

# Lead Poisoning Prevention in Indiana



## Reducing Lead Hazards During Maintenance, Renovation and Abatement

- In homes and child-occupied facilities built before 1960, Indiana law:
  - ⇒ Presumes that paint is lead-based paint;
  - ⇒ Prohibits the use of dangerous work practices such as dry-sanding, dry-scraping or burning paint unless special conditions apply; and
  - ⇒ Requires exterior cleanup of visible paint chips or painted debris that within 48 hours after work is complete.
- Only a licensed lead abatement contractor can perform work designed to eliminate lead hazards for more than 20 years unless the hazard elimination is incidental to the repair or renovation.
- Only a dust wipe test as part of a clearance examination can be confident that lead hazards do not remain in a home.
- Indiana imposes criminal penalties for violating its rules.
- EPA requires contractors that disturb more than 2 square feet of interior paint in pre-1978 homes to provide written notice to owners and tenants.
- OSHA requires a written Exposure Assessment before disturbing any lead without a respirator.

Contact IDEM's Lead Hotline 888-574-8150

# Lead Primer

**What are the dangers of lead poisoning?** Severe childhood lead poisoning is uncommon in Indiana, but thousands of Hoosier children are poisoned by lower levels of lead that permanently damage the brain. This damage includes lowered IQ levels, a greater chance of learning disabilities and attention deficit disorders, and a tendency towards violent behavior. Indiana requires intervention to protect children six years or younger when a child has more than 10 micrograms of lead in a deciliter of blood.

**How can I tell if a person is lead poisoned?** You can only tell by testing a person's blood. Since lead leaves the blood over time, you cannot easily tell whether a person was lead poisoned in the past.

**Why focus on children six or younger?** The body has difficulty telling the difference between lead and calcium. As a result, in children, lead in blood can get into the brain and permanently damage it. Pregnant woman can pass lead to a fetus. Adults and children over six can also be lead poisoned but it takes higher levels. Children under seven are the most vulnerable group.

**How many children are lead poisoned in Indiana?** No one knows. However, all children eligible for Medicaid must be tested. The state recommends that all children living or playing in property built before 1978 be tested. National averages suggest that 1 in 25 children are lead poisoned. Race and income-levels are also factors.

**How do they get lead poisoned?** Today, lead dust and lead in soil are the primary sources of lead poisoning. Children playing on the floor get lead dust or contaminated soil in their toys, blankets, clothes and on their hands that they ingest. The lead dust may be invisible. Paint chips can still be a problem but that is less common.

**Where does the lead come from?** The lead primarily comes from deteriorated lead-based paint. Lead-based paint is most often found on the exterior of the home. This paint has contaminated the soil over the years. Inside, windows and doors are the most likely places to find lead-based paint because the paint was durable. Dust can be found everywhere. The only way to know for sure is to have it checked by a risk assessor or inspector licensed by the Indiana Department of Environmental Management.

**Why 1978 and 1960?** The use of lead-based paint on residential property was prohibited after January 1, 1978. Indiana presumes paint from a home or child-occupied facility built before 1960 is lead-based paint.



## Key References and Contacts

Contact IDEM's Lead Hotline 888-574-8150

- Indiana Regulations — 326 IAC 23 (See [www.in.gov/legislative/iac/t03260/a00230.pdf](http://www.in.gov/legislative/iac/t03260/a00230.pdf) and [www.in.gov/idem/air/compliance/index.html#B](http://www.in.gov/idem/air/compliance/index.html#B))
  - ⇒ 23-1 Definitions
  - ⇒ 23-2 Licensing for Persons Engaging in Lead-Based Paint Activities
  - ⇒ 23-3 Approval of Training Course Providers
  - ⇒ 23-4 Work Practice Standards for Abatement Activities
  - ⇒ 23-5 Work Practice Standards for Non-Abatement Activities
- U.S. Environmental Protection Agency Regulations — 40 CFR Part 765 (See [www.epa.gov/lead/](http://www.epa.gov/lead/))
  - ⇒ Subpart D Lead-Based Paint Hazards
  - ⇒ Subpart E Residential Property Renovation Notice
  - ⇒ Subpart F Lead Hazard Disclosure in Target Housing
  - ⇒ Subpart L Lead-Based Paint Activities
- U.S. Department of Housing and Urban Development Regulations — 24 CFR Part 35 (See [www.hud.gov/offices/lead/index.cfm](http://www.hud.gov/offices/lead/index.cfm))
- U.S. Occupational Safety and Health Administration — 29 CFR 1926.62 (see [www.osha.gov/SLTC/constructionlead/index.html](http://www.osha.gov/SLTC/constructionlead/index.html))

Also see:

- IDEM — [www.in.gov/idem/envirohealth](http://www.in.gov/idem/envirohealth)
- National Lead Information Center — (800) 424-5323
- National Center for Healthy Housing — [www.centerforhealthyhousing.org](http://www.centerforhealthyhousing.org)
- Alliance for Healthy Homes — [www.afhh.org](http://www.afhh.org)
- Lead-Safe Indiana Task Force and Improving Kids' Environment — [www.ikecoalition.org](http://www.ikecoalition.org) or 317-442-3973



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## Who Can Disturb Paint in Pre-1978 Housing?



