



402 COMPLIANCE ASSISTANCE

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Lead, Radon and Healthy Homes Program

UPDATES...

- Lead Inspector/Risk Assessor refreshers
- Maven Update
- Subsidized Funded Housing Data Sharing

BACKGROUND: "402" OF THE TOXIC SUBSTANCES CONTROL ACT

- 1992 - Residential Lead-Based Paint Hazard Reduction Act, also known as Title X, was enacted to develop a national strategy to build an infrastructure necessary to eliminate lead-based paint hazards in housing
- Title X amended TSCA by adding Title IV - Lead Exposure Reduction Section "402" of Title IV
- Rule fully in effect since June 23, 2008

BACKGROUND: "402" OF THE TOXIC SUBSTANCES CONTROL ACT

- "402" of Title IV established regulations to ensure that individuals engaged in lead-based paint activities:
 - are properly trained
 - that training programs are accredited
 - that contractors are certified
- Also, State or Tribes can seek to:
 - administer and enforce the regulations
 - become the administrator for authorization of such a program

WHAT DOES THIS MEAN IN CT?

- CT DPH is the administrator of the environmental health professionals in lead disciplines
 - Connecticut General Statutes, Chapter 400c - Lead Abatement Consultants, Contractors and Workers

WHO MAY OBTAIN A LICENSE?

- License - a company shall obtain a license
 - Lead Abatement Contractor License - for companies that perform lead hazard reduction by means of abatement
 - Lead Consultant Contractor License - for companies that perform lead hazard reduction consultation work

WHO MAY OBTAIN A CERTIFICATION?

- Certification - an individual shall obtain a certification
 - Licensed Lead Abatement Contractors - shall employ a certified lead abatement supervisor (to oversee lead abatement work) and certified lead abatement workers (to perform lead abatement work)
 - Licensed Lead Consultant Contractors - shall employ certified lead inspectors, lead inspector risk assessors and/or lead planner-project designers to perform lead hazard reduction consultation work

STRATEGIES TO ACHIEVE COMPLIANCE?

- Frequently communicating with approved lead training providers
- Auditing classes being facilitated by approved lead training providers
- Educating code enforcement officials annually during the LI/RA refreshers and via circular letters
- Educating potential applicants on the requirements to obtain credentials
- Maintaining current credentialing applications on the DPH website
- Working with the Environmental Practitioner Licensing Unit to troubleshoot any credentialing challenges
- Conducting onsite compliance assistance inspections at lead abatement job sites
- Pursuing legal action for any licensing violations

402 COMPLIANCE ASSISTANCE FORM

CT DPH LEAD AND HEALTHY HOMES PROGRAM TSCA 402 INSPECTION

Address of Activity:

Property owner: _____
 Site Name: _____
 Site Address: _____
 Apartment #: _____ Floor: _____
 City: _____ Zip Code: _____

Use of property (check all that apply):

a. Residential: Yes No Rental: Owner-occupied:
 Multi-family Single family:
 b. Other (specify): _____

Reason for inspection: Random Core program Citizen's Complaint
 For cause

Type of inspection: TSCA 402 Lead-Based Paint Activities, Training and/or Certification

Cause for lead abatement project: LHD Ordered HUD funded Voluntary

If LHD Ordered Lead Abatement, mark date of approval of plan [RCSA 19a-111-4(a)]: _____

Scope of lead abatement project: (check all that apply):

Interior Common Areas Exterior

Methods of Abatement:

Removal Replacement Encapsulation Enclosure

Lead Abatement Contractor Information:

Name and function of person interviewed: _____

Contractor Name: _____

Business Address: _____

City: _____ State: _____ Zip Code _____

Telephone #: _____ Fax #: _____

License # [CGS 20-475, RCSA 20-478-2(a)]: _____ Expiration Date: _____

Was a copy of license on site? Yes No

Supervisor Name: _____

Was the lead abatement supervisor on site? Yes No

Was the lead abatement supervisor available to answer questions? Yes No

Did the lead abatement supervisor have a copy of his/her certificate on site? [RCSA 20-478-2(b)] Yes No

Certificate #: _____ Expiration Date: _____

Lead Abatement Workers [CGS 20-476, RCSA 20-478-2(b)]:

Name	Cert #	Exp Date	Last refresher-Date+Provider

Lead Abatement: Was a copy of the lead abatement plan at the site? Yes No

Current work phase: (i.e., initial setup, work in progress, final cleaning, clearance dust wipe sampling, etc.)?

