

The Rehab Inspector and LBP

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The Rehab Inspector and LBP

The Rehab Specialist has an important role in all phases of the rehabilitation process. Understanding the rules and responsibilities regarding lead-based paint (LBP) is very important during all phases of the project.

Authorities having jurisdiction concerning lead issues:

- HUD
- ODH
- EPA
- OCD



The Rehab Inspector and LBP

Lead issues in rehab begin with the age of the home.

- * Pre 1978 homes are considered

The scope of work is an important consideration

- * Projects under \$5000

- * Home Repair

- * \$5000-\$25,000

- * Over \$25,000



Over \$5000

In Excess of \$5000:

- * All painted surfaces to be disturbed *shall* be presumed to contain lead or be tested.
- * Clearance shall be conducted per OAC 3701-32-12.



\$5000-\$25000

- * Jobs totaling over \$5000 and less than \$25000 shall have a risk assessment.
- * *De minimis* does not apply.
- * “Standard treatments” are **not** an option.
- * HUD specifies treatment of all deteriorated paint.
- * Deteriorated paint in non-friction or impact areas may be repainted (*paint film stabilization*).
- * *Lead-specific cleaning* **is** a hazard reduction activity.



Rehab/\$5000-\$25000

- * On rehab projects, lead hazards may be addressed through interim controls.
- * Deteriorated friction and impact surfaces shall be treated so as to reduce deterioration using durable materials.
- * Component replacement during rehab shall be performed only when repair is not feasible or cost-effective.
- * All work performed on lead-painted or suspected lead-painted surfaces shall be done in a lead-safe manner.



Rehab/\$5000-\$25000

- * Licensed abatement personnel are required **only** when activities are conducted for the express intent to permanently eliminate lead-based paint hazards.
- * An organization may choose to use an abatement contractor to perform certain functions.
- * Set-up, containment, clean up and clearance are performed in the same way by both abatement professionals and RRP certified personnel.



Risk Assessment

- * Risk assessments determine the presence of lead-based paint **hazards** and suggest appropriate hazard control measures.
- * Hazards are determined by visual identification of **deteriorated** paint and testing.
- * The risk assessment shall also include any painted surfaces to be disturbed by the rehab activity



Risk Assessment

- * A risk assessor ***recommends*** abatement options for identified lead hazards and recommends prioritization for addressing each hazard in a risk assessment report.

(Ref. Frequently Asked Questions for the Ohio Administrative Code Chapters 3701-32 and 3701-82)



Risk Assessment

- * Hairline cracks and nail holes are **not** considered to be deteriorated paint.
- * A chewable surface is a hazard *if* there is evidence a child has chewed there. If the child is over 6 years old or moved, the surface need not be treated.

(ref. Interpretive Guidance: Subpart R 22-23)



Risk Assessment

Hazard Control Options:

- * Stabilization of any deteriorated paint, including correction of any moisture leaks or other obvious causes of paint deterioration through interim controls.
- * Stabilization is not required if the deteriorated paint is not found to be lead-based. Repainting shall be performed on those surfaces.
- * Clearance to ensure the work was completed, and that dust levels are sufficiently low.



Risk Assessment

- * Only a licensed lead abatement contractor or licensed lead project designer may prepare specifications for the *pre-abatement plan*. Any detailed specifications shall be created by licensed person.
- * **“Scope of Work”** – General description of work to be performed. Need not be written by licensed contractor. May be developed by rehab inspector from risk assessment.

(ref. Frequently Asked Questions for the Ohio Administrative Code Chapters 3701-32 and 3701-82)



Risk Assessment

- * A copy of the entire risk assessment shall be included in the job file.



Pre Abatement Plan

- * A pre-abatement plan is prepared prior to conducting a lead abatement project
- * Unique to each project-kept on site. Part of job file
- * Written occupant protection program
- * Written compliance plan to protect personnel from exposure to lead hazards
- * Respiratory protection plan
- * Hazard communication plan

(ref. OAC 3701-32-08, 1-4, a-d)



Interim Controls vs. Abatement

- * Abatement –methods of **intentionally and permanently** eliminating lead hazards
- * Interim controls-typically performed in the context of maintaining a property to ensure that hazards that have been identified are controlled, at least temporarily



Rehab and Abatement

- * “Activities whose purpose is not to eliminate hazards, like many rehab projects, are not considered to be abatement.
- * For example, a window replacement done for reasons other than to address lead hazards is not considered an abatement, even though it results in eliminating lead hazards from the window”

(ref. LSHR Interpretive Guidance, Subpart R-24)



Rehab and Abatement

- * “On the other hand, covering a wall with new drywall is considered an enclosure type of abatement when the new drywall is installed with the *intent* of abating a lead-based paint hazard.”