## What Work Can They Do?

### Lead Abatement Contractor (IDEM Licensed Required)

- Designate at least one licensed supervisor to exercise control of abatement projects and ensure rules are followed.
- Prepare standard operating procedures for IDEM review.
- Apply for 3-year license.
- Use only licensed lead abatement supervisors and workers on abatement projects.

### Lead Abatement Project 326 IAC 23-4-5

- Give IDEM written notice of work two days in advance of starting.
- Write Occupant Protection Plan.
- Seal off area and limit access.
- Put plastic on floor.
- Decontaminate workers and equipment.
- Cleanup daily.
- Pass abatement clearance examination.

### Lead-Safe Work Practices Contractor (No IDEM License Required)

- Either has a licensed abatement supervisor on-site or has all workers trained on lead-safe work practices through HUD-approved course.
- Follows Indiana's special work practice rules on pre-1960 housing and child-occupied facilities.

### HUD Interim Controls 24 CFR 35.1330

- Required when more than small amounts of paint disturbed.
- Protect occupants and belongings
- Seal off area and limit access.
- Fix problem that caused paint to deteriorate.
- Repair paint
- Decontaminate workers and equipment.
- Cleanup daily.
- Pass non-abatement clearance examination.
- Allow residents to reenter.

### Other Contractor (No IDEM License Required)

- Follows OSHA Lead Construction Rule and has written Exposure Assessment for all on-site workers.
- Follows Indiana's special work practice rules on pre-1960 housing and child-occupied facilities.

### Other Work in Pre-1960 Buildings 326 IAC 23-5-1

Follow Indiana's special requirements described on next page.

### Homeowner (No License Required)

No restrictions if resident owns home unless:

- Someone other than the owner or a member of the owner's immediate family is present while work is done; or
- A lead poisoned child resides in there.



### Don't Forget OSHA!

OSHA requires that employees conduct — and document — an exposure assessment to determine if any employee may be exposed to significant levels of lead in the air. Air monitoring is required for assessment. Until the assessment is complete and shows levels below limits, employees must wear a respirator. See 29 CFR 1926.62.

## Indiana's Special Work Practice Requirements For Buildings Built Before 1960

Indiana has special requirements for any person doing remodeling, renovation, and maintenance work at target housing and child occupied facilities built before 1960. These requirements do not apply to:

- Paint that a licensed risk assessor or inspector says is not lead-based paint.
- A homeowner unless:
  - ⇒ Someone other than a member of the immediate family is present while work is done; or
  - ⇒ A lead poisoned child lives in the building.
- Less than the following amounts of paint is disturbed:
  - ⇒ Twenty square feet of exterior painted surfaces;
  - ⇒ Two square feet of interior painted surfaces in any one room or space; or
  - ⇒ 10% of the painted surface area of components of the building.

### What is required?

1. **Interior and Exterior Paint:** The following work practices are prohibited to remove paint:
  - a. **Open flame burning or torching.**
  - b. **Machine sanding or grinding** without high efficiency particulate air local exhaust control.
  - c. **Abrasives blasting or sandblasting** without high efficiency particulate air local exhaust control.
  - d. A **heat gun** that:
    - i. operates above 1,100°F; or
    - ii. chars the paint.
  - e. **Dry scraping**, except:
    - i. in conjunction with a heat gun; or
    - ii. within one foot of an electrical outlet.
  - f. **Dry sanding**, except within one foot of an electrical outlet.
  - g. In a space that is not ventilated by the circulation of outside air, using a **volatile stripper** that is a hazardous chemical under 29 CFR 1910.1200.
2. **Exterior Paint:** A person conducting activities on painted exterior surfaces may not allow visible paint chips or painted debris to remain on the soil, pavement, or other exterior horizontal surface for more than forty-eight hours after the surface activities are complete.



## WARNING! Pre-Renovation Notice

Any contractor who disturbs more than two square feet of interior paint in target housing must provide the owner (and adult occupant if not owner-occupied) with the EPA Protect Your Family From Lead in Your Home pamphlet and either send it by certified mail or get the owner and adult occupant to sign a written acknowledgement of receipt of the pamphlet.

The pamphlet must be given before the work begins but not more than 60 days before. Certified mail must be sent 7 days before renovation begins.

If a common area is affected, tenants must be notified in writing of location and dates of the work and that the EPA pamphlet is available.

### What Property is Covered by Indiana's Lead-Based Paint Licensing Regulations?

**Target housing** means housing built before January 1, 1978. It does not include the following:

- Housing for the elderly or individuals with disabilities that is not occupied by or expected to be occupied by a child six years of age or younger; or
- A zero-bedroom dwelling such as studio or efficiency.



**Child-occupied facility** means a building or portion of a building that was built prior to January 1, 1978 and is visited by a child six years of age or younger for more than two days a week, for at least three hours a visit for an annual total of at least 60 hours. It includes day care centers, preschools, and kindergarten classrooms.

