(s) and floor shall be collected and analyzed for lead concentration in all living areas where one or more children, age six (6) and under, are most likely to come into contact with dust.
- 5.2.4.6** For multi-family dwellings and child-occupied facilities, the samples required in **Section 5.2.4.4** shall be taken. In addition, interior window sill and floor dust

samples (either composite or single-surface samples) shall be collected and analyzed for lead concentration in the following locations:

- 5.2.4.6.1 Common areas adjacent to the sampled residential dwelling or child-occupied facility; and
- 5.2.4.6.2 Other common areas in the building where the risk assessor determines that one or more children, age six (6) and under, are likely to come into contact with dust.
- 5.2.4.7 For child-occupied facilities, interior window sill and floor dust samples (either composite or single-surface samples) shall be collected and analyzed for lead concentration in each room, hallway or stairwell utilized by one or more children, age six (6) and under, and in other common areas in the child-occupied facility where one or more children, age six (6) and under, are likely to come into contact with dust.
- 5.2.4.8 Soil samples shall be collected and analyzed for lead concentrations in the following locations:
 - 5.2.4.8.1 Exterior play areas where bare soil is present; and
 - 5.2.4.8.2 The rest of the yard (i.e., non-play areas) where bare soil is present.
 - 5.2.4.8.3 Dripline/foundation areas where bare soil is present.
- 5.2.4.9 Any paint, dust, or soil sampling or testing shall be conducted using documented methodologies that incorporate adequate quality control procedures.
- 5.2.4.10 Any collected paint chip, dust, or soil samples shall be analyzed according to **Section 5.2.6** to determine if they contain detectable levels of lead that can be quantified numerically.
- 5.2.4.11 The certified risk assessor shall prepare a risk assessment report which shall include the following information:
 - 5.2.4.11.1 Date of assessment.
 - 5.2.4.11.2 Address of each building.
 - 5.2.4.11.3 Date of construction of buildings.
 - 5.2.4.11.4 Apartment number (if applicable).
 - 5.2.4.11.5 Name, address, and telephone number of each owner of each building.
 - 5.2.4.11.6 Name, signature, and certification of the certified risk assessor conducting the assessment.
 - 5.2.4.11.7 Name, address, and telephone number of the certified firm employing each certified risk assessor if applicable.
 - 5.2.4.11.8 Name, address, and telephone number of each recognized laboratory conducting analysis of collected samples.
 - 5.2.4.11.9 Results of the visual inspection.
 - 5.2.4.11.10 Testing method and sampling procedure for paint analysis employed.
 - 5.2.4.11.11 Specific locations of each painted component tested for the presence of lead.
 - 5.2.4.11.12 All data collected from on-site testing, including quality control data and, if used, the serial number of any XRF device.
 - 5.2.4.11.13 All results of laboratory analysis on collected paint, soil, and dust samples.
 - 5.2.4.11.14 Any other sampling results.
 - 5.2.4.11.15 Any background information collected pursuant to **Section 5.2.4.3**.
 - 5.2.4.11.16 To the extent that they are used as part of the lead-based paint hazard determination, the results of any previous inspections or analyses for the presence of lead-based paint, or other assessments of lead-based paint-related hazards.
 - 5.2.4.11.17 A description of the location, type, and severity of identified lead-based paint hazards and any other potential lead hazards.
 - 5.2.4.11.18 A description of interim controls and/or abatement options for each identified lead-based paint hazard and a suggested prioritization for addressing each hazard. If the use of an encapsulant or enclosure is recommended, the report

shall recommend a maintenance and monitoring schedule for the encapsulant or enclosure.