COMPLIANCE ASSISTANCE VISITS

What we see on the jobsite.... things we CAN'T make up!!!



EXAMPLE 1

Liquid Encapsulants

LIQUID ENCAPSULANTS

- What liquid encapsulants can you use for lead abatement?
 - Can you use paint?
 - Can you use any liquid encapsulant that you purchase at a paint store?
 - Can you use a liquid encapsulant approved by HUD?

LIQUID ENCAPSULANTS

- Would this product look acceptable to you?
- Yes? No? Maybe?
- How do you know?



LIQUID ENCAPSULTANTS

- All liquid encapsulants must be approved by DPH
- Although other products are sold, and even approved by HUD, they **MUST** be approved by DPH
- All approved encapsulants are listed on the “Lead and Healthy Homes Program Registry of Authorized Encapsulant Products”
 - http://www.ct.gov/dph/lib/dph/environmental_health/lead/pdf/english_registry_11-22-11.pdf

LIQUID ENCAPSULTANTS

Resolution:

- Rather than fining the lead abatement contractor, DPH required the lead abatement contractor to “**re**” encapsulate the previously encapsulated surfaces with a DPH approved liquid encapsulant
- This costed the lead abatement contractor approximately \$4,000 (the cost of the liquid encapsulant and labor costs)

EXAMPLE 2

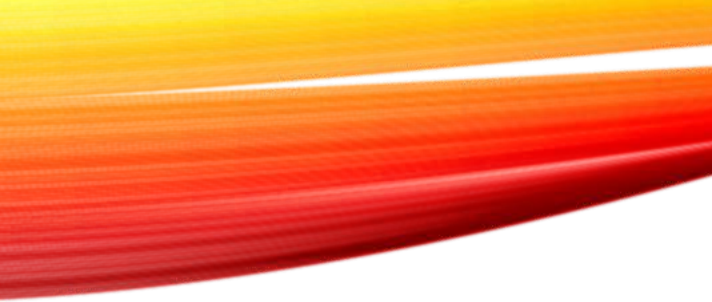
Improper Containment

EXTERIOR CONTAINMENT

What's wrong with these pictures?











INTERIOR CONTAINMENT

What's wrong with these pictures?







CONTAINMENT EXTERIOR AND INTERIOR

- It is the responsibility of the lead abatement contractor who is performing lead abatement work to ensure that:
 - all resident's belonging are protected
 - all doors and windows are closed
 - all employees stay within the confined work areas
 - all non employees stay "out" of the confirmed work areas

CONTAINMENT EXTERIOR AND INTERIOR

Resolution:

