

216-RICR-50-15-5

TITLE 216 – DEPARTMENT OF HEALTH

CHAPTER 50 – ENVIRONMENTAL HEALTH

SUBCHAPTER 15 – HEALTHY ENVIRONMENT

PART 5 – LEAD INSPECTIONS

5.1 Authority and Purpose

5.1.1 Authority

- A. This Part is promulgated pursuant to the authority conferred under R.I. Gen. Laws Chapters 23-1, 23-24.6, and 42-128.1, and 40 C.F.R. Part 745 for the purpose of establishing the requirements for evaluating lead in drinking water, household dust, painted surfaces, soil and/or other appropriate fixed surfaces that may contain lead.

5.1.2 Purpose

A. Purpose of a Lead Inspection

1. A lead inspection may be initiated for a variety of reasons, including, but not limited to, the following:
 - a. To determine the applicability of the Renovation, Repair, and Painting (RRP) Rule.
 - b. To determine compliance with one (1) or more lead standards in § 5.8 of this Part;
 - c. To identify lead hazards and recommend treatment options to correct those hazards;
 - d. To satisfy a notice or order from the Department; and/or
 - e. To obtain one (1) of the following lead certificates, as applicable:
 - (1) Partial Lead-Safe Certificate (Form PBLC-27);
 - (2) Certificate of Lead Conformance (Form PBLC-30)
 - (3) Conditional Lead-Safe Certificate (Form PBLC-15); or
 - (4) Full Lead-Safe Certificate (Form PBLC-21).

5.2 Definitions

- A. Wherever used in this Part, the terms listed below shall be construed in the following manner:
1. "Accessory structure" means a detached or ancillary structure (e.g., garage, shed, or gazebo) which is not used or intended to be used for living or sleeping by human occupants, and which is located on the same premises with a dwelling.
 2. "Act" means R.I. Gen. Laws Chapter 23-24.6, Lead Poisoning Prevention.
 3. "Approved" means approved by the Department, State, or local authority having legal and administrative authority for such.
 4. "Certificate of Lead Conformance" or "LHM-2-1" means a certificate issued by a Lead Inspector or Lead Assessor which documents that a single-family house, dwelling unit and common areas, or premises meets the lead mitigation standards for paint and dust in § 5.8 of this Part. This certificate is valid for two (2) years from the inspection date.
 5. "Child or children" means, for the purposes of this Part, any individual younger than six (6) years of age.
 6. "Child care facility" means any building and/or area whose primary purpose is or will be to educate or care for children younger than six (6) years of age, including, but not limited to, child care homes, child care centers, nursery schools, preschools, kindergarten classrooms, public and private elementary schools. Child care facilities located in public or commercial buildings encompass only those common areas that are routinely used by children, such as restrooms and cafeterias. Common areas that children only pass through, such as hallways, staircases, and garages are not included. The child care facility also encompasses the exterior sides of the building that are immediately adjacent to the child care facility and the exterior common areas or play areas routinely used by children.
 7. "Clearance inspection" means a visual assessment and lead testing, as applicable, done at the conclusion of a renovation, repair, and painting (RRP), lead hazard control (LHC), or lead hazard reduction (LHR) project to determine compliance with this Part.
 8. "Common area(s)" means a portion of a residential property that is available for shared use by occupants of more than one (1) dwelling unit, such as hallways, stairways, lobbies, community rooms, recreational rooms, laundry rooms, garages, playgrounds, and boundary fences; in general, any area not kept locked.

9. "Component or building component" means 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 wells or 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, corner boards, bulkheads, doors and door trim, fences, floors, joists, lattice work, railings, and railing caps, siding, handrails, stair risers and treads, stair stringers, columns, balustrades, window sills or stools and wells or troughs, casings, sashes, and air conditioners.
10. "Comprehensive environmental lead inspection" or "CELI" means a surface-by-surface investigation of a child care facility, single-family house, dwelling unit and common areas, or premises to determine the presence of lead in paint, dust, soil, and water in order to identify lead hazards or determine compliance with the lead-safe standards in § 5.8 of this Part.
11. "Conditional Lead-Safe Certificate" or "Form PBLC-15" means a certificate issued by a Lead Inspector, typically at the conclusion of a lead hazard control (LHC) or lead hazard reduction (LHR) project, which certifies that a child care center, single-family house, dwelling unit and common areas, or premises had a Comprehensive Environmental Lead Inspection and meets the conditional lead-safe standards § 5.8 of this Part for paint, dust, soil, and water. Routine maintenance and renewal inspections are required to re-certify conditional compliance.
12. "Department" or "RIDOH" means the Rhode Island Department of Health.
13. "Director" means the Director of the Rhode Island Department of Health or his or her agents, subordinates to whom the Director has delegated the powers and duties vested in the Director by these Regulations.
14. "Dwelling" or "dwelling unit" means an enclosed space used for living and sleeping by human occupants as a place of residence, including, but not limited to a house, an apartment, or condominium, but for the purpose of this Chapter, shall not include hotels or "temporary housing."
15. "Environmental lead" means, for the purposes of this Part, inorganic lead contained in paint, dust, soil, and/or water.

16. "EPA" means the United States Environmental Protection Agency.
17. "Family child care home" means a licensed residence where the resident can provide child care for up to six (6) children, or up to eight (8) children with an assistant approved by the Department of Human Services. Family child care homes located in residential buildings encompass the entire single-family house, dwelling unit and common areas, or premises, as applicable.
18. "Field blank" means a new, unused dust wipe that has been exposed to the on-site sampling conditions and analyzed to determine whether the sampling media is below the minimum reporting level of the analyzing laboratory.
19. "First-draw water sample" means a sample of tap water collected after the household water has been unused for at least six (6) hours.
20. "Flushed water sample" means a sample of tap water collected after the tap has been allowed to run at its maximum flow rate until cold, or at least one (1) minute, before the sample collection.
21. "Full Certificate of Lead Conformance" or "LHM-2-3" means a certificate issued by a Lead Inspector or Lead Assessor which documents that a single-family house, dwelling unit and common areas or premises meets the lead mitigation standards for interior and exterior paint and interior dust in § 5.8 of this Part. This certificate expires two (2) years from the interior dust wipe clearance specified in the Interior Certificate of Lead Conformance (Form LHM-2-2).
22. "Group family child care home" means a residence where the resident can provide child care for eight (8) to twelve (12) children with one (1) or two (2) approved assistants (dependent on enrollment details).
23. "HUD" means the United States Department of Housing and Urban Development.
24. "Interior Certificate of Lead Conformance" or "LHM-2-2" means a certificate issued by a Lead Inspector or Lead Assessor which documents that a single-family house, dwelling unit and common areas, or premises meets the lead mitigation standard for interior paint and interior dust in § 5.8 of this Part. This certificate is based on a weather variance issued between November 1st and March 31st and is valid until the following June 30th.
25. "Lead assessor" means a person, either authorized to act as an enforcing officer under the housing code or a designated employee of a Federal, State or municipal agency with jurisdiction over housing, occupational health, child welfare and/or environmental standards who successfully

completed a Lead Assessor training course and obtained a license, pursuant to Part 11 of this Subchapter, to conduct lead inspections.