5.2.5 Abatement

- 5.2.5.1** An abatement shall be conducted only by an individual or firm certified by EPA, and if conducted, shall be conducted according to the procedures in this Section.
- 5.2.5.2** A certified supervisor is required for each abatement project and shall be onsite during all work site preparation and during the post-abatement cleanup of work areas. At all other times when abatement activities are being conducted, the certified supervisor shall be onsite or available by telephone, pager or answering service, and able to be present at the work site in less than two (2) hours.
- 5.2.5.3** The certified supervisor and the certified firm employing that supervisor shall ensure that all abatement activities are conducted according to the requirements of this section and all other federal, state and local requirements.
- 5.2.5.4** A certified firm must notify the Health Authority of lead-based paint abatement activities as follows:
 - 5.2.5.4.1** Except as provided in **Section 5.2.5.4.2**, the Health Authority must be notified prior to conducting lead-based paint abatement activities. The original notification must be received by the Health Authority at least five (5) business days before the start date of any lead-based paint abatement activities.
 - 5.2.5.4.2** Notification for lead-based paint abatement activities required in response to an elevated blood lead level (EBL) determination, or federal, state, or local emergency abatement order should be received by the Health Authority as early as possible before, but must be received no later than the start date of the lead-based paint abatement activities. Should the start date and/or location provided to the Health Authority change, an updated notification must be received by the Health Authority on or before the start date provided to the Health Authority. Documentation showing evidence of an EBL determination or a copy of the federal/state/local emergency abatement order must be included in the written notification to take advantage of this abbreviated notification period.
 - 5.2.5.4.3** Except as provided in **Section 5.2.5.4.2**, updated notification must be provided to the Health Authority for lead-based paint abatement activities that will begin on a date other than the start date specified in the original notification, as follows:
 - 5.2.5.4.3.1** For lead-based paint abatement activities beginning prior to the start date provided to the Health Authority an updated notification must be received by the Health Authority at least five (5) business days before the new start date included in the notification.
 - 5.2.5.4.3.2** For lead-based paint abatement activities beginning after the start date provided to the Health Authority an updated notification must be received by Health Authority on or before the original start date provided to the Health Authority.
 - 5.2.5.4.4** Except as provided in **Section 5.2.5.4.2**, updated notification must be provided to the Health Authority for any change in location of lead-based paint abatement activities at least five (5) business days prior to the start date provided to the Health Authority.
 - 5.2.5.4.5** Updated notification must be provided to the Health Authority when lead-based paint abatement activities are canceled, or when there are other significant changes including, but not limited to, when the square footage or acreage to be abated changes by more than 20 percent. This updated notification must be received by the Health Authority on or before the start date provided to the Health Authority, or if work has already begun, within 24 hours of the change.

- 5.2.5.4.6 The following must be included in each notification:
- 5.2.5.4.6.1 Notification type (original, updated, cancellation).
- 5.2.5.4.6.2 Date when lead-based paint abatement activities will start.
- 5.2.5.4.6.3 Date when lead-based paint abatement activities will end (approximation using best professional judgment).
- 5.2.5.4.6.4 Firm's name, EPA certification number, address, telephone number.
- 5.2.5.4.6.5 Type of building (e.g., single family dwelling, multi-family dwelling, child-occupied facilities) on/in which abatement work will be performed.
- 5.2.5.4.6.6 Property name (if applicable).
- 5.2.5.4.6.7 Property address including apartment or unit number(s) (if applicable) for abatement work.
- 5.2.5.4.6.8 Documentation showing evidence of an EBL determination or a copy of the federal/state/local emergency abatement order, if using the abbreviated time period as described in **Section 5.2.5.4.2**.
- 5.2.5.4.6.9 Name and EPA certification number of the project supervisor.
- 5.2.5.4.6.10 Approximate square footage/acreage to be abated.
- 5.2.5.4.6.11 Brief description of abatement activities to be performed.
- 5.2.5.4.6.12 Name, title, and signature of the representative of the certified firm who prepared the notification.
- 5.2.5.4.7 Notification must be submitted in writing or by other method approved by the Health Authority. Notification can be accomplished using either the sample form titled "Notification of Lead-Based Paint Abatement Activities" or similar form containing the information required in **Section 5.2.5.4.4**. All written notifications must be delivered by U.S. Postal Service, fax, commercial delivery service, or hand delivery.
- 5.2.5.4.8 Lead-based paint abatement activities shall not begin on a date, or at a location other than that specified in either an original or updated notification, in the event of changes to the original notification.
- 5.2.5.4.9 No firm or individual shall engage in lead-based paint abatement activities, as defined in these Regulations, prior to notifying the Health Authority of such activities according to the requirements of this Section.
- 5.2.5.5 A written occupant protection plan shall be developed for all abatement projects and shall be prepared according to the following procedures:
 - 5.2.5.5.1 The occupant protection plan shall be unique to each residential dwelling or child-occupied facility and be developed prior to the abatement. The occupant protection plan shall describe the measures and management procedures that will be taken during the abatement to protect the building occupants from exposure to any lead-based paint hazards.
 - 5.2.5.5.2 A certified supervisor or project designer shall prepare the occupant protection plan.
- 5.2.5.6 The work practices listed below shall be restricted during an abatement as follows:
 - 5.2.5.6.1 Open-flame burning or torching of lead-based paint is prohibited;
 - 5.2.5.6.2 Machine sanding or grinding or abrasive blasting or sandblasting of lead-based paint is prohibited unless used with High Efficiency Particulate Air (HEPA) exhaust control which removes particles of 0.3 microns or larger from the air at 99.97 percent or greater efficiency;
 - 5.2.5.6.3 Dry scraping of lead-based paint is permitted only in conjunction with heat guns or around electrical outlets or when treating defective paint spots totaling no more than two (2) square feet in any one room, hallway or stairwell or totaling no more than 20 square feet on exterior surfaces; and
 - 5.2.5.6.4 Operating a heat gun on lead-based paint is permitted only at temperatures below 1,100 degrees Fahrenheit.

