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# EPA Questions and Answers

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## Proposed Standards to Identify Dangerous Levels of Lead

**Q: What is the purpose of the proposed rulemaking?**

A: The proposal (63 *Federal Register* 30302, June 3, 1998) would establish standards under Section 403 of the Toxic Substances Control Act (TSCA) to identify hazards from lead-based paint in most housing built before 1978 and in child-occupied facilities such as day-care centers. The rule identifies when lead-based paint, lead-contaminated dust, and lead-contaminated soil are hazards. It also establishes residential lead dust cleanup levels and revises dust and soil sampling requirements. These standards can be used as a tool to prevent childhood lead poisoning by identifying properties that contain hazards before children are harmed.

**Q: Who will the proposed rule affect?**

A: Many groups will be affected when the proposed rule is issued as a final regulation.

- Lead abatement professionals, such as risk assessors, will use the standards to identify hazards and evaluate dust cleanups. The standards will also help determine when certified professionals are required to perform abatements.
- Firms providing training services in lead-based paint activities will need to incorporate the new standards into their training courses.
- Property owners, such as owner-occupants, rental property owners, public housing authorities, and Federal agencies must disclose lead-based paint hazards, *if known*, when selling or leasing their property, in accordance with EPA/Department of Housing and Urban Development (HUD) regulations.
- Property owners that receive Federal housing program assistance, such as State and city public housing authorities, owners of multifamily rental properties that receive project-based assistance, and owners of rental properties that lease units under HUD's tenant-based assistance program, must control hazards, as identified by the final standards, under regulations being developed by HUD.
- HUD and other Federal agencies that own residential property will use the standards to identify hazards in pre-1960 housing that must be abated prior to its sale.
- General members of the public should be aware of the final standards and the risks associated with lead-based paint, lead-contaminated dust, and lead-contaminated soil in order to protect themselves and children.

**Q: How will this rule help protect children from lead-based paint hazards?**

A: Deteriorating lead-based paint, lead-contaminated dust, and lead-contaminated soil present health hazards to children under six years of age under certain conditions. The proposed rule will help protect children by establishing nationwide standards to identify these conditions, enabling property owners to control them before children are harmed.

## LEAD-BASED PAINT HAZARDS

**Q: Why is lead harmful?**

A: Lead is potentially harmful to people of all ages and affects almost every system of the human body. Exposure to high doses of lead can cause coma, convulsions, and even death. While potentially harmful to individuals of all ages, lead exposure is especially harmful to children under six years of age. Young children have rapidly developing nervous systems which are particularly sensitive to the effects of lead. Children also tend to absorb lead more readily than adults. Excessive exposure causes learning disabilities, lower intelligence, behavioral problems, stunted growth, permanent hearing and visual impairment, and other damage to the brain and nervous system.

**Q: What is lead-based paint?**

A: Lead-based paint is defined by statute as paint with a lead concentration of 1 milligram per square centimeter, or 0.5 percent by weight.

**Q: How does dust or soil become contaminated with lead?**

A: Dust may be contaminated by lead when lead-based paint deteriorates; lead-based paint is disturbed in the course of renovation, repair, or abatement activity; or lead is tracked or blown into or otherwise enters the home from contaminated soil in the yard or other external sources, such as the workplace. Soil may be contaminated from deterioration of exterior lead-based paint, industrial emissions, and past use of leaded gasoline.

**Q: How are children exposed to lead?**

A: Children are exposed to lead primarily by ingesting lead-contaminated dust and soil through normal hand-to-mouth activity. For example, children may play with toys on a dusty floor and then put their hands in their mouths, or they may play in dirt outdoors and then eat a snack without washing their hands. Some children may directly ingest lead-based paint chips from flaking walls, windows, and doors.

**Q: What are lead-based paint hazards?**

A: There are three types of lead-based paint hazards: hazardous lead-based paint, dust-lead hazards, and soil-lead hazards. These terms are defined in the answers to the following three questions.

**Q: What is hazardous lead-based paint?**

A: Under the proposal, lead-based paint is considered to be in "poor condition" and therefore a hazard under any of the following conditions:

- More than two square feet of deteriorated paint on interior components with large surface areas, such as inside walls, ceilings, floors, and doors;
- More than 10 square feet of deteriorated paint on exterior components with large surface areas, such as outside walls; or
- Deteriorated paint on more than 10 percent of the total surface area of interior or exterior components with small surface areas, such as window sills, baseboards, soffits, and trim.