26. "Lead contractor" means any person or entity engage in lead hazard reduction as a business and licensed pursuant to this Part 11 of this Subchapter.
27. "Lead hazard" means a condition that presents a clear and significant health risk to occupants of a child care center, single-family house, dwelling unit and common areas, or premises, particularly where children reside. Lead concentrations in damaged paint, interior dust, bare soil, and/or drinking water which exceed the lead-safe thresholds in § 5.8 of this Part are an immediate lead exposure hazard requiring corrective action at a regulated facility.
28. "Lead hazard control" or "LHC" means any window replacement and/or interim controls intended to correct lead hazards identified in a lead inspection report or standard treatments to remove lead-based paint and/or minimize lead exposure, which may include measures to reduce the concentration of lead in paint, dust, soil, and/or water using approved treatment methods specified in this Part.
29. "Lead hazard control project" or "LHC project" means a project being done by a Lead Renovation Firm for the purpose of controlling lead hazards. An LHC Clearance Inspection or LHM Clearance Inspection is required at the conclusion of an LHC project.
30. "Lead hazard mitigation inspection" or "LHM inspection" means an inspection of a single-family house, dwelling unit and common areas, or premises by a Lead Inspector or Lead Assessor to determine compliance with the lead mitigation standards in § 5.8 of this Part, required at unit turnover or once in a twenty-four month (24) period, whichever period is the longer.
31. "Lead hazard mitigation project" or "LHM Project" means a project being done by an owner or designated person for the purpose of mitigating lead hazards. An LHM Inspection is required at the conclusion of an LHM project to obtain a Certificate of Lead Conformance (Form LHM-2-1), required for non-exempt residential rental units.
32. "Lead hazard reduction" means any action or actions designed to reduce exposure to toxic levels of lead which impose an unacceptable risk of exposure in any dwelling or dwelling unit where a child under the age of six (6) years with environmental intervention blood lead levels or greater resides, or on any premises and may include, but is not limited to: repair, enclosure, encapsulation, or removal of lead based paint and/or lead contaminated dust, soil or drinking water relocation of occupants; and

cleanup measure or ongoing maintenance measures which may include, activities and/or measures that do not present an undue risk to children under age six (6).

33. "Lead hazard reduction project" or "LHR project" means a project being done by a Lead Contractor for the purpose of reducing lead hazards. An LHR Clearance Inspection is required at the conclusion of an LHR project.
34. "Lead inspection" means any type of physical investigation of a child care center, single-family house, dwelling unit, or premises to identify the presence of environmental lead, lead hazards, or compliance with the cleaning requirements and lead standards in § 5.8 of this Part for paint, dust, soil, and/or water.
35. "Lead inspection report" means a written report, on forms provided or approved by the Department, which documents the results of a lead inspection, conducted pursuant to this Part, and includes the visual assessment, field testing, sample analysis results, summary of findings, and, for regulated facilities and target housing, lead hazard reduction or lead hazard control requirements and site-specific recommendations, as applicable.
36. "Lead inspector" means an individual, who successfully completed a certified Lead Inspector training course, passed the Lead Inspector Department examination, completed a supervised field apprenticeship, and obtained a license, pursuant to Part 11 of this Subchapter, to conduct lead inspections.
37. "Lead inspector-in-training" means an individual who successfully completed a certified Lead Inspector training course, passed the Lead Inspector Department examination, and obtained a license, pursuant to Part 11 of this Subchapter, to conduct a supervised apprenticeship to meet the requirements for a Lead Inspector license.
38. "Lead renovation firm" means any person or organization engaged in renovation, repair, and painting (RRP) or lead hazard control (LHC) as a business and licensed pursuant to Part 11 of this Subchapter.
39. "Lead renovator" means an individual who successfully completed a certified Lead Renovator training course and obtained a valid training certificate, pursuant to Part 11 of this Subchapter, to perform renovation, repair, and painting (RRP) and lead hazard control (LHC) work under the authority of a Lead Renovation Firm license.
40. "Lead Safe" means that a dwelling, dwelling unit, or premises has undergone sufficient, lead-hazard reduction to ensure that no significant, environment lead hazard is present and includes, but is not limited to,

covering and encapsulation and is evidenced by a lead-safe certificate issued by the Department of Health.

41. “Lead supervisor” means an individual who successfully completed a certified Lead Supervisor training course, passed the Lead Supervisor Department examination, and obtained a license, pursuant to Part 11 of this Subchapter, to perform and/or supervise lead hazard reduction (LHR) work.
42. “Lead worker” means an individual who successfully completed a certified Lead Worker training course and obtained a license, pursuant to Part 11 of this Subchapter, to perform lead hazard reduction work.
43. “Mitigation report” means the final lead hazard mitigation inspection report and laboratory report.
44. “Owner” means any person who, alone or jointly or severally with others:
 - a. Shall have legal title to any dwelling or dwelling unit with or without accompanying actual possession of it; or
 - b. Shall have charge, care, or control of any dwelling or dwelling unit as owner or agent of the owner or an executor, administrator, trustee, or guardian of the estate of the owner. Any person representing the actual owner shall be bound to comply with the provisions of this [Chapter](#) and with Rules and Regulations adopted pursuant to this Chapter to the same extent as if that person were the owner. An agent of the owner excludes real estate and property management functions where the agent is only responsible for the property management and does not have authority to fund capital and/or major property rehabilitation on behalf of the owner.
 - c. For purposes of publicly owned property only, the owner shall be defined to be the Chief Executive Officer of the municipal or State agency which owns, leases or controls the use of the property.
45. “Partial Lead-Safe Certificate” or “Form PBLC-27” is a temporary certificate to document that certain rooms/areas or media met the lead-safe standards in § 5.8 of this Part at the time of the inspection.
46. “Regulated facility” means any child care facility, single-family house, dwelling unit and common areas, or premises as specified in § [3.2.2](#) of this Subchapter.
47. “Renewal inspection” means the combination of a visual assessment of painted surfaces and environmental lead sampling, when applicable, at premises where lead-based paint or lead-contaminated soil is still present, to determine if the dwelling, dwelling unit, or premises, including soil, has

been maintained in a lead-safe condition for renewing the Conditional Lead-Safe Certificate (Form PBLC-15).

48. “Renovation” means the modification of any existing structure, or portion thereof that results in the disturbance of lead-painted surfaces, unless that activity is performed as part of a lead hazard control (LHC) or lead hazard reduction (LHR) project. 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 activities such as sanding, scraping, or other such activities which 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, planning thresholds to install weather-stripping); and interim controls that disturb lead-painted surfaces. A renovation performed for converting a building, or part of a building, into target housing or child care facilities is a renovation under this Part. The term renovation does not include minor repair and maintenance activities.
49. “Renovation, repair, and painting project” or “RRP project” means a project which is being done by a Lead Renovation Firm for purposes other than removing lead-based paint or correcting lead hazards (although it may result in this). The purpose of an RRP project is to ensure that renovations performed at a regulated facility or for compensation at target housing are done safely and prevent lead exposure to owners, occupants and neighbors of the property where the work is performed. Any additional work which disturbs lead-based paint, other than emergency renovation operations, performed in the same room or area within the same thirty (30) day period must be considered the same RRP project for the purpose of determining whether the work is spot removal or renovation, repair, and painting (RRP).
50. “Supervised lead inspector-in-training” means a Lead Inspector-in-Training who is performing a field apprenticeship under the direct on-site supervision of a Department-approved Lead Inspector for the purpose of meeting the Lead Inspector licensing requirements of Part 11 of this Subchapter.
51. “Visual assessment” means the visual examination of a residential dwelling or a child care facility following a lead hazard control (LHC) project or lead hazard reduction (LHR) project to determine whether the project has been successfully completed; or, the visual examination of a residential dwelling or a child care facility to determine the existence of deteriorated paint or other potential sources of environmental lead exposure as part of a Risk Assessment.

