

**NC Department of Health and Human Services  
Division of Public Health**

**Health Hazards Control Unit  
(HHCU)**

**NC Lead-Based Paint Hazard  
Management Programs**

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919-707-5972

# Regulatory Overview

- **TSCA –Title X – Residential Lead-Based Paint Hazard Reduction Act of 1992**
  - **(EPA) 40 CFR Part 745 – Lead-Based Paint Poisoning Prevention in Certain Residential Structures**
    - **Subparts**
      - ❖ **D - Lead-Based Paint Hazards (2000)**
      - ❖ **E - Residential Property Renovation (1998)(2008)**
      - ❖ **F - Disclosure of known LBP and/or LPB Hazards Upon Sale or Lease of Residential Property (1996)**
      - ❖ **L - Lead-Based Paint Activities (inspections, abatement, risk assessment, project design)(1996)**
      - ❖ **Q - State and Indian Tribal Programs(1996)**

# What will we be talking about?

- Applicability of Lead Abatement & Lead RRP
- Abatement vs. Renovation Activities
- Abatement vs. RRP Certifications & Recordkeeping
  - What are the required records
  - What contractors should have on site

# **Applicable Regulations**

- **Abatement Activities**
  - **Lead-Based Paint Hazard Management Program**
    - Article 19A, N.C. Gen. Stat. § 130A-453.01 – 453.11
    - 10A NCAC 41C .0800
- **Renovation, Repair and Painting Activities**
  - **Lead-Based Paint Hazard Management Program for Renovation, Repair and Painting**
    - Article 19B, N.C. Gen. Stat. § 130A-453.22 – 453.31
    - 10A NCAC 41C .0900



8/17/2021





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# **Abatement vs. Renovation**

## **They are separate and distinct!**

- **Separate Rules and Regulations**
- **Different intent (permanent elimination vs. paint disturbance)**
- **Different work practices (with some similarities)**
- **Clearance Testing (Quantitative) vs. Cleaning Verification (Qualitative)**
- **Different pre-education requirements**
  - **Abatement (Occupant Protection) vs. Renovation (Reno-Right Brochure)**
- **Different recordkeeping requirements & documentation**
- **Different training courses and number of days of training**
- **Different certification requirements**
  - **Abatement (workers and supervisors) vs. Renovator (no experience or exam beyond the training course and workers are only trained)**
- **If you do both, you will need both certifications**

# **What is Abatement?**

***Abatement* means any measure or set of measures designed to permanently eliminate lead-based paint hazards.**

**Abatement includes, but is not limited to:**

- **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 all preparation, cleanup, disposal, and post-abatement clearance testing activities associated with such measures.**



# **What is Abatement?**

- **Specifically, abatement includes, but is not limited to:**
  - (i) Projects for which there is a written contract or other documentation, which provides that an individual or firm will be conducting abatement activities**
  - (ii) Projects resulting in the permanent elimination of lead-based paint hazards unless it's a renovation**

# **What is Abatement?**

**(iii) 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 renovation; or**

**(iv) Projects resulting in the permanent elimination of lead-based paint hazards, that are conducted in response to State or local “abatement” orders.**

# **What is Abatement ?**

- **What is the intent of the project (permanent elimination or renovation) – why are you doing it?**
- **Intent to permanently eliminate lead-based paint can be established in several ways:**
  - **Abatement required by Lead-Safe Housing Rule (example: abatement of identified lead hazards with rehabilitation assistance is over \$25K/unit)(example: Cost allocation - rehab hard cost vs. lead hazard reduction)**
  - **Abatement is required by court order or agency order**
  - **Project work specifications or other documents call for abatement (regardless of cost or size of project)**



# **What Abatement is not!**

- EPA regulations (40 CFR Part 745.223) exclude renovation, remodeling 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.
- When the primary purpose of work is rehabilitation or weatherization, EPA and HUD do not consider such activities to be abatement.
- Source: HUD/EPA Abatement letter dated April 19, 2001 – The accompanying “Guidance on HUD/EPA Abatement Letter - stresses the importance of intent in determining whether or not a specific activity constitutes abatement.

# What is Renovation?

- ***Renovation*** means 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 part (40 CFR 745.223).**
- 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 subpart.
- The term renovation does not include minor repair and maintenance activities.