Lead-based paint on friction or impact surfaces also may present a hazard. The paint on friction surfaces, such as certain windows, stairs, and floor components, can break down during normal use and release lead-based paint chips and dust. Similarly, lead-based paint

on impact surfaces, such as door frames or stair boards that receive frequent impact, can be damaged and release lead-based paint chips and dust. Lead-based paint on child-accessible surfaces also may be a hazard. These surfaces include window sills, railings, stair edges, and other surfaces at child height that may be chewed or mouthed by children. EPA, however, is not proposing hazard standards for friction and impact or child-accessible surfaces at this time, but instead is asking for public input on how best to address these surfaces.

**Q: What is a dust-lead hazard?**

A: EPA proposes that lead-contaminated dust be considered a hazard based on average measurements of the loading of lead in dust from wipe samples. Loading is the weight of lead present per unit of surface area. The proposed dust-lead hazard standards are 50 micrograms per square foot ( $\mu\text{g}/\text{ft}^2$ ) or higher for uncarpeted floors and 250  $\mu\text{g}/\text{ft}^2$  or higher for interior window sills.

**Q: What is a soil-lead hazard?**

A: EPA proposes that bare lead-contaminated soil in residential areas be considered a hazard based on the yard-wide average concentration of lead. Lead concentration is defined as the relative amount of lead in the soil measured in parts per million (ppm) by weight. The proposed hazard standard for bare residential soil is 2000 ppm. EPA recommends removing or permanently covering soil that equals or exceeds this level.

**Q: What are clearance standards?**

A: Clearance standards are used to evaluate the adequacy of a cleanup following an abatement. The proposed rule specifies dust-lead clearance standards. Cleanup must be repeated until the clearance standards have been met. The proposed clearance standards for uncarpeted floors and window sills are the same as the dust-lead hazard standards: 50  $\mu\text{g}/\text{ft}^2$  and 250  $\mu\text{g}/\text{ft}^2$ , respectively. Although EPA has not proposed a hazard standard for dust in window troughs, EPA is proposing a dust clearance standard of 800  $\mu\text{g}/\text{ft}^2$  for window troughs.

## IMPLEMENTATION

**Q: How does the proposal differ from EPA's July 1994 guidance? Which should I follow?**

A: EPA released an interim guidance in July 1994 to help public and private decision makers identify lead-based paint hazards and set priorities for control. (See 60 *Federal Register* 47248, September 11, 1995.) The guidance represented the Agency's best judgment given the state of knowledge at the time. Until EPA promulgates final TSCA Section 403 standards, individuals should follow the interim guidance.

Incorporating new information and analysis, the proposed rule differs from the interim guidance in several respects, including, but not limited to the following:

- The proposal specifies that lead-based paint be considered a hazard based on the condition of the paint and the location and size of the painted area. The 1994 guidance specified that any deteriorated lead-based paint was a hazard.
- EPA is not proposing separate standards for chewable surfaces or friction and impact surfaces at this time. Under the guidance, lead-based paint in any condition on friction and impact surfaces or chewable surfaces is a hazard.

- The proposed rule includes dust-lead hazard standards, as well as dust-lead clearance standards. The 1994 guidance stated that the HUD clearance levels should be used to identify hazards. Furthermore, the proposed new dust-lead clearance standards are 50 µg/ft<sup>2</sup> for uncarpeted floors and 250 µg/ft<sup>2</sup> for window sills, instead of 100 µg/ft<sup>2</sup> for uncarpeted floors and 500 µg/ft<sup>2</sup> for interior window sills under the guidance. The dust-lead clearance standard for window troughs is unchanged at 800 µg/ft<sup>2</sup>.
- The proposed soil-lead hazard standard is 2000 ppm and, in a separate draft guidance document, EPA is proposing a soil-lead level of concern of 400 ppm. The 1994 guidance identifies different control measures for lead-contaminated soil ranging from 400 ppm to 5000 ppm.

EPA plans to develop two new guidance documents to accompany the final regulation: a document that will explain in greater detail the recommended responses to lead-based paint hazards and a document that will provide advice to risk assessors on sampling paint, dust, and soil. These new guidance documents and the final regulation will replace the interim guidance.