52. “Visual inspection” means a visual inspection by an owner or designated person to determine that the lead mitigation standards in § 5.8 of this Part were maintained when the term of tenancy is two (2) years or more. A notarized Affidavit of Completion of Visual Inspection must be submitted to the Department every two (2) years until tenant turnover.
53. “X-ray fluorescence analyzer” or “XRF analyzer” means a portable instrument that measures lead concentration using the principle of x-ray fluorescence.

5.3 Inspection Types

A. Lead Hazard Mitigation Inspection

1. A Lead Hazard Mitigation (LHM) Inspection by a Lead Inspector or Lead Assessor is required to determine compliance with the lead hazard mitigation standards in [860-RICR-00-00-2.4\(I\)](#) and [860-RICR-00-00-2.4.3\(E\)](#), Rules and Regulations Governing Lead Hazard Mitigation, and obtain a Certificate of Lead Conformance (Form LHM-2-1), required by [860-RICR-00-00-2.5.6](#) for all non-exempt residential rental units.
2. For LHM Inspections conducted between November 1st and March 31st, an Interior Certificate of Lead Conformance (Form LHM-2-3) may be issued for a dwelling unit and interior common areas with a weather variance to complete the exterior work by the following June 30th.

B. Comprehensive Environmental Lead Inspection (CELI)

1. A Comprehensive Environmental Lead Inspection by a Lead Inspector is required to determine compliance with the lead-safe standards in § [3.5.8](#) of this Subchapter and obtain a Conditional Lead-Safe Certificate (Form PBLC-15) or Full Lead-Safe Certificate (Form PBLC-21).
2. For Comprehensive Environmental Lead Inspections conducted between November 1st and March 31st, an Interior Lead-Safe Certificate (Form PBLC-15I) may be issued for a dwelling unit and interior common areas with a weather variance to complete the exterior work by the following June 30th.

C. Clearance Inspection

1. A Clearance Inspection by a Lead Inspector is required at the conclusion of a lead project to determine that the scope of work including cleanup was completed and the dwelling unit, common areas, child care facility, or work area(s), as applicable, are safe for re-occupancy.

2. A Clearance Inspection may be a “whole unit” or “worksite only” inspection.

D. Renewal Inspection

1. A Renewal Inspection by a Lead Inspector is required every two (2) years to renew a Conditional Lead-Safe Certificate (Form PBLC-15).

E. Partial Lead Inspection

1. A Partial Lead Inspection is any lead inspection other than a Lead Hazard Mitigation Inspection, Comprehensive Environmental Lead Inspection, Clearance Inspection, or Renewal Inspection.
2. A Partial Lead Inspection may be limited to certain rooms/areas or media (paint, dust, soil, or water).

5.3.1 General Requirements for Inspections

A. Environmental Lead Samples

1. A Lead Inspector, Lead Assessor, or Lead Renovator shall submit all environmental lead samples to a Department-certified laboratory for analysis within seven (7) days of collecting the samples or completing the inspection, as applicable.
2. The lead inspection report must be completed within seven (7) days of receiving the sample results.
3. The lead inspection report must include copies of all applicable laboratory reports.

B. Reporting Requirements

1. A Lead Inspector or Lead Assessor who performed a lead inspection at a regulated facility or target housing shall complete and sign a lead inspection report and any applicable lead certificates, using the most current inspection report and certificate forms provided or approved by the Department.
2. Lead inspection reports must contain all applicable information required on the forms and be submitted in the Department’s electronic reporting system:
 - a. Within seven (7) days of receiving the environmental lead sample results from the laboratory; or

- b. Within seven (7) days of completing the lead inspection if no environmental lead samples were collected.
3. Lead certificates must have a unique certificate number, generated by the Department's electronic reporting system, to be valid.
4. In addition to submission in the Department's electronic reporting system, all lead inspection reports, and related lead certificates must be submitted, with delivery confirmation, within seven (7) days to:
 - a. The property owner(s);
 - b. The tenants or occupants, if not the owner; and
 - c. The party who initiated the inspection, if not the owner or occupants.
5. In addition, a notification must be provided to the owner of the lead disclosure requirements in § [3.5](#) of this Subchapter.
6. Alternatively, a Lead Assessor may report lead testing results in accordance with the reporting requirements of his or her employer if no lead certificate was issued.
7. All environmental lead test results, inspection reports, laboratory reports, and/or lead certificates must be retained by the Lead Inspector or Lead Assessor's employer for a minimum of three (3) years.
8. If requested, the Lead Inspector or Lead Assessor's employer shall provide copies of any test results, lead inspection reports, laboratory reports, and/or lead certificates to the Department within seven (7) days of the request.

C. Conflict of Interest

1. A conflict of interest includes, but is not limited to the following:
 - a. Lead Inspectors, Lead Inspectors-in-Training, and their respective employer and/or employees shall not perform lead inspections or issue lead certificates at any property that is or will be owned or managed by the Lead Inspector, Lead Inspector-in-Training, their respective employer, employees, and/or family members.
 - (1) A Lead Assessor may perform lead inspections and issue lead certificates at properties owned or managed by their employer.

- b. Lead Inspectors and Lead Inspectors-in-Training, their respective employer and/or employees shall not perform lead inspections or issue lead certificates at any property where the Lead Inspector, Lead Inspector-in-Training, Lead Assessor, their respective employer, employees, and/or family members performed or will perform any renovation, repair, and painting (RRP), lead hazard control (LHC), or lead hazard reduction (LHR) activities.
 - (1) A Lead Assessor shall not perform lead inspections or issue lead certificates at any property where the Lead Assessor performed any RRP, LHC, or LHR activities.
- c. A clearance inspection must be performed by a Lead Inspector and/or supervised Lead Inspector-in-Training who is independent of the Lead Contractor or Lead Renovation Firm performing the work.
- d. A Lead Inspector, Lead Inspector-in-Training, or their respective employer must disclose any current or potential financial interest in the analyzing laboratory to the person initiating the inspection as well as in the Lead Inspection Report.

5.4 Lead Hazard Mitigation (LHM) Inspections

- A. Only a Lead Inspector or Lead Assessor shall conduct an LHM Inspection.
 - 1. Exceptions
 - a. When an owner is in receipt of a notice or order from the Department which requires a Conditional Lead-Safe Certificate (Form PBLC-15) or Full Lead-Safe Certificate (Form PBLC-21), all dwelling units at the subject property are disqualified and prohibited from obtaining a Certificate of Lead Conformance (Form LHM-2-1) from a private Lead Inspector for as long as the notice or order remains in effect, regardless of occupancy or blood lead levels.
 - b. The owner shall contact the Department to arrange for lead inspection(s) of any other dwelling units at the subject premises by a State Inspector during the period the notice or order remains in effect.
 - c. For condominium units, the inspection requirements are limited to the interior of the dwelling unit. The interior and exterior common areas are exempt from the LHM inspection requirements.
- B. Paint
 - 1. The Lead Inspector or Lead Assessor shall follow the comprehensive environmental lead inspection protocol for evaluating paint in § 5.5(B) of

this Part, except that paint testing is not required. All pre-1978 painted surfaces not tested must be assumed to be lead-based paint.