- 5.2.5.7** If conducted, soil abatement shall be conducted in one of the following ways:
- 5.2.5.7.1** If the soil is removed:
- 5.2.5.7.1.1** The soil shall be replaced by soil with a lead concentration as close to local background as practicable, but no greater than 400 ppm.
- 5.2.5.7.1.2** The soil that is removed shall not be used as top soil at another residential property or child-occupied facility.
- 5.2.5.7.2** If soil is not removed, the soil shall be permanently covered.
- 5.2.5.8** The following post-abatement clearance procedures shall be performed only by a certified inspector or risk assessor:
- 5.2.5.8.1** Following an abatement, a visual inspection shall be performed to determine if deteriorated painted surfaces and/or visible amounts of dust, debris or residue are still present. If deteriorated painted surfaces or visible amounts of dust, debris or residue are present, these conditions must be eliminated prior to the continuation of the clearance procedures.
- 5.2.5.8.2** Following the visual inspection and any post-abatement cleanup required by **Section 5.2.5.8.1**, clearance sampling for lead in dust shall be conducted. Clearance sampling may be conducted by employing single-surface sampling or composite sampling techniques.
- 5.2.5.8.3** Dust samples for clearance purposes shall be taken using documented methodologies that incorporate adequate quality control procedures.
- 5.2.5.8.4** Dust samples for clearance purposes shall be taken a minimum of one (1) hour after completion of final post-abatement cleanup activities.
- 5.2.5.8.5** The following post-abatement clearance activities shall be conducted as appropriate based upon the extent or manner of abatement activities conducted in or to the residential dwelling or child-occupied facility:
- 5.2.5.8.5.1** After conducting an abatement with containment between abated and unabated areas, one dust sample shall be taken from one interior window sill and from one window trough (if present) and one dust sample shall be taken from the floors of each of no less than four (4) rooms, hallways or stairwells within the containment area. In addition, one dust sample shall be taken from the floor outside the containment area. If there are less than four (4) rooms, hallways or stairwells within the containment area, then all rooms, hallways or stairwells shall be sampled.
- 5.2.5.8.5.2** After conducting an abatement with no containment, two (2) dust samples shall be taken from each of no less than four (4) rooms, hallways or stairwells in the residential dwelling or child-occupied facility. One (1) dust sample shall be taken from one interior window sill and window trough (if present) and one dust sample shall be taken from the floor of each room, hallway or stairwell selected. If there are less than four rooms, hallways or stairwells within the residential dwelling or child-occupied facility then all rooms, hallways or stairwells shall be sampled.
- 5.2.5.8.5.3** Following an exterior paint abatement, a visible inspection shall be conducted. All horizontal surfaces in the outdoor living area closest to the abated surface shall be found to be cleaned of visible dust and debris. In addition, a visual inspection shall be conducted to determine the presence of paint chips on the dripline or next to the foundation below any exterior surface abated. If paint chips are present, they must be removed from the site and properly disposed of, according to all applicable federal, state and local requirements.
- 5.2.5.8.6** The rooms, hallways or stairwells selected for sampling shall be selected according to documented methodologies.