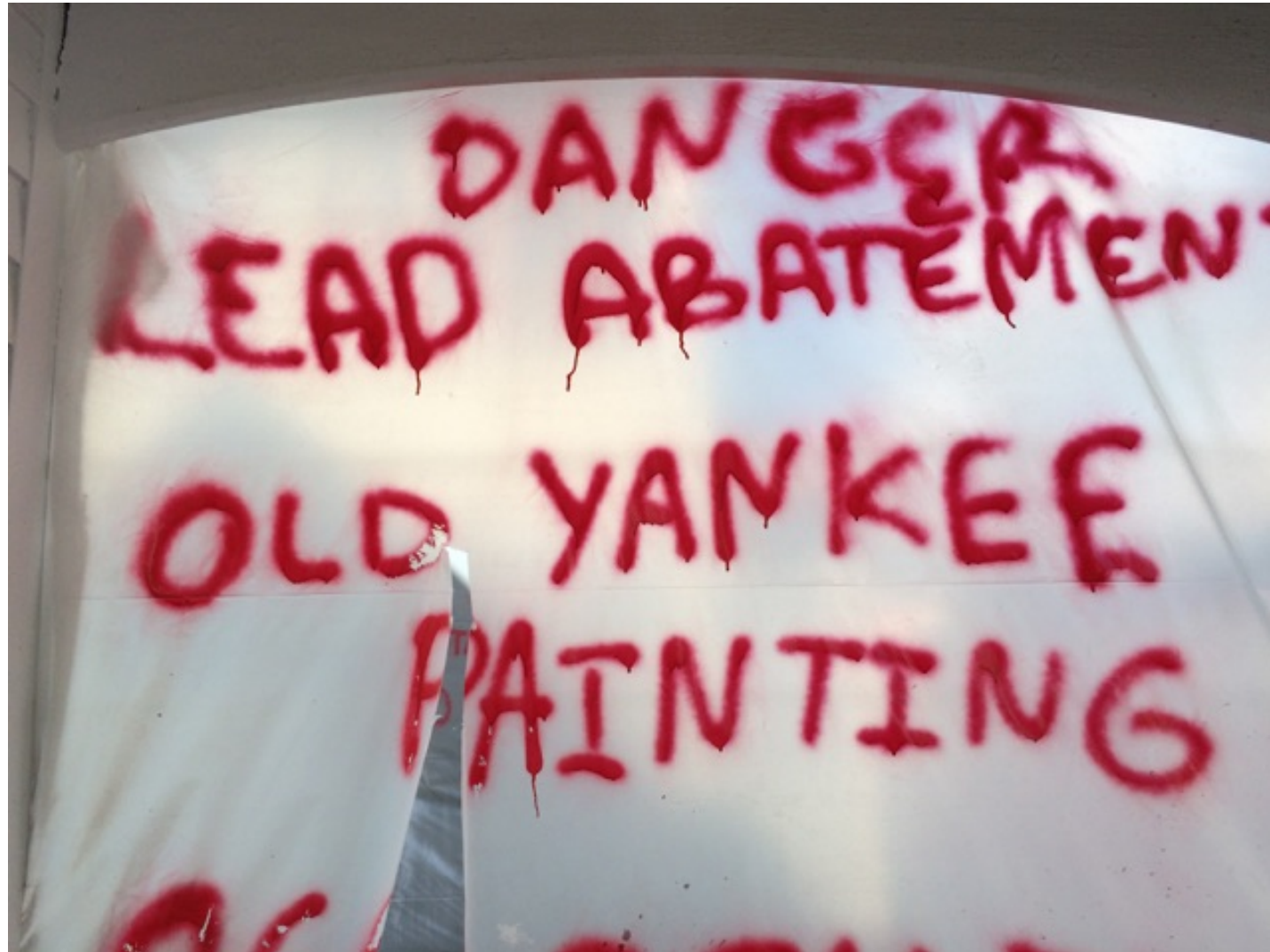
- Monetary fines
- Job site monitoring to ensure that this does not occur again
- “Re” educating the staff on the job of their requirements to have a secured work environment
- Suggesting that an abatement contractor **STOP** work if there are any violations, as this ultimately is their responsibility and they will face enforcement actions



EXAMPLE 3

Non-Licensed/Certified Work Practices

NON-LICENSED/CERTIFIED WORK PRACTICES



UNLICENSED/CERTIFIED WORK PRACTICES

Lookup Detail View

Name and Address

Name	DBA
OLD YANKEE INC	OLD YANKEE PAINTING & REFINISHING

Registration Information

Registration #	Registration Type
HIC.0673138	HOME IMPROVEMENT CONTRACTOR



UNLICENSED/CERTIFIED WORK PRACTICES

Problems we've seen:

- Uncertified lead abatement workers
- Uncertified lead abatement supervisors
- Uncertified lead inspector/risk assessors
- Uncertified lead planner/projects designers
- Unlicensed lead abatement contractors
- Unlicensed lead consultant contractors
- RRP contractors (not abatement contractors)
- Home Improvement Contracts (not abatement contractors)

UNLICENSED/CERTIFIED WORK PRACTICES

Resolution:

- Monetary fines
- Job site monitoring to ensure that this does not occur again
- “Re” educating the staff on the job of their requirements to be a certified lead practitioner
- “Re” educating the company of their requirements to be licensed lead practitioner
- Stopping work until licensed company is hired or certified individuals are employed



EXAMPLE 4

Failure to Report

FAILURE TO REPORT

PART I- EXECUTIVE SUMMARY

A combined Lead-Based Paint Inspection and Risk Assessment was performed at [REDACTED] [REDACTED]. The combined Lead-Based Paint Inspection and Risk Assessment was performed for the Lead Action for Medicaid Primary Prevention (LAMPP) Program on September 10, 2014. A historic review letter has been sent to the Connecticut Commission on Culture and Tourism and the results are pending. The site building consists of a single-family residential building.