- a. Intact lead-based paint is conditionally lead safe.
- b. Damaged paint may be tested pursuant to § 5.7.2 of this Part. Paint below the lead-safe thresholds in § 5.8 of this Part is lead-safe regardless of its condition.

C. Dust

1. The Lead Inspector or Lead Assessor shall collect dust wipe samples pursuant to § 5.7.3 of this Part.
 - a. For a single-family dwelling or dwelling unit, a minimum of three (3) dust wipe samples from floors and window sills or window wells and one (1) field blank must be collected.
 - b. For a multi-unit dwelling, at least one (1) additional dust wipe sample must be collected in each relative common area.
2. Dust wipe sampling may be postponed until the follow up inspection if the LHM Inspection identified any paint hazards.

D. Soil

1. Optional soil sampling may be conducted pursuant to § 5.7.4 of this Part. The Lead Inspector or Lead Assessor shall follow the comprehensive environmental lead inspection protocol for soil sampling in § 5.5(D) of this Part.
 - a. Covered soil is conditionally lead safe.
2. The Mitigation Report must indicate whether the soil was tested and lead safe or lead hazard, or not tested.

E. Water

1. Optional water sampling may be conducted pursuant to § 5.7.5 of this Part. The Lead Inspector or Lead Assessor shall follow the comprehensive environmental lead inspection protocol for water sampling in § 5.5(E) of this Part.
2. The Mitigation Report must indicate whether the water was tested and lead safe or lead hazard, or not tested.

F. Certificate of Lead Conformance

1. The Lead Inspector or Lead Assessor who conducted the LHM Inspection shall issue a Certificate of Lead Conformance (Form LHM-2-1) when the dwelling or dwelling unit and common areas, as applicable, including the building exterior and accessory structures, meet the lead mitigation standards in § 5.8 of this Part.
 - a. The expiration date of the Certificate of Lead Conformance (Form LHM-2-1) will be two (2) years from the inspection date.
2. Between November 1st and March 31st, the Lead Inspector or Lead Assessor who conducted the LHM Inspection shall issue an Interior Certificate of Lead Conformance (Form LHM-2-3) when only the interior of the dwelling or dwelling unit and common areas, as applicable, meet the lead mitigation standards in § 5.8 of this Part.
 - a. The expiration date of the Interior Certificate of Lead Conformance (Form LHM-2-3), will be the following June 30th; and
 - b. The exterior paint hazards must be corrected by the following June 30th and an exterior re-inspection is required on or before June 30th to obtain a Certificate of Lead Conformance (Form LHM-2-2); and
 - c. Before June 30th, the Lead Inspector or Lead Assessor who passes the exterior re-inspection shall issue a Certificate of Lead Conformance (Form LHM-2-2) and the expiration date of the certificate which includes the exterior, will be two (2) years from the date of achieving interior dust wipe clearance in the dwelling or dwelling unit and interior common areas, as applicable; or
 - d. After June 30th, a full LHM Inspection, including interior dust wipe sampling, is required to obtain a valid Certificate of Lead Conformance (Form LHM-2-1).

5.5 Comprehensive Environmental Lead Inspections

A. General Requirements

1. Only a Lead Inspector shall conduct a Comprehensive Environmental Lead Inspection.
2. A Comprehensive Environmental Lead Inspection is a surface-by-surface investigation which includes a thorough evaluation of all interior and exterior paint, interior dust, drinking water, and soil within the entire lot using the approved lead testing methods in § 5.7 of this Part.

3. For the purposes of this Part, a Comprehensive Environmental Lead Inspection includes an entire single-family house, dwelling unit and common areas, or premises, as applicable.
4. Family child care homes or group family child care homes located in residential buildings encompass the entire single-family house, dwelling unit and common areas, or premises, as applicable.
5. Child care centers, nursery schools, preschools, kindergarten classrooms, or other child care programs located in public or commercial buildings encompass only those common areas that are routinely used by children, such as restrooms and cafeterias. Common areas that children only pass through, such as hallways, staircases, and garages are not included. The child care center also encompasses the exterior sides of the building that are immediately adjacent to the child care center and the exterior common areas or play areas routinely used by children.

B. Paint

1. A Lead Inspector shall evaluate pre-1978 painted surfaces using one (1) or more approved testing methods in § 5.7.2 of this Part, and such evaluation must include evaluation of:
 - a. All building components with a separate, distinct painting history; and
 - b. Representative painted surfaces for each room or common area, including the building exterior and the exterior of any accessory structure within the lot.

C. Dust

1. A Lead Inspector shall collect interior single-surface dust wipe samples, pursuant to § 5.7.3 of this Part, which represent a "worst case" situation from areas nearest entries, in high traffic areas, under windows, and in areas frequently used by children.
2. Residential Dwelling Units
 - a. For each single-family house or dwelling unit, a minimum of five (5) dust wipe samples must be collected, with at least one (1) sample from each of the following surfaces, as available:
 - (1) Floors;
 - (2) Window sills;
 - (3) Window wells;

- (4) A sample in a child's bedroom, if present, or the smallest bedroom, if not present; and
 - (5) A sample in a child's playroom, if present, or the living room, if not present.
3. Residential Common Areas
 - a. In addition to the dust wipe sampling required in § 5.5(C)(2) of this Part, a minimum of one (1) dust wipe sample must be collected from each of the following surfaces in each common area:
 - (1) Floors; and
 - (2) Window sills or window wells, if present.
4. Residential Family Child Care Homes
 - a. For each residential family child care home or group family child care home, dust wipe samples must be collected pursuant to the requirements in §§ 5.5(C)(2) and (3) of this Part, as applicable.
5. Non-residential Child Care Centers
 - a. For each child care center, nursery school, preschool, kindergarten classroom, or other non-residential child care program, a minimum of one (1) dust wipe sample must be collected from each of the following surfaces:
 - (1) Floors, within one foot (1') of each exterior door; and
 - (2) Floors, on each distinctive flooring type; and
 - (3) Representative window sills and/or window wells.
6. Additional Sampling
 - a. In addition to the minimum dust wipe sampling requirements in § 5.5(C), additional dust sampling may be collected:
 - (1) Wherever a Lead Inspector deems necessary to ensure that the premises comply with the lead-safe standards in § 5.8 of this Part; and/or
 - (2) Pursuant to the current HUD Guidelines for the Evaluation and Control of Lead Based Paint Hazards in Housing.
7. Exemption

- a. A Lead Inspector may, in his or her discretion, choose to postpone dust sampling until the clearance inspection if any interior lead-based paint hazards were identified in:
 - (1) A single-family house or dwelling unit where no child resides or is expected to reside; or
 - (2) A multi-unit common area where no child resides or is expected to reside in any associated dwelling unit.

D. Soil

- 1. A Lead Inspector shall collect the following soil samples pursuant to § 5.7.4 of this Part:
- 2. Primary Structure
 - a. A minimum of one (1) sample of bare soil must be collected between the foundation and the drip line on each side of the primary structure, or from any other area that contains bare soil on a side of the primary structure where the soil in the drip zone is covered, pursuant to § 12.5.13 of this Subchapter.
 - (1) A composite soil sample may only include representative subsamples collected on the same side of a primary structure.
- 3. Accessory Structure(s)
 - a. A minimum of one (1) sample of bare soil must be collected within the drip zone of each painted accessory structure, including, but not limited to, garages, sheds, play equipment, and fencing known or suspected to have been painted with lead-based paint.
 - (1) A composite soil sample may only include representative subsamples taken from the same accessory structure.
- 4. Play Area
 - a. A minimum of one (1) sample of bare soil must be collected in each play area, or mid-yard if there is no play area. It should be noted in the lead inspection report if there is no area designated or suitable for play.
 - (1) A composite soil sample may only contain representative subsamples from the same play area.