- 5.2.5.8.7** The certified inspector or risk assessor shall compare the residual lead level (as determined by the laboratory analysis) from each single surface dust sample with clearance levels in **Section 5.2.5.8.8** for lead in dust on floors, interior window sills, and window troughs or from each composite dust sample with the applicable clearance levels for lead in dust on floors, interior window sills, and window troughs divided by half the number of subsamples in the composite sample. If the residual lead level in a single surface dust sample equals or exceeds the applicable clearance level or if the residual lead level in a composite dust sample equals or exceeds the applicable clearance level divided by half the number of subsamples in the composite sample, the components represented by the failed sample shall be recleaned and retested.
- 5.2.5.8.8** The clearance levels for lead in dust are 40 µg/ft² for floors, 250 µg/ft² for interior window sills, and 400 µg/ft² for window troughs.
- 5.2.5.9** In a multi-family dwelling with similarly constructed and maintained residential dwellings, random sampling for the purposes of clearance may be conducted provided:
- 5.2.5.9.1** The certified individuals who abate or clean the residential dwellings do not know which residential dwelling will be selected for the random sample.
- 5.2.5.9.2** A sufficient number of residential dwellings are selected for dust sampling to provide a 95 percent level of confidence that no more than five (5) percent or 50 of the residential dwellings (whichever is smaller) in the randomly sampled population exceed the appropriate clearance levels.
- 5.2.5.9.3** The randomly selected residential dwellings shall be sampled and evaluated for clearance according to the procedures found in **Section 5.2.5.8**.
- 5.2.5.10** An abatement report shall be prepared by a certified supervisor or project designer. The abatement report shall include the following information:
- 5.2.5.10.1** Start and completion dates of abatement.
- 5.2.5.10.2** The name and address of each certified firm conducting the abatement and the name of each supervisor assigned to the abatement project.
- 5.2.5.10.3** The occupant protection plan prepared pursuant to **Section 5.2.5.5**.
- 5.2.5.10.4** The name, address, and signature of each certified risk assessor or inspector conducting clearance sampling and the date of clearance testing.
- 5.2.5.10.5** The results of clearance testing and all soil analyses (if applicable) and the name of each recognized laboratory that conducted the analyses.
- 5.2.5.10.6** A detailed written description of the abatement, including abatement methods used, locations of rooms and/or components where abatement occurred, reason for selecting particular abatement methods for each component, and any suggested monitoring of encapsulants or enclosures.

5.2.6 *Collection and laboratory analysis of samples*

Any paint chip, dust, or soil samples collected pursuant to the work practice standards contained in this section shall be:

- 5.2.6.1** Collected by persons certified by EPA as an inspector or risk assessor; and
- 5.2.6.2** Analyzed by a laboratory recognized by EPA pursuant to **section 405(b) of TSCA** as being capable of performing analyses for lead compounds in paint chip, dust, and soil samples.

5.2.7 **Composite dust sampling**

Composite dust sampling may only be conducted in the situations specified in **Sections 5.2.3 through 5.2.5**. If such sampling is conducted, the following conditions shall apply:

- 5.2.7.1 Composite dust samples shall consist of at least two subsamples;
- 5.2.7.2 Every component that is being tested shall be included in the sampling; and
- 5.2.7.3 Composite dust samples shall not consist of subsamples from more than one type of component.

5.2.8 **Determinations**

5.2.8.1 Lead-based paint is present:

- 5.2.8.1.1 On any surface that is tested and found to contain lead equal to or in excess of 1.0 milligrams per square centimeter or equal to or in excess of 0.5% by weight; and
- 5.2.8.1.2 On any surface like a surface tested in the same room equivalent that has a similar painting history and that is found to be lead-based paint.