(ref. LSHR Interpretive Guidance Subpart R-24)



Rehab and Abatement

An abatement contractor is necessary when:

- * Rehab costs exceed \$25,000 (after lead-related costs are subtracted)
- * An activity is carried out expressly for the elimination of a lead hazard
- * A lead poisoned child resides in the home.

The presence, or suspected presence, of lead-based paint does not in itself trigger abatement.



Rehab & Abatement

If the rehab cost is greater than \$25,000

- Back out all eligible lead costs
- If removing those costs bring the rehab total to below \$25,000, interim controls may be used (except in cases of designated lead hazards)
- If, after deducting eligible costs, the rehab cost still exceeds \$25, 000, all interior hazards must be abated.



Rehab & Lead

Whether the work is interim control or abatement:

- The specs and scope of work must specifically identify all work that must be done in a lead-safe manner
- Any abatement work within the scope of work must be clearly defined, and distinguished from non-abatement tasks
- Generic statements such as “work lead-safe”, or “perform all work per the risk assessment” are not acceptable as spec or scope of work directives



Relocation

Relocation may be necessary during some rehab and abatement jobs. For residents to remain in their dwellings during the work, certain conditions must be met

- * Residents must have an home entry/exit outside of the work area
- * Residents must have a working bathroom not in the work area
- * Residents must have a food preparation area outside the work area
- * Residents must have a sleeping area outside the work area



Relocation

- * There is no such thing as “temporary” or “conditional” clearance! Residents are not allowed back into a work area until successful clearance results have been received
- * Because rehab is voluntary, the local program may require that homeowners be responsible for relocation
- * However, the program must ensure that those persons having incomes below 50% AMI and no relatives or close friends nearby are not deterred from being in the program



Required Documents

Any rehab projects that include lead-based paint activities must include the following documentation:

- * Risk Assessment Report
- * An Occupant Protection Plan
- * Prior Notification of Abatement Work
- * Confirmation of receipt of “*Renovate Right*” pamphlet by resident
- * Confirmation of proper set-up, containment, and clean-up (photos)
- * Clearance Report (copy to homeowner)
- * Copies of licenses and/or certifications (Abatement and RRP)



Documents

Required documents found in RRS:

- * Rehabilitation Cost Computation Worksheet (pg. 153)
- * Terms and Conditions (pg. 154)
- * Interim “Lead” Inspection Report (pg. 155)
- * Notice of Evaluation (pg. 156)
- * Notice of Presumption (pg. 156)
- * Notice of Hazard Reduction (pg. 158)



OCD & RRP Rule

- * OCD requires **all** persons working on a pre-1978 rehab job be RRP certified.
- * Exception: Those persons who tasks fall under *de minimis*. The RRP contractor of record on that job shall ensure all work is done in a lead-safe manner.



OCD & RRP Rule

* Clearance

HUD and OCD require clearance by dust wipe analysis. Dust wipe analysis shall be performed in accordance with OAC 3701-32-12 by a licensed risk assessor.

All jobs over \$5000 shall have clearance testing. All jobs not exempt shall have clearance testing performed.

Reoccupation of work areas is not allowed until successful clearance results are received.



Ohio Department of Health

- * Granted authority by US EPA to oversee and regulate lead training, licensure and work practices (except RRP) in Ohio.
- * Ohio rules and guidelines coincide with national standards.
- * Policies and rules are codified in Ohio Administrative Code (OAC) 3701-32.
- * These rules apply to all individuals and all programs



Clearance Testing

- * *In general*, clearance must be of the entire unit, common area, or outbuilding, as applicable.
- * **Exceptions:** non-abatement work (interim controls, paint stabilization, maintenance, and rehabilitation) when containment is used throughout the process.



Clearance Testing

- * **Example 1:** If the work involves exterior surfaces and does not disturb interior painted surfaces or involve elimination of an interior dust-lead hazard, and if the window, door, ventilation, and other openings are sealed during the exterior work, the interior clearance is not required.