- (2) A separate sample must be collected from each sandbox, if present.

5. Additional Sampling

- a. In addition to the minimum soil evaluation requirements of this Section, additional soil sampling may be conducted:
 - (1) In any areas where paint chips or sanding residue are visible, including areas where the soil is otherwise covered;
 - (2) Wherever a Lead Inspector deems necessary to ensure that the premises comply with the lead-safe standards in § 5.8 of this Part;
 - (3) Pursuant to the current HUD Guidelines for the Evaluation and Control of Lead Based Paint Hazards in Housing.

6. Exemption

- a. A Lead Inspector may delay soil sampling to a future date when the ground is frozen or covered with ice or snow.
 - (1) The reason for the delay must be noted in the lead inspection report.
 - (2) The samples must be collected as soon as weather permits, and no later than the following March 31st.

E. Water

1. A Lead Inspector shall collect water samples pursuant to § 5.7.5 of this Part.
2. First Draw Sample
 - a. If feasible, a first draw sample of cold water should be collected from the tap(s) when the water has gone unused for six (6) hours or more.
 - b. Residential Facility
 - (1) The tap that serves as the main source of drinking water in a residential dwelling unit must be identified as the water sampling location. Secondary drinking water sources (e.g. bathroom sinks) are not required to be sampled.
 - c. Non-Residential Facility

- (1) All taps that are used for food preparation, cooking, and/or drinking purposes at a non-residential facility must be identified as the sampling location(s). This includes all drinking fountains used by children.

3. Flushed Sample

- a. As a minimum, one (1) flushed sample of cold water must be collected by running the tap(s) for approximately one (1) minute, or until the water turns cold. A period of longer than one (1) minute may be required for the water to turn cold in a dwelling unit above the first (1st) floor of a multi-unit building or a child-occupied facility located within a large building. The exact flushing time should be recorded in the lead inspection report.
- b. Residential Facility
 - (1) The tap that serves as the main source of drinking water in a residential dwelling unit must be identified as the water sampling location. Secondary drinking water sources (e.g., bathroom sinks) are not required to be sampled.
- c. Non-Residential Facility
 - (1) All taps that are used for food preparation, cooking, and/or drinking purposes at a non-residential facility must be identified as the sampling location(s). This includes all drinking fountains used by children. A minimum of one (1) tap must be sampled at a child care center even if no tap is reportedly used for food preparation, cooking, or drinking purposes.

F. Lead-Safe Certificate

1. The Lead Inspector who conducted the Comprehensive Environmental Lead Inspection shall issue the following lead certificate, as applicable:
 - a. A Full Lead-Safe Certificate (Form PBLC-21) when all paint, dust, soil, and water results are below the lead-safe thresholds in § 5.8 of this Part; or
 - b. A Conditional Lead-Safe Certificate (Form PBLC-15) when all paint, dust, soil, and water results at least meet the conditional lead-safe standards in § 5.8 of this Part (e.g., intact lead-based paint, covered soil); or
 - c. Between November 1st and March 31st, an Interior Conditional Lead-Safe Certificate (Form PBLC-15-I) when at least the interior

paint, dust, and water meet the conditional lead-safe standards in § 5.8 of this Part.

- (1) The expiration date of the Interior Conditional Lead-Safe Certificate (Form PBLC-15I), will be the following June 30th; and
- (2) The exterior paint hazards must be corrected by the following June 30th and an exterior re-inspection is required on or before June 30th to obtain a Conditional Lead-Safe Certificate (Form PBLC-15); and
- (3) Before June 30th, the Lead Inspector who passes the exterior re-inspection shall issue a Conditional Lead-Safe Certificate (Form PBLC-15) and the expiration date of the new Conditional Lead-Safe Certificate (Form PBLC-15), which includes the exterior and soil, will be two (2) years from the date of achieving interior dust wipe clearance.
- (4) After June 30th, an LHR Clearance Inspection, including interior dust wipe sampling, is required to obtain a valid Conditional Lead-Safe Certificate (Form PBLC-15).

5.6 Clearance Inspections

5.6.1 General Requirements

- A. The purpose of a clearance inspection is to ensure that lead hazard reduction (LHR), lead hazard control (LHC), or renovation, repair, and painting (RRP) activities:
 1. Were performed using lead-safe work practices;
 2. Appropriate cleanup was completed;
 3. Paint, dust, soil, and/or water testing, as applicable, are performed pursuant to § 5.7 of this Part;
 - a. The Lead Inspector or Lead Assessor, as applicable, shall wait at least one (1) hour after final cleanup is completed before collecting any dust samples.
 4. Paint, dust, soil, and/or water test results, as applicable, meet the lead-safe standards in § 5.8 of this Part; and
 5. The child care center, single-family house, dwelling unit and common areas, or work area(s), as applicable, are safe for re-occupancy.

- B. A lead Inspector, who performed a clearance inspection where the visual assessment or environmental lead sample results failed to meet the requirements of §§ 5.6 and 5.8 of this Part, shall inform the owner and Lead Supervisor or Lead Renovator, as applicable, of the failure(s) and additional work required prior to repeating the clearance inspection.

5.6.2 Lead Hazard Reduction (LHR) Projects

A. General Requirements

1. A Lead Inspector shall conduct an LHR Clearance Inspection pursuant to § 5.6(B) of this Part and § 12.4 of this Subchapter.
2. Surfaces containing lead-based paint which were made intact, covered, removed or replaced as well as lead in dust, soil, or water treatments must all be documented in a lead inspection report.

B. The Lead Hazard Reduction Clearance Inspection must include:

1. A visual assessment to verify that all lead-based paint is intact with no friction or impact surfaces and no visible dust or paint chips remain in the clearance area;
2. Interior dust wipe samples, collected pursuant to §§ 5.5(C) and 5.7.3 of this Part;
3. Soil samples, collected, pursuant to §§ 5.5(D) and 5.7.4 of this Part, in any areas of bare soil not previously determined to meet the lead-safe standards in § 5.8.5 of this Part; and
4. Water sample(s), collected, pursuant to §§ 5.4(E) and 5.7.5 of this Part, in all instances in which lead hazard reduction included repairs or modifications to the plumbing system.

- C. If the LHR project is done in phases, a temporary Partial Lead-Safe Certificate (Form PBLC-27) may be issued at the conclusion of each phase of the project to certify that the work area(s) specified on Form PBLC-27 are safe for re-occupancy.

- D. For an LHR project done in phases where temporary Partial Lead-Safe Certificates (Form PBLC-27) were issued at the conclusion of each phase of the project, a Conditional Lead-Safe Certificate (Form PBLC-15) or Full Lead-Safe Certificate (Form PBLC-21), as applicable, must be issued by the Lead Inspector who conducts the final LHR clearance inspection.

1. The expiration date of the Conditional Lead-Safe Certificate (Form PBLC-15) is two (2) years from the date the dust wipes passed in the dwelling unit. A Renewal Inspection is required every two (2) years.

