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Informational Letter

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To:	Commissioners of Social Services Executive Directors of Voluntary Authorized Agencies Directors of Residential Domestic Violence Programs
Issuing Division/Office:	Strategic Planning and Policy Development
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Subject:	Lead Safe Practices
Suggested Distribution:	Directors of Social Services
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Attachments:	No
Attachment Available Online:	N/A

Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
			Environmental Protection Agency (EPA) Toxic Substance Control Act (TSCA) 401, 402 (c) (3) 40 CFR Part 475		

I. Purpose

The purpose of this Informational Letter is to inform local departments of social services (LDSS), voluntary authorized agencies and directors of residential domestic violence programs of the issuance of a new rule by the United States Environmental Protection Agency (EPA), which became effective April 22, 2010. Under the rule, contractors performing renovation repair, and painting projects in homes, child care facilities, and schools built before 1978 must be certified and must follow specific work practices to prevent lead contamination.

II. Background

Children are at risk for high exposure of lead-based paint dust via hand-to-mouth exposure, and may also ingest lead-based paint chips from flaking paint on walls, windows, and doors. Lead from exterior house paint can flake off or leach into the soil around the outside of a home or facility, contaminating children's play areas. Exposure to lead paint can create an array of harmful health effects, including but not limited to neurological development and function, reproduction and physical development, and kidney and cardiovascular function. There is also some evidence of lead being a carcinogen.

EPA has promulgated regulations to implement section 402(c) (3) of the Toxic Substance Control Act (TSCA), which governs lead-based paint hazards created by renovation, repair, and painting projects that disturb lead-based paint in target housing and child-occupied facilities.

The New York State Governor's Task Force on the Prevention of Childhood Lead Poisoning, formed in December 2009, is committed to the development of a plan to eliminate childhood lead poisoning in New York State. A full report is due in November 2010.

III. Program Implications

The federal regulations address lead-based paint hazards created by renovation, repair, and painting projects that disturb lead-based paint in target housing and childcare facilities.

Section 401 of the TSCA defines a “child-occupied” facility as a building, or a portion of a building, constructed prior to 1978, visited regularly by the same child, under six years of age, on at least two different days within any week (Sunday through Saturday), 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 be located in public or commercial buildings.

The rule applies to renovation projects in buildings, including homes, constructed prior to 1978 consisting of:

- internal areas of more than six square feet, or
- external areas of more than 20 square feet, or
- window replacement, or
- demolition

Each renovation project covered by this rule must be performed and/or directed by a renovator that has successfully completed renovator training from an accredited training provider by EPA and follows specific work practices to prevent lead contamination.

The rule also requires that, prior to the start of any renovation work, renovators must provide a copy of the EPA pamphlet *The Lead-Safe Guide to Renovate Right*, which is available online at the link below, to homeowners, tenants, and facilities that have children, as defined above. Additionally, renovators must provide general information on lead-based paint hazards to families whose children attend those facilities, such as the EPA brochure and/or other information provided at the links below:

EPA's brochure: <http://www.epa.gov/lead/pubs/renovaterightbrochure.pdf>

EPA's rule on lead-based paint hazards:

<http://www.epa.gov/fedrgstr/EPA-TOX/2008/April/Day-22/t8141.htm>

/s/ Nancy W. Martinez

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