

Syracuse University

Compliance Program for Managing Lead Based Paint in Residential and Childcare Facilities*

**Applicable facilities include residential houses and apartments built before 1978 (target housing) and childcare facilities in buildings built before 1978*

March 2020

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1.0 Introduction

Lead is a toxic metal that was widely used as an additive in paints and other surface coatings until 1978. Lead is known to cause a range of health effects, especially in children under 6 years of age and because of these health effects the federal government banned the use of lead in residential paints in 1978. Lead based paint (LBP) may still be present homes and buildings built before 1978, as there is no law banning the presence of LBP if it remains in good condition. When properly managed and maintained in good condition LBP poses little risk¹. However, deteriorating LBP (peeling, chipping, cracking, etc.) and associated dust and debris does pose a hazard, and must be prevented and addressed immediately.

The US Environmental Protection Agency (EPA) and the Housing and Urban Development (HUD) promulgated rules and regulations for the management of LBP in residential housing and child care facilities built before 1978. These regulations are designed to protect people, especially children, by requiring notification of the presence of LBP in residential houses, apartments, and childcare facilities, and mandating the use lead safe work practices during LBP renovation repair and painting projects.

Syracuse University's (University) Lead Based Paint Compliance Program for Residential and Childcare Facilities was developed by Environmental Health and Safety Services (EHSS) to guide compliance with EPA's and HUD's LBP rules and regulations. It outlines the key requirements that must be adhered to when managing or disturbing known or presumed lead-based paint (LBP) in residential houses and apartments (target housing) and childcare facilities.

Because there is a potential that occupants of University owned target housing may be receiving federal assistance, HUD regulations may be to applicable to renovations in University owned target housing. If it is known an occupant receives federal assistance from HUD, EHSS will provide additional guidance prior to the renovation.

2.0 Applicability

This Program, and the LBP regulations from EPA and HUD that it was developed to guide compliance with, are applicable to "target housing" and child-occupied facilities built before 1978 which contain Lead Based Paint (LBP)².

Target Housing:	Target housing includes apartments, dormitory suites, residential houses built before 1978. Target housing does not include what is referred to as "zero-bedroom" units such as an efficiencies or dormitory rooms. Examples of target housing owned by Syracuse University include South Campus apartments and residential houses such as the Chancellor's Residence.
Child-Occupied Facility:	A child-occupied facility is a building or portion of a building visited regularly by the same child, under 6 years of age, on at least two different days within any week and each day's visit last more 3 hours and the combined weekly visits last more than 6 hours and the combined annual visits last at least 60 hours. For example, child care facilities such as day-care centers, preschools and kindergarten classrooms.
Lead-Based Paint:	Lead-Based Paint means paint or other surface coatings that contain lead at a concentration equal to or greater than 1.0 mg/cm ² or 0.5% (5,000 mg/kg) by weight.

¹ <https://www.epa.gov/sites/production/files/documents/fs-discl.pdf>

² 40 CFR 745.223

3.0 Lead Regulations

United States Environmental Protection Agency (EPA)

Lead is regulated by EPA's Toxic Substances Control Act (TSCA) through its regulations for Lead-Based Paint Poisoning Prevention In Certain Residential Structures (40 CFR § 745). These regulations include EPA's:

- **Lead Renovation, Repair and Painting (RPP) Program Rule** (§745 Subpart E): This rule requires anyone engaged in RRP activities in target housing or child-occupied facilities built prior to 1978 to be trained and certified in lead-safe work practices, to follow the lead safe work practices, and to provide information on lead safety to building occupants prior to beginning work.
- **Residential Lead-Based Paint Disclosure Program** (§745 Subpart F): This program requires, among other things, a seller or lessor of target housing to disclose to the purchaser or lessee the presence of any known LBP and/or LBP hazards.
- **Lead Abatement Training and Certification Program** (§745 Subpart L): This requires anyone engaged in lead abatements, risk assessments and inspections in target housing or child-occupied facilities built prior to 1978 be trained and certified in specific practices to ensure accuracy and safety.

Housing and Urban Development (HUD)

The United States Office of Housing and Urban Development (HUD) regulates lead through its Lead Safe Housing Rule (24 CFR Part 35). Their regulations apply to target housing that is federally owned or receives federal assistance.