**Q: Must homeowners or rental property owners comply with these standards?**

A: The proposed rule does not directly impose requirements on homeowners or rental property owners. Homeowners and rental property owners, however, may voluntarily choose to comply with the standards. In addition, when homeowners or rental property owners sell or rent their properties, they will be affected by the implementation of the standards under EPA/HUD disclosure requirements, as discussed below.

**Q: How will EPA implement the standards?**

A: EPA will refer to the proposed standards throughout its lead-based paint program. In States without their own EPA-authorized lead-based paint programs, EPA will monitor and enforce compliance with the revised work practice standards for risk assessment and abatement and will require that lead-based paint activities training incorporate the new standards. EPA also will incorporate these new standards in future lead-based paint guidance documents and outreach and educational materials.

**Q: How will State, Tribal, and local government programs use the standards?**

A: EPA expects that most States will implement their own lead-based paint programs in lieu of EPA implementation of the Federal program. States or Indian Tribes that have or are seeking EPA authorization for their lead-based paint programs will incorporate the hazard standards that are as protective as EPA's standards in their lead-based paint training, certification, and accreditation programs and work practice standards. In addition, public and private institutions may incorporate the standards into State and local laws, housing codes, and lending and insurance underwriting standards.

**Q: How do the standards affect property owners' obligations to disclose information about lead-based paint?**

A: Sellers or lessors of pre-1978 housing must disclose the presence of lead-based paint and lead-based paint hazards, *if known*, as required under existing EPA/HUD regulations. The proposed standards will provide a regulatory definition of hazards which property owners must use to identify conditions that must be disclosed, when known.

## CONTROLLING HAZARDS

**Q: What should I do if my home might contain lead-based paint hazards?**

A: Although more than 60 million homes contain some lead-based paint, EPA estimates that many fewer have hazards. The only way to determine if a home contains hazards is to have it tested by a certified professional called a risk assessor. EPA is developing guidance with recommendations on when property owners should consider having a risk assessment performed. This guidance also will contain recommendations on how property owners should respond to any hazards identified by the risk assessor. Additional information may be obtained by calling the National Lead Information Clearinghouse at 1-800-424-LEAD and requesting EPA publications including *Protect Your Family From Lead in Your Home* and *Lead in Your Home: A Parent's Reference Guide*.

## SUBMITTING COMMENTS ON THE PROPOSAL

**Q: What if I have suggestions, comments, or complaints about the proposed rule?**

A: Comments on this proposed rule may be submitted in written or electronic form. Each comment must bear the docket control number 62156.

Written comments must be received on or before September 2, 1998. All comments should be sent in triplicate to:

OPPT Document Control Officer (7407), Office of Pollution Prevention and Toxics  
Environmental Protection Agency, 401 M Street, SW, Room G099, East Tower  
Washington, DC 20460.

Electronic comments and data also may be submitted to: [oppt.ncic@epamail.epa.gov](mailto:oppt.ncic@epamail.epa.gov). No Confidential Business Information (CBI) should be submitted through e-mail. E-mailed comments must avoid the use of special characters and any form of encryption, and be submitted in ASCII file format. Comments and data will also be accepted on disks in WordPerfect 5.1/6.1 or ASCII file format. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries.

If requested, EPA will schedule public meetings for presentation of oral comments. EPA will announce in the *Federal Register* the time and place of any public meetings. Oral statements will be scheduled on a first-come first-served basis by calling the telephone number listed in the *Federal Register* notice. All statements will be made part of the public record and will be considered in the development of the final rule.

A public version of the official record for the rule (docket control number 62156) is available for inspection from 12 noon to 4 p.m., Monday through Friday, excluding legal holidays, in the TSCA Nonconfidential Information Center, Room NEB607, 401 M Street, SW, Washington, DC. For specific technical and policy questions regarding this rule, contact Jonathan Jacobson at (202) 260-3779 or e-mail at [jacobson.jonathan@epamail.epa.gov](mailto:jacobson.jonathan@epamail.epa.gov).

**Q: What if I want more information about lead-based paint?**

A: For general information contact the National Lead Information Center's Clearinghouse, 1-800-424-LEAD (5323). Information is also available on EPA's website at <http://www.epa.gov/lead/>. EPA publications mentioned in this document can be obtained from both the Clearinghouse and the website.