



## FACT SHEET

### In re: Proposed Revisions to 250-RICR-120-05-24 “Removal of Lead Based Paint from Exterior Surfaces”

#### Introduction

The Department of Environmental Management (DEM), Office of Air Resources, is proposing to revise air pollution control regulation, 250-RICR-120-05-24 “Removal of Lead Based Paint from Exterior Surfaces.” The purpose of this regulation is to specify appropriate procedures for the removal of lead-based paint from exterior surfaces.

#### Description of Proposed Amendments

The proposed amendments are to rectify an error in the previous submission of this regulation that included the incorrect number for percent lead by weight for lead-based paint and substances. In the last submission of this regulation, the measurement of “or greater than or equal to one (1.0) mg/cm<sup>2</sup> by an X-ray fluorescence analyzer” was added, to mirror the RI Department of Health regulations. One (1.0) mg/cm<sup>2</sup> by an X-ray fluorescence analyzer is converted to 0.5 percent by weight.

The proposed changes are:

- 24.4.A.5. "Lead-based substance" means any paint or other surface coating material containing more than 0.05 percent lead by weight calculated as lead metal in the dried solid, or greater than or equal to one (1.0) mg/cm<sup>2</sup> by an X-ray fluorescence analyzer.
- 24.4.A.6. "Lead based paint" means any surface coating material that contains more than 0.05 percent lead by weight calculated as lead metal in the dried solid, or greater than or equal to one (1.0) mg/cm<sup>2</sup> by an X-ray fluorescence analyzer.
- 24.5-2. Removal of paint, that is not a lead based substance, from a surface shall be exempted from this Regulation. To qualify for this exemption, a representative sample of any paint, which is to be removed from any surface, must be tested prior to the initiation of paint removal and must contain no more than 0.05% lead by weight calculated as lead metal in the dried solid, or greater than or equal to one (1.0) mg/cm<sup>2</sup> by an X-ray fluorescence analyzer. The person performing the paint removal operation is responsible for determining if lead paint is present on the structure. Paint removal operations which are exempt from the requirements of this Regulation must comply with the requirements of Part 5 of this Subchapter (Fugitive Dust).

#### Demonstration of Need

The proposed changes are to fix a numbering mistake in the last amendment to this regulation.

#### Alternative Approaches Considered

Alternative of leaving the incorrect value in the regulation causes inconsistency and confusion amongst stakeholders.

#### Identification of Overlapped or Duplicated State Regulations

By changing 0.05% to 0.5% and adding the X-ray fluorescence analyzer measurement in the previous submission, DEM's intention was to match the definitions in the RI Department of Health regulations [Lead Poisoning Prevention \(216-RICR-50-15-3\)](#) and [Lead Inspections \(216-RICR-50-15-5\)](#). The RI DOH regulations focus on lead based paint, and other lead hazards, that are internal to a building; the DEM regulation focuses on removal of lead based paint from external surface.

**Determination of Significant Adverse Economic Impact on Small Business or Any City or Town**

The changes to the regulation are to fix a previous mistake, there is no significant adverse economic impact on small businesses, cities, or towns in the State.

**For more information or copies of documents related to this proposal, contact:**

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Or, visit the Public Notices section of the DEM Office of Air Resources website at:

<https://dem.ri.gov/environmental-protection-bureau/air-resources-oar>