- **HUD's Lead Disclosure Rule** (§35 Subpart A): HUD's Lead Disclosure Rule was jointly issued and aligns with EPA's requirements for LBP disclosures in target housing.
- **HUD's Lead Safe Housing Rule (LSHR)** (§35 Subpart B-R): HUD's Lead Safe Housing Rule (LSHR) holds the federal government to a higher standard of care than it does residential property owners in general. It requires most Federally assisted housing to have a specified type of evaluation for the presence of LBP and/or LBP hazards, controls based on the findings of the evaluation and the type and amount of assistance received. In general, HUD's LSHR aligns closely with EPA's **Lead Renovation, Repair and Painting (RPP) Program Rule but includes additional requirements such as post renovation clearance exam by a third party.** If it is known that an occupant receives federal assistance from HUD, EHSS will provide additional instructions relevant to the renovation to assist in complying with these regulations.

NYS Department of Environmental Conservation (DEC)

NYSDEC Solid Waste Regulations (6 NYCRR Part 360) regulate waste materials with a lead concentration equal to or greater than 5 mg/L, based on the Toxicity Characteristic Leaching Procedure (TCLP), as a hazardous waste and require the waste to be disposed of at a permitted hazardous waste disposal facility. Waste material with a lead concentration less than 5 mg/L (TCLP) are not considered hazardous waste by NYS and can be disposed of at a solid waste or construction and demolition waste disposal facility, depending on type of waste material.

4.0 Lead Identification

At Syracuse University, paint in buildings built before 1978 must be assumed to be LBP until testing or information provided by the paint's manufacturer can confirm otherwise. Paint in buildings built after 1978 is not considered LBP.

If renovation, repair or painting work is to occur in a building built before 1978, the paint must either be assumed to be LBP or tested to confirm otherwise. It will be at the discretion of the University department performing the work or contracting the work to determine if LBP testing will be conducted or if the paint will be assumed to be LBP. If testing is preferred, a Request for Services must be submitted to EHSS and EHSS will coordinate the testing performed. LBP testing in target housing and childcare facilities can only be conducted by EPA certified lead inspectors or lead risk assessors.³

³ EPA allows for certified renovators to conduct LBP sampling and to use EPA approved LBP test kits, however HUD regulations do not. Because of the potential for occupants of SU target housing to be receiving federal assistance this program is written to comply with the more conservative HUD sampling requirements.

There are currently two methods recognized by the EPA and HUD for lead paint testing⁴:

- **Paint Chip Sampling and Laboratory Analysis:** In this method the paint is removed (cut, scrapped, peeled) from the substrate and sent for the laboratory analysis. The laboratory analysis will determine the weight of lead per the weight of the paint chip. Results at or above 0.5% lead or 5,000 milligram of lead per kilogram of paint chips indicate LBP.
- **X-ray Fluorescence (XRF) Analysis:** An XRF is a handheld instrument that uses radiation (x-ray or a radioisotope source) to determine the concentration of lead in the paint. Paint analyzed with an XRF is classified as LBP when there is 1 milligram or more of lead per square centimeter of painted surface (1.0 mg/cm²). (Note: XRF testing for LBP is not recognized by OSHA)⁵

Syracuse University EHSS must be contacted to coordinate lead paint testing. To request lead paint testing, the University Department performing or contracting the work must submit an [EHSS Request for Service form](#).

5.0 Roles and Responsibilities

The roles and responsibilities of the University's program are outlined as follows:

5.1 Environmental Health and Safety Services (EHSS)

- Provide guidance and assistance on LBP rules, regulations and requirements
- Communicate the LBP requirements to affected University departments, including those managing, renovating or contracting renovation work in University owned target housing or childcare facilities.
- Maintain and update this Program as the associated regulations change.
- Coordinate LBP testing.
- Maintain records of LBP testing performed.
- Assist with sampling and disposal of LBP waste generated during renovation projects.
- Prepare and maintain copies of signed lead disclosure notices as required by Section 6 of this Program.

5.2 Department Responsible for University Owned Target Housing Rentals/Leases⁶

(Real Estate* and Office of Student Living)

*if the rental/lease is managed by a third party, Real Estate will be the responsible SU Department

- Know and understand the requirements of this Program and associated LBP rules and regulations.
- Provide lead hazard information and disclosure notices as required by Section 6 of this Program.
- Obtain signed lead disclosure notices back from each tenant as required by Section 6 of this Program.
- Maintain copies of signed lead disclosure notices for a period of three years.⁷
- Notify EHSS of new residential property acquisitions.
- Notify EHSS of any planned renovation, repair, or painting projects in target housing.