Clearance Testing

- * **Example 2:** If containment is used to ensure that the dust and debris generated by the work is kept within the worksite, clearance of only the worksite is permitted.
- * **Note:** Clearance examiner must require proof of effective containment during all phases of the work.



Clearance Testing

- * **Ohio Administrative Code (O.A.C.) 3701-32-12**
- * See *Appendix A* for full explanation
- * Interior work with no dust containment: A minimum of 12 samples shall be taken.
- * Interior work with dust containment: A minimum of 13 samples shall be taken.
- * This should be reflected in clearance report.



Clearance Testing

- * All clearance testing documents shall be included in the job file.



Cost Breakouts

“Lead-related” costs may be separated from pure rehab costs. In some cases, this may be helpful in calculating the category of assistance.

The following two cases show examples of cost breakouts



Example #1

Jones Residence-Visual Inspection

- * Deteriorated paint on siding
- * Deteriorated paint on window casings (exterior)
- * Rotten wood and deteriorated paint on front porch
- * Evidence of teeth marks on some interior window sills
- * Deteriorated paint in room B-wall/ceiling juncture



Example #1

Jones Residence-Testing Information

- * Exterior siding contains lead in excess of standard (LBP)
- * Exterior window casing contains LBP
- * Porch pillars and porch decking contains LBP
- * Interior window sills contain LBP
- * Deteriorated paint in room B is not LBP



Example #1

Jones Residence – Options

- * Exterior siding: Paint film stabilization OR siding
- * Exterior window casing: Paint film stabilization OR enclosure
- * Front porch: Replacement of pillars and deck
- * Interior sills: Encapsulation
- * Deteriorated paint room B: repainting



Example #1

Jones Residence-Cost Breakouts

* Exterior siding:

Lead Costs: include materials and labor for set-up and clean-up

Rehab Costs: are materials and labor to side house



Example #1

Jones residence –Options:

- * Exterior window casings

Paint film stabilization, enclosure or replacement

Cost Breakout:

There are no lead costs for this measure; preparation has been done for siding work



Example #1

Jones Residence- Cost Breakout

* Porch

Lead Costs: include set-up, containment and clean-up as existing porch is dismantled.

Rehab Costs: All time and materials to construct/rebuild porch.



Example #1

Jones Residence – Options

* Interior sills:

Lead Costs: Lead-safe set-up and cleaning

Rehab Costs: Materials and labor to coat sill(s) with encapsulant product containing *Bitrex* or equivalent.



Example #1

Jones Residence-Cost Breakout

* Deteriorated Paint Room B:

Lead Costs: none

Rehab Costs: All work, including substrate repair and source of moisture repair and repainting.



Example #2

Williams Residence – Visual Inspection

- * Vinyl siding
- * Roof damage
- * 6 windows not feasible to repair
- * Bathroom floor rotten (only bathroom in house)
- * Paint deterioration ceilings



Example #2

Williams Residence – Testing results

- * Window sashes and casings contain LBP
- * Bathroom floor contains LBP, baseboard contains LBP
- * Ceiling paint is not LBP



Example #2

Williams Residence – Actions

- * Replace deteriorated windows
- * Paint film stabilization
- * Replace bathroom floor and baseboards
- * Repair roof leaks
- * Repaint water damaged ceilings, repair as necessary



Example #2

Williams Residence – Cost Breakdown

* Windows:

Lead Costs: Preparation to remove windows, clean-up for clearance

Rehab Costs: Cost of window removal, cost of new windows, installation of new windows



Example #2

Williams Residence – Cost Breakdown

* Window Casings

Lead Costs: None (set-up done for window replacement)

Rehab Costs: Preparation and painting of window casings



Example #2

Williams Residence-Cost Breakdown

* Bathroom floor and baseboard

Lead Costs: Set-up, containment and cleaning

Rehab Costs: All labor, materials, as well as cost of relocation of family while bathroom is unavailable



Example #2

Williams Residence – Cost Breakdown

* Roof leaks

Lead Costs: None if any work disturbing suspected LBP is below *de minimis*.

Rehab Costs: All



Example #2

Williams Residence - Cost Breakdown

* Water-damaged ceilings

Lead Costs: None

Rehab Costs: All materials and labor