- E. For a Conditional Lead-Safe Certificate (PBLC-15) or Full Lead-Safe Certificate (Form PBLC-21), the LHR clearance area must include the entire single-family house, or dwelling unit and common areas, as applicable.
- F. If an initial CELI was not performed prior to the LHR project, a CELI must be performed at the conclusion of the project, in lieu of an LHR Clearance Inspection, to obtain a Conditional Lead-Safe Certificate (Form PBLC-15) or Full Lead-Safe Certificate (Form PBLC-21), as applicable.
- G. A Lead Inspector who performed an LHR Clearance Inspection must also provide a signed copy of any related lead certificates to the Lead Contractor who performed the work.

5.6.3 Lead Hazard Control (LHC) Projects

A. General Requirements

1. A Lead Inspector shall conduct an LHC Clearance Inspection pursuant to and § 5.6 of this Part.
2. Surfaces containing lead-based paint which were made intact, covered, removed or replaced as well as lead in dust, soil, or water treatments must all be documented in a lead inspection report.

B. An LHC Clearance Inspection must include:

1. A visual assessment to verify that all lead-based paint is intact with no friction or impact surfaces and no visible dust or paint chips remain in the clearance area;
2. Interior dust wipe samples, collected pursuant to §§ 5.5(C) and 5.7.3 of this Part;
3. Soil samples, collected pursuant to §§ 5.5(D) and 5.7.4 of this Part, in any areas of bare soil not previously determined to meet the lead-safe standards in § 5.8 of this Part; and
4. Water sample(s) collected pursuant to §§ 5.5(E) and 5.7.5 of this Part, in all instances in which lead hazard control included repairs or modifications to the plumbing system.

C. If the LHC scope of work is limited to certain rooms/areas, components, or media, a temporary Partial Lead-Safe Certificate (Form PBLC-27) may be issued at the conclusion of the work to certify that the work area(s) specified on Form PBLC-27 are safe for re-occupancy.

D. If the LHC project is done in phases, a temporary Partial Lead-Safe Certificate (Form PBLC-27) may be issued at the conclusion of each phase of the project to

certify that the work area(s) specified on Form PBLC-27 are safe for re-occupancy.

- E. For an LHC project done in phases where temporary Partial Lead-Safe Certificates (Form PBLC-27) were issued at the conclusion of each phase of the project, a Conditional Lead-Safe Certificate (Form PBLC-15) or Full Lead-Safe Certificate (Form PBLC-21), as applicable, must be issued by the Lead Inspector who conducts the final LHC clearance inspection.
 - 1. The expiration date of the Conditional Lead-Safe Certificate (Form PBLC-15) is two (2) years from the date the dust wipes passed in the dwelling unit. A Renewal Inspection is required every two (2) years.
- F. For a Conditional Lead-Safe Certificate (Form PBLC-15) or Full Lead-Safe Certificate (Form PBLC-21):
 - 1. The LHC clearance area must include the entire child care center, single-family house, or dwelling unit and common areas, as applicable.
 - 2. If an initial Comprehensive Environmental Lead Inspection was not performed prior to the LHC project, a CELI must be performed at the conclusion of the LHC project, in lieu of an LHC Clearance Inspection, to obtain a Conditional Lead-Safe Certificate (Form PBLC-15) or Full Lead-Safe Certificate (Form PBLC-21), as applicable.
- G. Alternatively, an LHM Inspection may be performed by a Lead Inspector or Lead Assessor, in lieu of an LHC Clearance Inspection, to obtain a Certificate of Lead Conformance (LHM-2-1).

5.6.4 Renovation, Repair, and Painting (RRP) Projects

- A. A Lead Inspector or Lead Assessor shall conduct an optional RRP Clearance Inspection pursuant to § 5.6 of this Part. Additional information on RRP clearance inspections can be found in the Department guidance document Lead-Safe Work Practices.
- B. For a Partial Lead-Safe Certificate (Form PBLC-27), the RRP clearance area(s) must include the contained work area(s), which should be at least six feet (6') beyond where any lead-based paint was disturbed, plus two feet (2') beyond the containment area(s), as well as pathways used to access the work area(s), and pathways used to remove waste.
- C. The RRP Clearance Inspection must include a visual assessment and enough dust wipe sampling to verify that the work area(s) were adequately cleaned. As a minimum, three (3) dust wipes and one (1) field blank must be collected, pursuant to § 5.7.3 of this Part. Additional information on dust wipes can be found in the Department Guidance document, Lead-Safe Work Practices.

D. The clearance area(s) and scope of work must be clearly specified on the Partial Lead-Safe Certificate (Form PBLC-27).

E. Spot Removal

1. A clearance inspection is not required for spot removal or minor repairs and maintenance activities provided that the work did not include any:

- a. Prohibited work practices;
- b. Window removal or replacement;
- c. Interior mechanical paint removal; or
- d. Demolition activities.

5.6.5 Renewal Inspections

A. General Requirements

1. A Lead Inspector shall perform a Renewal Inspection pursuant to § 5.6.5 of this Part.

2. The purpose of a Renewal Inspection is to determine that a child care center, single-family house, or dwelling unit and common areas, as applicable, are maintained in a lead-safe condition, free of lead hazards, in order to renew a Conditional Lead-Safe Certificate (Form PBLC-15).

- a. A Conditional Lead-Safe Certificate (Form PBLC-15) expires two (2) years from the date of achieving interior dust wipe clearance, as specified on Form PBLC-15.
- b. Renewal Inspections are required at regulated facilities every two (2) years, regardless of occupancy.

B. The Renewal Inspection must include:

1. A visual assessment to verify that all lead-based paint is intact with no friction or impact surfaces;

2. Interior dust wipe sampling, collected pursuant to §§ 5.5(C) and 5.7.3 of this Part;

3. Soil sampling, pursuant to §§ 5.5(D) and 5.7.4 of this Part, in any areas of bare soil not previously determined to meet the lead-safe standards in § 5.8 of this Part; and

4. Additional water sampling, pursuant to §§ 5.5(E) and 5.7.5 of this Part, in all instances in where repairs or modifications to the plumbing system were made since the previous lead inspection.

5.6.6 Partial Lead Inspections

A. General Requirements

1. A Partial Lead Inspection does not provide the complete evaluations of a Comprehensive Environmental Lead Inspection and cannot serve to determine lead-safe compliance with this Part for a child care center, single-family house, or dwelling unit and common areas.
 - a. Only a Lead Inspector or Lead Assessor shall conduct a Partial Lead Inspection to identify lead hazards or determine compliance with one (1) or more lead standards in § 5.8 of this Part.
 - b. A Partial Lead Inspection may be an initial or follow-up inspection.
 - c. A Partial Lead Inspection may be limited to certain rooms/areas or media.

B. Testing Methods

1. A Lead Inspector or Lead Assessor shall use the approved testing methods for paint, dust, soil, and/or water in § 5.7 of this Part.

C. Lead Certificate

2. A Lead Inspector or Lead Assessor may issue a temporary Partial Lead-Safe Certificate (Form PBLIC-27) for any rooms/areas or media that meet the lead-safe standards in § 5.8 of this Part but is not required to do so.

5.6.7 Special Requirements for Renovation Repair and Painting (RRP) Testing

A. General Requirements

1. Only a Lead Inspector or Lead Assessor may perform representative testing of painted surfaces to determine the applicability of the RRP Rule.
 - a. A Lead Inspector or Lead Assessor who performs a Partial Lead Inspection for the purpose of determining the applicability of the RRP Rule, shall complete and sign a Partial Lead Inspection Report, pursuant to all applicable requirements of § 5.6.6 of this Part.

