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This handout is designed to help contractors understand California's lead-based paint (LBP) work practice requirements. These regulations are separate from EPA's RRP Rule and have been in effect for a number of years.

Lead-based Paint Work Practices in California

(References: Title 17, CCR, Div 1, Ch 8, Accreditation, Certification and Work Practices for Lead-Based Paint and Lead Hazards and SB 460, the Cal/OSHA Lead in Construction Standard)

1. You must presume that any untested surface coating in all pre-78 structures is LBP.

This applies to everyone in the state - not just contractors - and covers all structures - not just Target Housing and Child-Occupied Facilities. So, any time you work in a pre-78 structure in CA that has not been tested, you must presume all surfaces are covered with lead-based paint.(HSI)

2. If you disturb ANY AMOUNT of known lead-based paint or presumed lead-based paint in a structure in California, you must:

- contain the work area
- use lead safe work practices
- make sure there is no visible dust or debris at the end of your project
- demonstrate compliance with containment and lead safe work practices if asked by the California Department of Public Health or a local enforcement agency

This applies to all structures, no matter how small the job. It also applies even if there is no compensation involved.

“Containment” means a system, process, or barrier used to contain lead hazards inside a work area such as described in “Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing”, US Department of Housing and Urban Development, June 1995, Chapter 8, Containment and Barrier Systems, Tables 8.1, 8.2, 8.3, or “Guide for Preparing Surface Preparation Debris Generated During Paint Removal Operations”, Society for Protective Coatings, Technology Guide 6, October 1, 2004.

NOTE: See Tables 8.1, 8.2, and 8.3 in the back of your HomeSafe RRP manual.

3. It is illegal to have or create a lead hazard in California.

You can't create a lead hazard, no matter what. A lead hazard is any amount of deteriorated lead based paint, lead-contaminated dust, lead-contaminated soil, or disturbing lead-based paint or presumed lead-based paint without containment.

“Lead Contaminated Dust” Dust on inside floors is “lead-contaminated” when there are 40 micrograms of lead per square foot of surface. On other horizontal surfaces inside, the level is 250 micrograms per square foot. All outside levels are hazardous at 400 micrograms per square foot.

“Lead Contaminated Soil” Soil is “lead-contaminated” in play areas - or areas children are likely to be - when it contains 400 ppm of lead. In all other areas, soil is “lead contaminated” at 1000 ppm.

By the way, in California having a lead hazard in a residence equals “substandard housing.”

4. California Contractors may NOT test paint for lead.

Only California-certified Lead Inspector/Risk Assessors may take lead paint, dust or soil samples in public or residential buildings if compensation is involved. RRP contractors may NOT test paint in California. They must assume it is lead-based. (See #1 above)

However, testing components removed from residential or public buildings to determine if hazardous waste requirements apply IS allowed. (HSI) This exemption only applies to building materials that are already removed from a structure and awaiting disposal.

Lead-based Paint Work Practices in California - continued

5. Contractors with employees must follow the Cal/OSHA Lead in Construction Standard.

The Lead in Construction Standard (SB 460) covers all employees who might be exposed to any amount of lead in a construction setting, including construction, demolition, alteration and maintenance. The California standard is almost identical to the Federal rules.

Employers are required to test the air to see how much lead dust workers are exposed to. The more lead there is, the more the employer must protect his workers. If air tests have NOT been done, the employer must assume the amount of lead in the air is unsafe, and put his workers in suits and respirators (HSI). Employers are also required to have hand washing facilities and HEPA vacuums at all jobs. So, employers must:

- test the air
- provide hand washing facilities
- use a HEPA vacuum

If workers perform a Trigger Task, the employer must do more. Trigger Task are things like sanding, scraping and manual demolition. If Trigger Tasks are performed, the employer must also:

- have a worker's blood tested when the worker is hired
- establish a "regulated area" with limited access and signs
- train employees about the Lead in Construction Standard
- notify Cal/OSHA 24 hours in advance of jobs that disturb more than 100 square or linear feet.

Quick Reference Review

California:

- ... in every pre-78 structure
 - assume untested paint is lead-based, or
 - have paint tested by a State-certified Lead Inspector/Risk Assessor
- ... in every pre 78 structure if any untested paint will be disturbed
 - use containment
 - use lead safe work practices
 - clean up all dust or debris at end of job
 - be able to demonstrate compliance
- ... for all construction employees who might be exposed to any amount of lead
 - employer tests air to determine level of worker protection
 - (until air tests are taken, workers must be in suits and respirators)
 - hand washing facilities provided
 - use HEPA vacuum
- ... for all employees doing a Trigger Task (i.e. sanding, scraping, demolition etc)
 - blood test when hired
 - "regulated area" at every job
 - trained about Lead in Construction Standard
 - Cal/OSHA must be notified if job over 100 square or linear feet

Federal:

- ... in Target Housing and Child-Occupied Facilities (if compensation & disturbing more than 6 square feet)
 - give client "Renovate Right" before beginning job (get a signed receipt)
 - work for an EPA-certified RRP firm
 - become individually certified renovator
 - use containment, lead safe work practices
 - train all non-certified workers (HSI)
 - do cleaning verification at end of job or have clearance test