# What is Renovation?

- Renovation is broadly defined as any activity that disturbs painted surfaces and includes most repair, remodeling, and maintenance activities, including window replacement and demolition of painted surface areas
- Work that disturbs painted surfaces
  - > 6 square feet per room – interior work
  - > 20 square feet – exterior work
  - Projects smaller in size than those above and that do not use prohibited work practices are considered **minor repair & maintenance activities** and are not included in the definition of renovation





# **Target Housing**

- **Target housing – Any housing constructed prior to 1978,**
  - **except housing for the elderly or persons with disabilities, unless one or more children age 6 years or under resides or is expected to reside in such housing for the elderly or persons with disabilities, or any zero-bedroom dwelling.**
- **A zero-bedroom dwelling is any residential dwelling in which the living areas are not separated from the sleeping area.**
  - **The term includes efficiencies, studio apartments, dormitory housing, military barracks, and rentals of individual rooms in residential dwellings.**

# **Child-Occupied Facility (COF)**

- **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 three hours and the combined weekly visits last at least six 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 (COF) may be located in target housing or in public or commercial buildings. With respect to common areas in public or commercial buildings, the COF encompasses those common areas, both interior and exterior, routinely used by children under age 6**



**Photo Taken 05/2013**



8/17/2021

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Component removal, window replacement

**Photo Taken 05/2013**



Oops!

Photo Taken 05/2013

8/17/2021

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Photo Taken 05/2013



8/17/2021

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# Information Distribution

## Pre-Renovation Education

# **Information Distribution Before Starting Renovation**

(No more than 60 days out and obtain written documentation or by mail 7 days prior)

- **In target housing, firms must:**
  - **Distribute EPA’s “Renovate Right” lead pamphlet to the owner and occupants before renovation starts**



# Information Distribution Before Starting Renovation

- In a child-occupied facility, firms must :
  - Distribute the “Renovate Right” lead pamphlet to the owner of the building or an adult representative of the child-occupied facility before the renovation starts
  - Provide parents/guardians of the children attending the child-occupied facility the pamphlet & information describing renovation (nature, location, and completion date) by mail or by posting signs during the renovation informing them how they can get or review the pamphlet and how to get or review a copy of required records (at no cost)
  - Firm must prepare sign & date statement describing steps performed to notify parents & guardians of the renovation and to provide the pamphlet

{745.84}

Available on  
NC Lead  
website

THE LEAD-SAFE CERTIFIED GUIDE TO

# RENOVATE RIGHT

CAUTION CAUTION CAUTION CAUTION

Important lead hazard information for  
families, child care providers and schools.



# **What to Look for on Lead Abatement Projects**

**Abatement Permit**

**Photo ID of Certified Person(s)**

**Occupant Protection Plan**

**If Generated: A copy of the Lead  
Design, Inspection and Risk  
Assessment Report**

## North Carolina Department of Health and Human Services Division of Public Health - Health Hazards Control Unit

### Lead-Based Paint Abatement Permit

**Permit Number:** NCPB02282

**Date Issued:** 06-08-2009



**Facility:** McNeill Home

1612 Attucks St  
Winston Salem, NC 27104-

**Location:** mini blinds

**County:** Forsyth

**Contact:** Rossie McNeill (336) 761-0248

**Size:** 1400 sf **Floors:** 2 **Age:** 56 **S+ Units:** No

**Abatement Activities:** **Duration:** 06-18-2009 **Through:** 06-18-2009 **Days:** TH **Hours:** 8:00 AM -4:30 PM  
**Materials:** 12 SF Int vinyl - removal

**Abatement Firm:** Mabe Construction Company, Inc.  
5801 Riverbluff Farm Road, Tobaccoville, NC 27050-  
**Contact:** Virgil Mabe **Certification Number:** FPB-211  
**Phone:** (336) 399-2738 **Fax:** (336) 922-2472

**Certifications:** **Inspector:** BILLY J CAUDLE - #110187 **Designer:**  
**Risk Assessor:**  
**Sampling:** ANTHONY W EDWARDS - #110180 **OPP:** CHAD MABE - #130221

**Owner:** Rossie McNeil 1612 Attucks St Winston Salem, NC 27104 **Contact:** Rossie McNeill (336) 761-0248  
**Operator:** **Contact:**

**Transporters:**(Solid) Mabe Construction Company, Inc. 5801 Riverbluff Farm Road Tobaccoville, NC 27050 **Contact:** Virgil Mabe (336) 399-2738  
**Contact:**  
**Contact:**