2. A Lead Renovator, who uses EPA-recognized lead test kits or collects paint chip samples to determine the applicability of the RRP Rule, shall test or paint chip sample every affected component.
 - a. For the purposes of this Part, paint testing by a Lead Renovator to determine the applicability of the RRP Rule is not considered a Partial Lead Inspection.

B. Reporting Requirement

1. The Lead Renovator shall document all information required on an EPA Test Kit Documentation Form or Paint Chip Sample Collection Form, as applicable.
2. The Lead Renovator shall provide a copy of the EPA Test Kit Documentation Form and/or Paint Chip Sample Collection Form to the owner within seven (7) days of the test date or seven (7) days of receipt of the paint chip sample results provided that the samples were received for laboratory analysis within seven (7) days of being collected.
3. If requested, the Lead Renovator shall provide a copy of the EPA Test Kit Documentation Form and/or Paint Chip Sample Collection Form to the Department within seven (7) days of the request.

5.7 Environmental Lead Testing Methods

5.7.1 Approved Testing Methods

- A. A Lead Inspector, Lead Assessor, or Lead Renovator is trained and licensed or certified to use one (1) or more of the following testing methods for lead in paint, dust, soil, and/or water:
1. EPA-recognized lead test kit for positive or inconclusive results by a Lead Inspector or Lead Assessor;
 2. EPA-recognized lead test kit for applicability of the RRP Rule used by a Lead Renovator;
 3. X-Ray Fluorescence (XRF) Analyzer for on-site paint testing by a Lead Inspector or supervised Lead Inspector-in-Training;
 4. XRF analysis of dust wipe or soil samples by a person who is ELPAT-accredited as being proficient for lead analysis during the period the dust wipe or soil sample analysis, as applicable, is performed;
 5. Paint chip, dust wipe, soil, or drinking water sampling for analysis by a laboratory certified pursuant to § 11.9 of this Subchapter; and/or

6. Any other method approved in writing by the Department.

Approved Lead Testing Methods				
	Paint	Dust	Soil	Water
EPA recognized Lead Test Kit	Lead Assessor Lead Inspector Supervised Lead Inspector-in-Training Certified Lead Renovator	Not Applicable	Not Applicable	Not Applicable
XRF Analyzer	Lead Inspector Supervised Lead Inspector-in-Training	ELPAT-accredited person	ELPAT-accredited person	Not Applicable
Lead Sampling for Laboratory Analysis	Lead Assessor Lead Inspector Supervised Lead Inspector-in-Training Certified Lead Renovator	Lead Assessor Lead Inspector Supervised Lead Inspector-in-Training	Lead Assessor Lead Inspector Supervised Lead Inspector-in-Training	Lead Assessor Lead Inspector Supervised Lead Inspector-in-Training

5.7.2 Paint

A. General Requirements

1. The construction date of the subject building, dwelling, and/or accessory structure(s) must be determined:
 - a. For the purposes of this Part, all painted surfaces constructed after January 1, 1978 (post-1978) are assumed to be below the lead-safe thresholds in § 5.8 of this Part, unless proven otherwise; testing is not required.
 - b. For the purposes of this Part, all painted surfaces constructed before January 1, 1978 (pre-1978) must be assumed to exceed the lead-safe threshold in § 5.8 of this Part, unless proven otherwise; testing is required to determine if the lead concentration is below the lead-safe thresholds in § 5.8 of this Part.
2. Only a Lead Inspector or Lead Assessor may group together building components which have the same painting histories into a single representative test in one (1) building, dwelling, dwelling unit, common area, or accessory structure, as applicable.
 - a. Painted fixtures which are physically attached to the premises must be included.
3. A Lead Renovator shall test each component that will be disturbed by renovation, repair, and painting (RRP) activities, either by using a lead test kit or by collecting a paint chip sample for laboratory analysis.
 - (1) Painted fixtures which are physically attached to the premises must be included.
4. For the purposes of this Part, a surface coating is lead-based paint if a single testing method is positive for lead when multiple testing methods are used (i.e. lead test kit, XRF Analyzer, or laboratory analysis of a paint chip sample).

B. Lead Test Kits

1. EPA-recognized lead test kits may be used by a certified Lead Renovator in accordance with the manufacturer's instructions to confirm the presence of lead-based paint, either to show that damaged paint is a lead hazard or to show whether the Renovation, Repair, and Painting (RRP) Rule applies to the tested surface.
 - a. EPA-recognized lead test kits may be used by a Lead Inspector or Lead Assessor to confirm the presence of lead-based paint to show that damaged paint is a lead hazard. A Lead Inspector or Lead Assessor shall not damage intact paint to use a lead test kit.

2. Test kits may not be used to determine lead-safe status, to determine eligibility for exemption from the Lead Disclosure Rule or the Lead Safe Housing Rule, or to serve as the basis for a Full Lead-Safe Certificate (Form PBLC-21).

C. Paint Chip Sampling

1. A Lead Inspector or Lead Assessor shall collect paint chip samples for laboratory analysis by collecting a minimum of one (1) sample from each testing combination that is the minimum weight or area required by the analyzing laboratory.
2. A Lead Renovator shall collect paint chip samples by collecting a sample that is the minimum weight or area required by the analyzing laboratory from each building component that will be affected by renovation, repair, and painting (RRP) activities.
3. Paint samples must be removed in a manner that minimizes the possibility of creating lead-contaminated dust or debris and immediately cleaning any dust or debris, if generated, and repairing the surface from which the paint sample was collected, if necessary.
4. Alternatively, paint chip samples may be collected pursuant to the EPA RRP Program Paint Chip Sample Collection Guide and reported as milligrams per square centimeter (mg/cm²).

D. XRF Testing

1. A Lead Inspector or supervised Lead Inspector-in-Training shall successfully complete radiation safety training approved by the Department before operating or transporting an XRF Analyzer in Rhode Island.
2. A Lead Inspector or supervised Lead Inspector-in-Training shall use an XRF Analyzer for on-site measurements of painted surfaces in accordance with the most current EPA/HUD XRF Performance Characteristic Sheet (PCS) for that instrument.
3. A Lead Inspector or supervised Lead Inspector-in-Training shall operate an XRF under a currently valid specific or general radioactive materials license for the XRF instrument used, in accordance with the Department's Rules and Regulations for the Licensing of Radioactive Material (Part [40-20-7](#) of this Title).
4. A Lead Inspector or supervised Lead Inspector-in-Training, using an XRF instrument in Rhode Island with a radioactive materials license issued by another jurisdiction, shall follow the reciprocity provisions of the

Department's Rules and Regulations for the Licensing of Radioactive Material (Part [40-20-7](#) of this Title).

5. The manufacturer, model number, and serial number of the XRF Analyzer and results of all calibration verification checks for a lead inspection must be recorded in the lead inspection report.

5.7.3 Dust

A. General Requirements

1. Dust wipe samples must represent a "worst case" situation and, for floors, the samples must be collected from areas nearest entries, in high traffic areas, under windows, and in areas frequently used by children.
2. For clearance inspections, dust wipe samples must be collected in work areas, adjacent to work areas, as well as pathways used to access work areas and pathways used to remove waste.
3. Additional sampling may be conducted pursuant to the current HUD Guidelines for the Evaluation and Control of Lead Based Paint Hazards in Housing.