Three (3) children under six (6) years old resided in the dwelling at the time of inspection. The State of Connecticut Lead Poisoning Prevention and Control Regulations (19a-111-1 through 19a-111-11) along with U.S. Department of Housing and Urban Development (HUD) and U.S. Environmental Protection Agency (USEPA) regulations apply to the site building. None of the children had an Elevated Blood-Lead Level (EBLL) at the time of inspection; however, two (2) of the children had levels that at or above the level of concern, which is 5 µg/dl set forth by the United States Centers for Disease Control and Prevention (CDC).

A. Were Lead-Based Surfaces Identified? (Check One) Yes No

If yes, complete the tables below. Data in tables may not indicate all identified lead-based surfaces.

EXTERIOR Lead-Based Surfaces	Foundation	Siding &/or Trim	Stairs &/or Stair Components	Porch &/or Porch Components	Doors &/or Trim	Windows &/or Trim	Garage &/or Garage Components
Deteriorated	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Intact	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(X = positive location)

INTERIOR Lead-Based Surfaces	Floors	Baseboards	Walls	Ceilings	Stairs &/or Stair Components	Doors &/or Trim	Windows &/or Trim	Closet/ Cabinet Components
Deteriorated	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Intact	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

(X = positive location)

Were rooms, areas or components inaccessible during inspection? (Check One) Yes No

List any inaccessible locations: The second floor deck was inaccessible

B. Indicate Potential Lead Hazards Identified:

(Check All That Apply)

Was drinking water tested for lead?

Yes No

Was dust tested for lead?

Yes No

Was bare soil tested for lead?

Yes No N/A If yes, complete the adjacent table.

Lead Hazard Locations	Floors (dust)	Window Sills (dust)	Window Wells (dust)	Soil	Water	Paint (XRF)	Paint Chip
(Enter highest result for each)	51	1,200	n/a	2,200	n/a	>9.9	n/a

Per section 19a-111-4(a) and 19a-111-2(c) of the Lead Poisoning Prevention and Control Regulations:

A lead abatement plan is required for this property: Yes No

A lead management plan is required for this property: Yes No

A lead hazard remediation plan is required for this property: Yes No

A lead management plan is required for this property: Yes No

FAILURE TO REPORT

- Based on a review of the Lead-Based Paint Inspection performed, toxic levels of lead were found that require lead abatement
- CT General Statutes 20-478, require licensed lead consultant contractors to attest to complying with the 19a-111 regulations
- The company violated the regulatory requirement that when an inspector “finds a toxic level of lead requiring abatement, the inspector **shall** report this to the owner, local director of health, and the commissioner”

FAILURE TO REPORT

Resolution:

- Monetary fines
- “Re” educating the company of their requirements to report to the property owner, local health director and the Commissioner of DPH



EXAMPLE 5

Improper Dust Wipe Sampling

IMPROPER DUST WIPE SAMPLING

DPH Investigator witnessed a certified lead inspector/risk assessor:

- Not taking any measurements of the areas sampled for dust clearance on the floors and window wells
 - Dust wipe samples are a mass per unit volume measurement and accurate lab analysis cannot occur without the dimensions of the surfaces sampled
 - The surface area dimensions must be included on the laboratory submittal form, so that laboratory personnel can calculate the results in 'micrograms per square foot
- Not wearing disposable gloves while taking dust wipe samples
 - The results of those dust wipes determine re-occupancy of the dwelling and are considered inaccurate
 - Disposable gloves are worn throughout the sampling procedure

PROPER DUST WIPE SAMPLING (WITH A MEASURING DEVICE AND GLOVES)



IMPROPER DUST WIPE SAMPLING

Resolution:

- Monetary fines
- “Re” educating the individual of proper dust wipe sampling requirements/techniques/best practices

EPA INVESTIGATIONS

TRAINING PROVIDER 1

- Poor Training Provider Standards
 - Allowing students to attend only part of an initial training class or part of a refresher class issuing a certificate
 - Selling initial and refresher certificates without having students attend a class (meeting students at public places like C-Town, Dunkin' Donuts, etc.)

TRAINING PROVIDER 2

- Poor Training Provider Standards
 - Allowing students to attend only part of a week long class and issuing a certificate for extra money
 - Students failing a test intentionally (EPA agent), but still being issued a certificate