5.3 Departments Overseeing/Performing Renovation Work in Target Housing or Childcare Facilities

(CPDC, Facilities Services, Real Estate)

*if the rental/lease is managed by a third party, Real Estate will be the responsible SU Department

- Know and understand the requirements of this Program and associated LBP rules and regulations.
- Notify EHSS in advance of any upcoming projects that may disturb paint in target housing or childcare facilities. Thirty-day advance notice is requested for large projects.

⁴ EPA also recognizes EPA approved lead test kits as a testing method but HUD does not, so they are generally not used at SU.

⁵ <https://www.osha.gov/laws-regs/standardinterpretations/1999-03-01-0>

⁶ Rental housing that has been inspected by a certified inspector to be free of lead-based paint are exempt from notification requirements.

⁷ 40 CFR 745.113(c)(1)

- Contact EHSS to request lead paint testing.
- Provide pre-renovation information to target housing occupants or the director of the childcare facility prior to the start of a project in their building/house/apartment as required by Section 7 of this Program.
- Obtain signed pre-renovation form from an adult tenant as required by Section 7 of this Program,
- Maintain copies of signed pre-renovation forms for a period of three years.⁸
- Confirm work will be performed by an EPA certified lead renovation firm and supervised by a certified lead renovator.⁹
- Communicate expectations and need to follow all applicable LBP rules, regulations and requirements to contractors or University personnel who will be performing the work.
- Confirm lead safe work practice will and are being followed for the duration of the work
- Retain renovation records including but not limited to, building occupant notifications, clearance reports and post-renovation checklist, for a period of three years.¹⁰ Notify EHSS of any questions or concerns on the LBP work and/or associated lead hazards received from building occupants.

5.4 Contractors Performing Renovation Activities in SU Owned Target Housing

- Know, understand and adhere to the requirement of all associated LBP rules and regulations.
- Have a certified lead renovator on site to supervise the work.
- Provide pre-renovation educational information to the University.
- Provide renovation records to University including renovation clearance.

6.0 Lead Disclosure Requirements

The EPA Lead Disclosure Rules require that building owners/landlords disclose information on LBP and LBP hazards to tenants and buyers of target housing built before 1978 prior to occupancy.¹¹ Lead disclosure is only required for target housing and is not required for “zero-bedroom” dwellings or dwellings that have been certified lead-based paint free by an EPA-certified inspector, short-term leases of 100 days or less, or renewals of existing leases where lead disclosure information has already been provided.¹²

At Syracuse University, the Department responsible for the rental/lease of University owned target housing have the responsibility to ensure that lead disclosure obligations are met and required disclosure information is provided to each tenant using the disclosure form in Attachment A. The disclosure information must be provided with the initial lease and with a renewal lease if new LBP information is available. Disclosure information does not need to be provided with a renewal lease if lead disclosure information was previously provided to the tenant and no new LBP information has come into the possession of the lessor.

The Lead Disclosure must contain, at a minimum, the following information:

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| <p>1. Lead Warning Statement:</p> | <p>The lead warning statement must state: “Housing built before 1978 may contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not managed properly. Lead exposure is especially harmful to young children and pregnant women. Before renting pre-1978 housing, lessors must disclose the presence of lead-based paint and/or lead-based paint hazards in the dwelling.”¹³</p> |
|--|---|

⁸ 40 CFR 745.86(b)(2)

⁹ 40 CFR 745.85(a)

¹⁰ 40 CFR 745.86(a)

¹¹ 40 CFR 745.100

¹² 40 CFR 745.101

¹³ 40 CFR 745.113(b)(1)

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|---|--|
| 2. Lead Safety Pamphlet: | An EPA lead safety pamphlet titled “Protect Your Family from Lead in Your Home.” ¹⁴ A signature from the tenant must be obtained confirming receipt of the lead safety pamphlet. ¹⁵ |
| 3. Information on presence of LBP and/or LBP Hazards: | Information regarding the presence of lead-based paint and/or lead-based paint hazards, as well as any other available information, including records and reports on the subject. Disclosure should indicate if known LBP or LBP hazards are present in the housing or if no knowledge of LBP or LBP hazards is available. |