**Landfill:** (Solid) Hanes Mill Landfill 2100 Hanesmill Rd Winston Salem, NC 27106 **Contact:** Site manager (336) 377-2468  
(Solid) Hanes Mill Landfill 2100 Hanesmill Rd Winston Salem, NC 27106 **Contact:** Site manager (336) 377-2468

**Signatory:** Virgil Mabe Mabe Construction Company, Inc. 5801 Riverbluff Farm Road Tobaccoville, NC 27050-

THIS PERMIT MUST BE POSTED FOR THE DURATION OF THIS PROJECT

Any revisions to this Permit/Notification must be submitted to the Health Hazards Control Unit (HHCU). These forms must be submitted, in writing, on a form provided or approved by the HHCU within the time limits prescribed by the rules governing the HHCU Program. Failure to submit these forms may result in the initiation of enforcement actions.

*Mary T. Giguere*

Mary T. Giguere, CIH  
DHHS - Health Hazards Control Unit  
1912 Mail Service Center Raleigh, NC 27699-1912





NORTH CAROLINA  
LEAD CERTIFICATION

Jeffery W Dellinger  
506 North Glen Dr  
Raleigh, NC 27609

DOB	SEX	HT	WT
08-14-1957	M	6'0"	225

DISCIPLINE	#	LAST COURSE	EXPIRATION
DESIGNER	140004	DE 08-10-2012	08-31-2014
		SU 08-09-2012	
SUPERVISOR	130004	SU 08-09-2012	08-31-2014
RISK ASSESSOR	120026	INS 08-07-2012	08-31-2014
		RIS 08-08-2012	



North Carolina Department of Health and Human Services  
Division of Public Health

## Health Hazards Control Unit

*Lead-Based Paint Hazard Management Program*

# AAA Environmental

*Is Issued Lead Firm Certification*

Lead Certification Number - FPB-0249

*Valid between May 27, 2008 and May 31, 2009*

  
\_\_\_\_\_  
Manager

NC Health Hazards Control Unit  
1912 Mail Service Center, Raleigh, NC 27699-1912  
Phone 919-733-0820

# **What to look for on NC Renovation Projects**

- **NC Firm Certification (Renewed every year)**
  - Letter & Certificate from HHCU
  - Firms can be found on our website
- **Renovator Certification (Every 5 years)**
  - Letter with Renovator Certification # 17XXXX

# Sample-NC Lead Firm Certificate



North Carolina Department of Health and Human Services  
Division of Public Health

## Health Hazards Control Unit

*Lead-Based Paint Hazard Management Program  
for Renovation, Repair, And Painting*

*NAME OF FIRM*

*Is Issued Lead Renovation Firm Certification*

RRP0267

*Valid between May 07, 2013 and May 31, 2014*

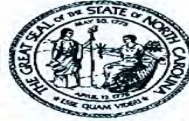
*Maria Shehane*

Program Manager

NC Health Hazards Control Unit  
1912 Mail Service Center, Raleigh, NC 27699-1912  
Phone 919-707-5950



# Sample-NC Renovator Certification Letter



North Carolina Department of Health and Human Services  
Division of Public Health

Pat McCrory  
Governor

Aldona Z. Wos, M.D.  
Ambassador (Ret.)  
Secretary DHHS

Laura Gerald, M.D., M.P.H.  
State Health Director

May 7, 2013

[REDACTED]  
[REDACTED]  
Hampstead, NC 28443



KEEP THIS LETTER FOR YOUR RECORDS.  
**Renovator Certification No: 173656**  
**Initial Certification: May 07, 2013**  
**Expiration Date: January 31, 2018**

Dear Mr. [REDACTED]:

The Health Hazards Control Unit (HHCU) has determined that you have met the application requirements and are eligible for lead certification as a Renovator. Your assigned **Renovator Certification Number is 173656**. The State requires that persons conducting lead-based paint renovation, repair, and painting activities in residential housing and child-occupied facilities built before 1978, be certified. In addition, you must be employed by a certified renovation firm when conducting renovation activities for compensation in target housing or child-occupied facilities.