B. Dust Wipe Sampling

1. A Lead Inspector or Lead Assessor shall collect single surface dust wipe samples in accordance with:
 - a. The current HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing Appendix 13.1 Wipe Sampling of Settled Dust for Lead Determination and the sampling material requirements of the analyzing laboratory; or
 - b. Active Standards ASTM E1728/E1728M Standard Practice for Collection of Settled Dust Samples Using Wipe Sampling Methods for Subsequent Lead Determination and ASTM E1792 Standard Specification for Wipe Sampling Materials for Lead in Surface Dust.

C. Field Blank

1. Every day for each building, the Lead Inspector or Lead Assessor shall prepare one (1) field blank prior to leaving the building where dust wipe samples are collected.
2. The purpose of the field blank is to identify errors or contamination in supplies, sample collection, or analysis. If the field blank result is not below the reporting limit of the analyzing laboratory, then all dust wipe

sample results from the subject building are considered invalid, for the purposes of this Part, and must be repeated in their entirety.

5.7.4 Soil

- A. For each soil sample, the Lead Inspector or Lead Assessor shall collect the soil samples from the top half inch (0.5") of soil using a clean spade, auger, centrifuge tube, or by hand while wearing a new, clean pair of powderless disposable gloves.
 - 1. A soil sample may be an individual ("grab") sample or a composite sample.
 - 2. A composite sample must incorporate equal amounts of subsamples which are representative of the sampling area.

5.7.5 Water

A. General Requirements

- 1. A Lead Inspector or Lead Assessor shall:
 - a. Ensure that no water has been used for at least six (6) hours for a first-draw sample; or
 - b. The exact flushing time must be recorded in the inspection report for a flushed sample; and
 - c. Indicate in the inspection report whether flushing is required to meet the lead-safe standard in § 5.8.5 of this Part.

B. Residential Water Sampling

- 1. A Lead Inspector or Lead Assessor shall:
 - a. Sample the tap which is most frequently used if there are multiple taps in the inspection area; and
 - b. Sample the water directly from the tap if a faucet-mounted water filter is present.

C. Non-Residential Water Sampling

- 1. Water sampling in schools should be conducted in accordance with the EPA 3Ts for Reducing Lead in Drinking Water in Schools or the most current EPA non-residential water sampling protocol.

5.8 Environmental Lead Standards

5.8.1 Lead Mitigation Standards

- A. All lead-based paint, including pre-1978 painted surfaces required to be assumed positive, must be intact with no paint or coating on a damaged or deteriorated component; no surface which has loose, delaminating, flaking, peeling, chipping, chalking, or blistering paint; no paint that is otherwise becoming separated from the substrate; no paint which is abraded by friction or impact, shows evidence of teeth marks, or is damaged by water;
- B. All surfaces must be clean and free of lead dust, paint chips or debris; and
- C. All horizontal surfaces except ceilings (e.g. floors, stairs, window sills, window wells) must be covered with a smooth, cleanable covering or coating.

5.8.2 Lead-Safe Standards

- A. All painted surfaces constructed after January 1, 1978 (post-1978) are assumed to be below the lead-safe threshold shown in § 5.8.5 of this Part, unless proven otherwise; paint testing is not required.
- B. For post-1978 construction, dust, soil, and water testing are required to determine if these media are below the lead-safe thresholds shown in § 5.8.5 of this Part.
- C. All painted surfaces constructed before January 1, 1978 (pre-1978), must be assumed to exceed the lead-safe threshold shown in § 5.8.5 of this Part, unless proven otherwise.
- F. For pre-1978 construction, paint, dust, soil, and water must be tested to determine if these media are below the lead-safe thresholds shown in § 5.8.5 of this Part.
- G. A Full Lead-Safe Certificate (Form PBLC-21) documents that the lead concentrations in all media (paint, dust, soil, and water) at a child care center, dwelling, or dwelling unit and common areas are below the lead-safe thresholds shown in § 5.8.5 of this Part and no action is required.

5.8.3 Conditional Lead-Safe Standards

- A. Intact paint, above the lead-safe thresholds shown in § 5.8.5 of this Part, is conditionally lead safe and constitutes a potential lead exposure hazard if the paint is disturbed, vulnerable to friction or impact, or the intact paint condition is not maintained.

- B. Covered soil, above the lead-safe threshold shown in § 5.8.5 of this Part, is conditionally lead safe and constitutes a potential lead exposure hazard if the soil is disturbed, the ground covering is not maintained or is vulnerable to erosion.
- C. Ongoing monitoring, routine repair and maintenance, and renewal inspections are required to maintain a Conditional Lead-Safe Certificate (Form PBLC-15) when the lead concentrations in paint and/or soil exceed the lead-safe thresholds shown in § 5.8.5 of this Part.
- D. Intact paint and/or covered soil that were not tested may be considered conditionally lead safe for as long as the intact paint condition and/or soil coverings are maintained.

5.8.4 Lead Hazard Standards

- A. Lead hazard means that the lead concentrations in paint, dust, soil, and/or water are above the lead-safe thresholds shown in § 5.8.5 of this Part.
 - 1. Damaged paint, interior dust, bare soil, and/or drinking water above the lead-safe thresholds shown in § 5.8.4 of this Part constitute immediate lead exposure hazards which require corrective action to a lead-safe concentration or condition at a regulated facility, pursuant Part 12 of this Subchapter.
- B. Damaged paint and/or bare soil that were not tested must be assumed to constitute a lead hazard requiring corrective action to at least a lead-safe condition.

5.8.5 Environmental Lead Standards

Media		Lead Safe	Conditionally Lead Safe	Lead Hazard
Paint		All Paint	Intact Paint	Damaged Paint
		< 5,000 ppm < 1.0 mg/cm ²	≥ 5,000 ppm ≥ 1.0 mg/cm ²	≥ 5,000 ppm ≥ 1.0 mg/cm ²
Dust	Floors	< 5 µg/ft ²	N/A	≥ 5 µg/ft ²
	Sills	< 40 µg/ft ²	N/A	≥ 40 µg/ft ²
	Wells	< 100 µg/ft ²	N/A	≥ 100 µg/ft ²
	Any Other Surface	< 10 µg/ft ²	N/A	≥ 10 µg/ft ²
Soil		All Soil	Covered Soil	Bare Soil
		< 400 ppm	≥ 400 ppm	≥ 400 ppm
Water		< 15 ppb	N/A	≥ 15 ppb

- A. Lead clearance standards are lead concentrations or conditions that meet the full lead-safe or conditional lead-safe standards and are less than the lead hazard concentrations and conditions shown in § 5.8.5 of this Part.

5.9 Severability

- A. The provisions of this Part shall be liberally construed and shall be held to be in addition to, and not in substitution for or a limitation of, the provisions of any other Regulation or law. If any provision or part thereof of this Part or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, the remainder of this Part and the application of such provisions to any other persons or circumstances other than those to which it is held invalid shall not be affected thereby.

216-RICR-50-15-5

TITLE 216 - DEPARTMENT OF HEALTH

CHAPTER 50 - ENVIRONMENTAL HEALTH

SUBCHAPTER 15 - HEALTHY ENVIRONMENT

PART 5 - LEAD INSPECTIONS (216-RICR-50-15-5)

Type of Filing: Amendment

Agency Signature

Agency Head Signature

Agency Signing Date

Department of State

Regulation Effective Date

Department of State Initials

Department of State Date