5.2.8.2 A paint-lead hazard is present:

- 5.2.8.2.1 On any 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 hazard levels identified in **Section 5.2.2**.
- 5.2.8.2.2 On any chewable lead-based paint surface on which there is evidence of teeth marks;
- 5.2.8.2.3 Where there is 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 its door frame); and
- 5.2.8.2.4 If there is any other deteriorated lead-based paint in any residential building or child-occupied facility or on the exterior of any residential building or child-occupied facility.

5.2.8.3 A dust-lead hazard is present in a residential dwelling or child occupied facility:

- 5.2.8.3.1 In a residential dwelling on floors and interior window sills when the weighted arithmetic mean lead loading for all single surface or composite samples of floors and interior window sills are equal to or greater than 40 $\mu\text{g}/\text{ft}^2$ for floors, 250 $\mu\text{g}/\text{ft}^2$ for interior window sills, and 400 $\mu\text{g}/\text{ft}^2$ for window troughs respectively;
- 5.2.8.3.2 On floors or interior window sills in an unsampled residential dwelling in a multi-family dwelling, if a dust-lead hazard is present on floors or interior window sills, respectively, in at least one sampled residential unit on the property; and
- 5.2.8.3.3 On floors or interior window sills in an unsampled common area in a multi-family dwelling, if a dust-lead hazard is present on floors or interior window sills, respectively, in at least one (1) sampled common area in the same common area group on the property.

5.2.8.4 A soil-lead hazard is present:

- 5.2.8.4.1 In a play area when the soil-lead concentration from a composite play area sample of bare soil is equal to or greater than 400 parts per million; or
- 5.2.8.4.2 In the rest of the yard when the arithmetic mean lead concentration from a composite sample (or arithmetic mean of composite samples) of bare soil from the rest of the yard (i.e., non-play areas) for each residential building on a property is equal to or greater than 1,200 parts per million.

5.2.9 Recordkeeping

All reports or plans required in this section shall be maintained by the certified firm or individual who prepared the report for no fewer than three (3) years. The certified firm or individual also shall provide copies of these reports to the building owner who contracted for its services.

5.3 Lead-based paint activities requirements

Lead-based paint activities, as defined in this part, shall only be conducted according to the procedures and work practice standards contained in **Section 5.2**. Only individuals or firms, which are certified to perform lead-based paint work, may offer to perform, in whole or part, any lead-based paint activity as defined in these Regulations.

5.4 Authority to inspect

- 5.4.1** Health Authority staff shall present SNHD-issued official identification prior to entering a property to begin official work.
- 5.4.2** After presenting official identification, the Health Authority shall be allowed to inspect any work, which is in progress or has been completed by a certified lead renovator or abatement firm within Clark County to determine compliance with these Regulations.

Section 6

INSPECTIONS, NOTICES OF VIOLATION AND ORDERS FOR ABATEMENT

6.1 Issuance of a Notice of Violation and Order for Abatement

For the purposes of **Section 6.1 to 6.6** inclusive, the Notice and Order for Abatement shall refer to the Notice of Violation and Order for Abatement issued by the Health Authority pursuant to this section.

- 6.1.1** When the Health Authority completes a lead hazard screening or lead risk assessment of the property in question, the Health Authority shall determine if there exists any Residential Lead Hazards (RLH).
- 6.1.2** If a RLH exists, then the Health Authority shall declare the condition a substantial lead-related hazard requiring remediation or abatement as specified in **Section 2** of these regulations.
- 6.1.3** The responsible person shall be notified of any existing RLH by means of a written Notice of Violation and Order for Abatement issued by the Health Authority.
- 6.1.4** The Notice and Order for Abatement must:
 - 6.1.4.1** Provide that the owner shall remediate or abate the RLH; and
 - 6.1.4.2** Specify the period within which the remediation or abatement must be completed.
 - 6.1.4.3** Be sent by postal mail to the last known address of the property owner and any other identifiable responsible person, such as a real estate agent or financial institution.