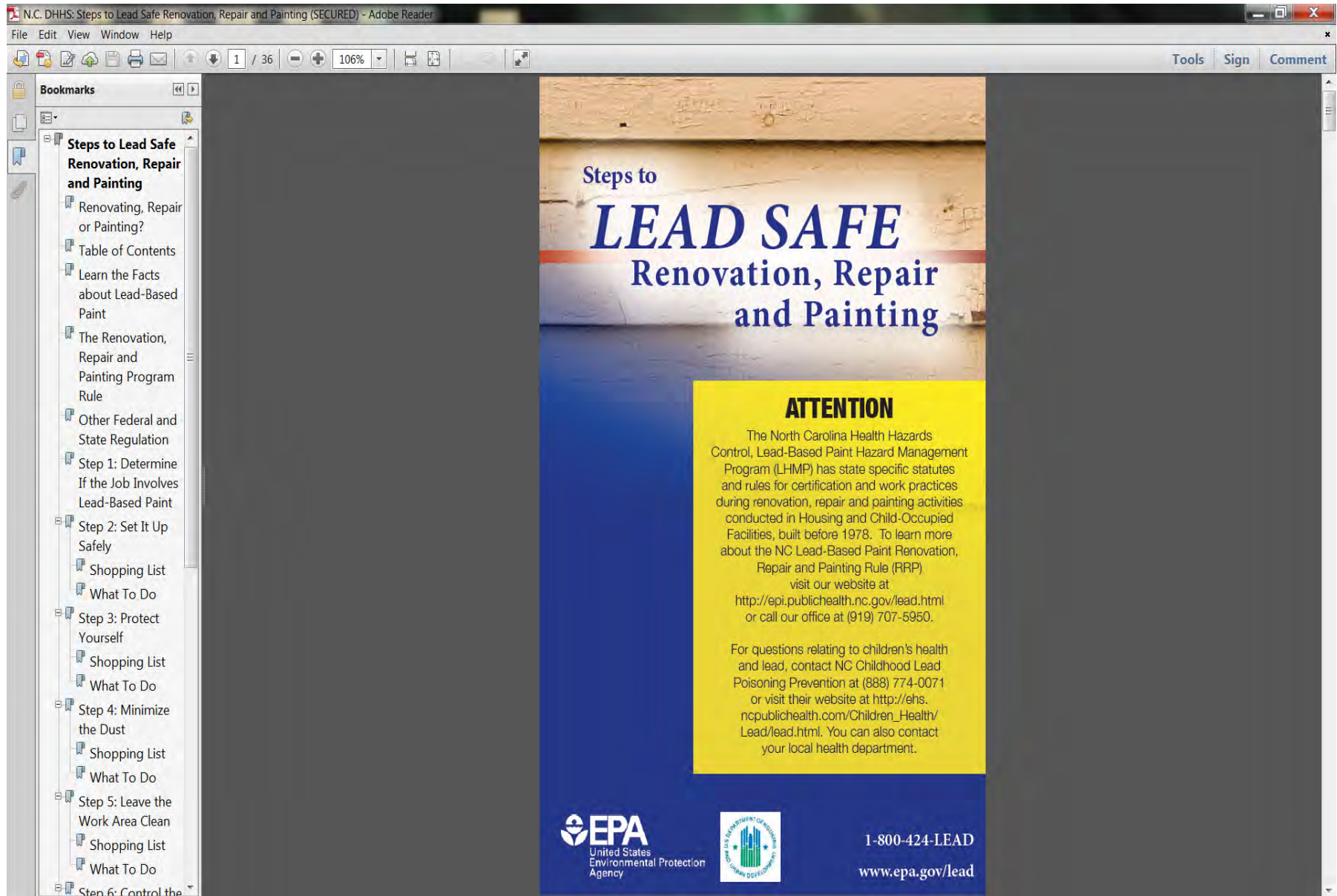
An accredited initial or refresher Renovator training course must be completed at least every 60 months from the date of completion of the initial training course. The HHCU strongly recommends that individuals note the date of certification expiration and ensure all required training is completed prior to the expiration date. **Your North Carolina Renovator certification expires on JANUARY 31, 2018.** It is NOT the policy of the HHCU to issue renewal notices. If you wish to continue working as a certified Renovator after this expiration date, you must submit a completed application to this office prior to January 31, 2018. If you should perform lead-based paint renovation activities as a Renovator without a valid North Carolina certification, you will be in violation of State regulations and may be cited for noncompliance.