6.2 Content of the Notice of Violation and Order for Abatement

The Notice of Violation and Order for Abatement shall:

- 6.2.1** Identify the owner of the property and any responsible party, if known;
- 6.2.2** Clearly identify the property upon which the lead hazard exists with the most current and thorough information available, such as by physical address, plot number with the county recorder's office, or other specific means;
- 6.2.3** Include a description of the RLH present requiring remediation or abatement in sufficient detail to allow an owner or responsible party to identify and correct the RLH;
- 6.2.4** Include a statement regarding which Sections of these Regulations have been violated for each lead-related hazard condition identified;
- 6.2.5** Require remediation or abatement to be performed by a certified firm within the specific time period noted on the Notice and Order for Abatement;
- 6.2.6** Require clearance testing be completed as required by these Regulations before a specific date.

- 6.2.7 Provide a name, business address, and telephone number of the Health Authority staff member to contact regarding the RLH; and
- 6.2.8 Inform the owner or responsible party of the right to appeal, as provided in these Regulations.

6.3 Delivery of the Notice and Order for Abatement

A Notice and Order for Abatement may be served in any of the following ways:

- 6.3.1 By personal service of the Notice and Order for Abatement directly to the owner or responsible person; or
- 6.3.2 By mailing the Notice and Order for Abatement to the owner or responsible person at the last known address; and
- 6.3.3 In addition to the above-required means of delivery of the Notice and Order for Abatement, the Notice and Order for Abatement may also be made available to the owner or responsible person by posting the Notice and Order for Abatement in a conspicuous place on the property, such as on a fence or door.

6.4 Implementation of the Notice and Order for Abatement

Any condition which presents a lead-related hazard as documented by the Health Authority during an investigation shall be corrected by the property owner or responsible person in the time set forth by the Health Authority in the Notice and Order for Abatement.

6.5 Correction of violations

- 6.5.1 When a compliance date has been indicated on the Notice and Order for Abatement issued by the HEALTH AUTHORITY, the owner or responsible person of the real property shall correct the conditions by the date indicated.
- 6.5.2 When corrective actions cannot be completed by the indicated date, the owner or responsible person shall contact the Health Authority prior to the compliance date to file a Request for Extension in writing to the Health Authority.
 - 6.5.2.1 The Request must include a statement of intent and work plan demonstrating the need for additional time to correct the RLH, a proposed work schedule, and the methods by which the owner will accomplish the scope of work.
 - 6.5.2.2 The Health Authority will review the statement and work plan and either accept or deny the Request for Extension.
 - 6.5.2.3 The Health Authority shall notify the owner or responsible person as to whether their statement and work plan were accepted or denied.
 - 6.5.2.4 If the work plan is denied, the Health Authority shall provide the reasons for the denial.
 - 6.5.2.5 All items of violation shall be corrected within the timeframe indicated on the original Notice and Order for Abatement or as indicated on an accepted Request for Extension.

6.6 Issuance of Notice of Violation and Order to Comply

- 6.6.1** When the Health Authority finds that a person or firm is in violation with Section 3 through Section 5 inclusive of these regulations, the Health Authority shall issue a Notice of Violation and Order to Comply.
- 6.6.2** The Notice of Violation and Order to Comply must:
 - 6.6.2.1** Identify the specific section of these regulations that are in violation; and
 - 6.6.2.2** Specify the period within which the violation will be corrected.
 - 6.6.2.3** Be sent by postal mail to the last known address of the property owner, person or firm and any other identifiable responsible person.

6.7 Content of the Notice of Violation and Order to Comply

For the purposes of Section 6.7 to 6.10 inclusive, the Notice and Order to Comply shall refer to the Notice of Violation and Order to Comply issued by the Health Authority pursuant to this section.

The Notice and Order to Comply shall:

- 6.7.1** Identify the owner of the property, firm or any responsible party who was found in violation of Section 3 to Section 5 inclusive of these regulations;
- 6.7.2** Include a statement regarding which Sections of these Regulations have been violated;
- 6.7.3** Require correction of the violation(s)
- 6.7.4** Provide a name, business address, and telephone number of the Health Authority to contact regarding the violations; and
- 6.7.5** Inform the owner or responsible party of the right to appeal, as provided in these Regulations.

6.8 Delivery of the Notice and Order to Comply

The Notice and Order to Comply may be served in any of the following ways:

- 6.8.1** By personal service of the Notice and Order to Comply directly to the owner or responsible person; or
- 6.8.2** By mailing the Notice and Order to Comply to the owner or responsible person at the last known address; and
- 6.8.3** In addition to the above-required means of delivery of the Notice and Order to Comply, it may also be made available to the owner or responsible person by posting the Notice and Order to Comply in a conspicuous place on the property, such as on a fence or door.

6.9 Implementation of the Notice and Order to Comply

Any condition which presents a lead-related hazard as documented by the Health Authority during an investigation shall be corrected by the property owner or responsible person in the time set forth by the Health Authority in the Notice of Violation and Order to Comply.

6.10 Correction of violations

- 6.10.1** When a compliance date has been indicated on the Notice and Order to Comply issued by the Health Authority, the responsible person or the owner of the firm shall correct the conditions by the date indicated.
- 6.10.2** When corrective actions cannot be completed by the indicated date, the owner of the firm or responsible person shall contact the Health Authority prior to the compliance date to file a Request for Extension in writing to the Health Authority.
 - 6.10.2.1** The Request must include a statement of intent and work plan demonstrating the need for additional time to correct the violation, a proposed work schedule, and the methods by which the owner will accomplish the scope of work.
 - 6.10.2.2** The Health Authority will review the statement and work plan and either accept or deny the Request for Extension.
 - 6.10.2.3** The Health Authority shall notify the owner of the firm or responsible person as to whether their statement and work plan were accepted or denied.
 - 6.10.2.4** If the work plan is denied, the Health Authority shall provide the reasons for the denial.
 - 6.10.2.5** All items of violation shall be corrected within the timeframe indicated on the original Notice and Order to Comply or as indicated on an accepted Request for Extension.

6.11 Review of building permit applications for residential units constructed prior to December 31, 1977

- 6.11.1** The building department or other agency responsible for issuing building permits shall require all individuals seeking building permits to remodel a residential building or child occupied facility as defined by these regulations built prior to December 31, 1977 to obtain clearance from the Health Authority that the proposed scope of work either is exempt or will comply with these regulations.
- 6.11.2** The building permit applicant shall submit building plans and complete an application and submit appropriate fees for clearance to the Health Authority.
- 6.11.3** The Health Authority shall:
 - 6.11.3.1** Accept the application and fees
 - 6.11.3.2** Review the plans and application
 - 6.11.3.3** Based on the material submitted, determine if the scope of work
 - 6.11.3.3.1** Requires compliance with these regulations or
 - 6.11.3.3.2** Is exempt from these regulations and issue a certificate of exemption.
- 6.11.4** If the scope of work requires compliance with these regulations then the applicant shall submit to the Health Authority a statement and work plan, including name(s) of the certified firm(s) who will complete the scope of work in compliance with these regulations.

- 6.11.5** Once adequate information is received indicating that the scope of work will be completed in compliance with these regulations, the Health Authority shall issue a certificate of compliance.
- 6.11.6** When the work is completed, the certified firm(s) who completed the work shall provide to the Health Authority any documentation they have regarding clearance testing and cleaning verification. If any deviations from the submitted work plan occurred which placed residents or workers at risk from exposures to lead above legal limits, then those should be noted on the final clearance documentation.