**You are required to keep a copy of this Program issued certification letter on-site during renovation activities.** If you have any questions, please contact our office at (919) 707-5950 or go to our website at <http://www.epi.state.nc.us/epi/lead/lhmp.html>.

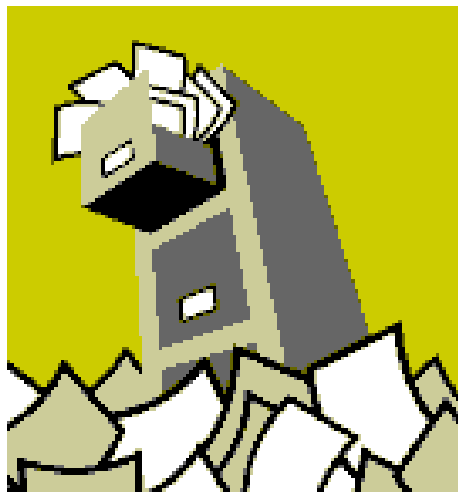
Sincerely,

A handwritten signature in blue ink that reads "Mina Shehee".

Mina Shehee  
Acting Head, OEE Branch



# RRP Firm Recordkeeping Requirements



**What do you need after a project is completed?**

**Records Matter !!!!!**



Get .pdf copy from HHCU website

**Handbook for  
Contractors,  
Property  
Managers &  
Maintenance  
Personnel – has  
[sample  
recordkeeping  
checklist](#) and  
forms**

September 2011

8/17/2021



## OEE HOME

### A-Z Contaminants

### Facts & Figures

### Programs & Services

#### Health Hazards Control

#### Asbestos Management

#### Lead Management

##### Find Lead Professionals

##### Abatement

##### Renovation, Repair & Painting

##### Rules & Regulations

##### Forms & Applications

##### Training

### Reports by County

### Contact OEE

### Quick Links

[Adult Blood Lead Epidemiology Surveillance \(ABLES\)](#)

[Lead](#)

[Reporting Occupational Illness/Injury](#)

### Related Programs

[Children's Lead Poisoning Prevention](#)

[DHHS](#) > [DPH](#) > [Epi](#) > [OEE](#) > [Programs](#) > [Hazards Control](#) > [Lead Management](#)

## Health Hazards Control

### Lead-Based Paint Management

The North Carolina Department of Health and Human Services, Division of Public Health, Health Hazards Control Unit (HHCU) administers two Lead-Based Paint Hazard Management programs in the state of North Carolina *in lieu of EPA*: one for [Abatement Activities](#) (LHMP) and the other for [Renovation, Repair and Painting](#) (LHMP-RRP).

Through these programs, the HHCU provides information to the public and to business and industry about the health hazards of lead-based paint and ways to control or prevent lead poisoning. The HHCU certifies firms and individuals conducting lead-based paint abatement activities and/or renovation activities, accredits training providers and courses, and issues permits for lead-based paint abatement projects that occur in child-occupied facilities and housing built before 1978. The HHCU also inspects lead-based paint abatement and renovation projects.

For more information on the management of lead-based paint hazards in North Carolina, contact the [Health Hazards Control Unit](#) at (919) 707-5950.

### Learn more:

- [N.C. Lead Hazard Management Program for Abatement Activities \(LHMP\)](#)
- [N.C. Lead Hazard Management Program for Renovation, Repair and Painting \(LHMP-RRP\)](#)
- [Find Certified Lead Professionals in North Carolina](#)
- [Rules and Regulations](#)
- [Forms and Applications](#)
- [Find Approved Certification Training Providers in N.C.](#)

### For Additional Information

- [What Volunteers Should Know about Lead-Based Paint and Health](#) (PDF, 678KB)
- [The Lead-Safe Certified Guide to Renovate Right](#) (PDF, 6.2 MB)
- Contact Health Hazards Control: (919) 707-5950 or fax (919) 870-4808

# What to Expect From a Site Visit

- HHCU Arrive in State Vehicle and Present ID
- Explain Purpose of Visit
- Seek Consent for Entry from Property Owner and/or Contractor
- Verify Documentation is On-Site
- Address Work Practices if Necessary
- Can Not Stop Work!
- Complete Inspection and Write up Report



# Questions/More Information

**NC Lead-Based Paint Website:**

**<http://epi.dph.ncdhhs.gov/lead/lhmp.html>**

**For additional information:**

**Contact the HHCU at 919-707- 5950**