Section 7

ENFORCEMENT

7.1 Request for appeal

- 7.1.1** For the purposes of this section Notice and Order shall refer to either the Notice of Violation and Order for Abatement issued pursuant to **Sections 6.1 to 6.5** et seq. or Notice of Violation and Order to Comply issued pursuant to **Sections 6.6 to 6.10** et seq.
- 7.1.2** An opportunity for appeal for the Notice and Order findings will be provided if a written request for an administrative hearing is filed with the Health Authority by the owner or responsible person, or their designee, within the period established in the Notice and Order. A minimum of ten (10) business days must be allowed for the appeal request to be filed with the Health Authority by the owner or responsible person.
- 7.1.3** The Health Authority shall notify the owner or responsible person of said administrative hearing date within ten (10) business days following receipt of written request. The hearing date must be set on a date no later than 60 days from the request for a hearing.
- 7.1.4** Administrative Hearings provided for appeals for a Notice and Order is limited to:
 - 7.1.4.1** Whether substantial evidence exists for the issuance of the Notice and Order, and
 - 7.1.4.2** Whether the corrective action, as ordered, is reasonable.

7.2 Administrative Hearings

Administrative Hearings shall be conducted by a Health Authority Hearing Officer and in accordance with the following:

- 7.2.1** Any party may be represented by counsel.
- 7.2.2** Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.
- 7.2.3** Each party may call and examine witnesses, introduce exhibits, cross-examine opposing witnesses on any matter relevant to the issues whether or not the matter was covered in the direct examination, impeach any witness, regardless of which party first called him to testify, and rebut the evidence against the party itself.
- 7.2.4** Every witness shall declare, by oath or affirmation, that he will testify truthfully. Unless limited by a specific statute, the Hearing Officer may administer oaths or affirmations to witnesses appearing before him in the hearing.
- 7.2.5** The technical rules of evidence do not apply. However, all testimony and exhibits offered must be relevant and bear upon the matter in contention. Testimony or exhibits considered by the Hearing Officer as not meeting this criterion may properly be excluded.
- 7.2.6** The Hearing Officer may issue subpoenas to compel attendance of any person at the hearing, and require the production of books, records and other documents material to a hearing.

- 7.2.7 The Hearing Officer may inquire of any witness following any segment of testimony.
- 7.2.8 Members of the public may testify in cases before the Hearing Officer.
- 7.2.9 All testimony shall be recorded verbatim, by human or electronic means. Any party requesting a transcript of any oral proceeding, or any part thereof, shall pay the cost thereof.
- 7.2.10 The decision of the Hearing Officer must be reduced to writing and shall be final upon mailing by certified mail, return receipt requested or personal service upon each party.
- 7.2.11 Any party aggrieved by a decision of the Hearing Officer may seek judicial review of the decision of the Hearing Officer, in accordance with the provisions of NRS 233B.130(2), and NRS 233B.131 through 233B.150, inclusive.

7.3 Health Authority additional legal remedy

- 7.3.1 Whenever the owner or responsible person fails to comply with the Notice and Order, relief may also be sought by the Health Authority through a court of competent jurisdiction.
- 7.3.2 Whenever the owner or responsible person are operating without legal authority to do so or in a prohibited manner, such as from their unpermitted, unlicensed private residences, the Health Authority, under its authority granted by NRS 439, may conduct an investigation into the matter. The terms, conditions, and policies of other applicable statutes and ordinances are intended to be applied in conjunction with the enforcement of all other ordinances of the state, county, and its municipalities designed for the protection of the public health, safety, morals, and welfare. The fact that such statutes or ordinances are not specifically referred to in these Regulations in no manner precludes their application to facility permittees.
- 7.3.3 Licensing, building officials, and code enforcement authorities, which are the agencies of jurisdiction for a given area, and any other relevant agency of jurisdiction, such as the EPA, shall be notified by the Health Authority of the continued non-compliance with a Notice and Order, Administrative Hearing Order, or any other legal order from a court of competent jurisdiction for the purposes of cooperative and unified responses to RLH. The Health Authority shall provide to the appropriate agency of jurisdiction a copy of the Notice and Order or other documentation for their review and records.

Section 8

MISCELLANEOUS

8.1 Severability clause

Should any section, Section, sentence, phrase, or provision of these Regulations be held invalid for any reason, the remainder of these Regulations shall not be affected.

8.2 Effective date

8.2.1 These Regulations were adopted at a duly noticed public hearing on August 25, 2011.

8.2.2 These Regulations became effective upon approval by the Nevada State Board of Health on October 14, 2011.