Department responsible for the rental/lease must retain a copy of the disclosure documents and signatures of the tenants that received the information for no less than three years from the commencement of the leasing period.¹⁶

7.0 Renovation Work in Target Housing and Applicable Childcare Facilities

Renovation, repair and/or painting work that disturb known or assumed LBP in target housing and/or childcare facilities in buildings built before 1978, must comply with the EPA’s Lead RRP Rule (and HUD’s LSH Rule for federal subsidized target housing if applicable)¹⁷. The Program collectively refers to this work as to as lead renovation work. Lead renovation work does not include lead abatement work where the work is being done solely to permanently eliminate the LBP (See Section 8)

In general, lead renovation work in target housing and childcare facilities must:

- Be notified to the owner and tenants of the target housing and the owner/director of the childcare facility
- Be conducted by certified renovation firms
- Be supervised by a certified renovator (must be on the job site when critical steps are taken)
- Be done using lead-safe work practices
- Be cleaned at project to assure no dust or debris remains
- Be cleared by the certified renovator conducting a specific “cleaning verification” protocol

7.1. Applicability

These requirements apply to renovation work that impacts and/or modifies existing painted surfaces and painted housing components in target housing and childcare facilities located in buildings built prior to 1978. It includes the removal or repair of painted surfaces or painted components such as painted doors or window repairs, or the removal of building components such as walls during a renovation project.¹⁸ There is no definitive list of lead renovation activities. Common examples of renovation activities that could impact LBP include but are not limited to:

- Making cut-outs in walls
- Drilling and sawing into painted surfaces, wood, plaster, etc.
- Replacing a window or door from the inside or outside.
- Removing paint by abrasive sanding or with a heat gun.
- Scraping painted or sanding painted surfaces.
- Removal of large structures, kitchen cabinets, etc., including demolition of interior plaster walls.
- HVAC repair or replacement, including duct work that disturbs painted surfaces.

Lead renovation work does not include lead abatement work where the work is being done solely to permanently eliminate the LBP.

¹⁴ 40 CFR 745.107(a)(1)

¹⁵ 40 CFR 745.113(b)(4)

¹⁶ 40 CFR 745.113(c)

¹⁷ Only Federally assisted target housing must comply with the additional HUD requirements

¹⁸ 40 CFR 745.83

Exempted Activities

Under the lead renovation rules, the following activities are exempt and do not need to comply with the RRP requirements.

- Painting that does not require sanding, scraping or disturbance of the existing paint.
- Work in housing/buildings or on housing/building components that have been declared lead-free by an EPA-certified inspector or risk assessor.¹⁹
- Minor repair and maintenance activities that disturb six square feet or less of painted surfaces of interior activities or 20 square feet of exterior activities, unless the project involves window replacements or demolition.²⁰
- Work in housing or child-care facilities built after 1978.
- Work in buildings other than target housing or child care facilities.

7.2 Pre-Renovation Notification Requirements

Pre-renovation education information must be provided the owner and/or tenants of target housing and applicable childcare facilities prior to any renovation, repair and/or painting work that will disturb LBP. This requirement is satisfied by distributing EPA's pamphlet titled "Renovate Right: Important Lead Hazard Information for Families; Child Care Providers and Schools" to at least one adult occupant of the house/apartment/facility where the renovation work will be occur and obtaining acknowledgement from them that the pamphlet was received.²¹ The contractor performing the renovation activities is required by EPA to provide the pre-renovation education information pamphlet:

- No more than 60 days before beginning the renovation.
- By hand delivery, mail (USPS), or email at least 7 business days prior to start of the renovation work (certified mail can be used to document owner/occupant receipt)

For unplanned emergency renovations, such as in response to situations necessitating immediate action to address safety or public health hazards or threats, pre-renovation information is not required to be provided.²²

Notifications For University Owned Target Housing

For Syracuse University owned target housing, the contractor shall provide the pre-renovation information to the University department who contracted their work. The contracting University department will then distribute the educational information to the tenants and receive acknowledgement of their receipt of the pamphlet using the form in Attachment B. The contracting department will provide a copy of the acknowledgement to the contractor and retain a copy for their records.

Notifications for Work in Common Areas in Multi-Unit University Owned Target Housing

If the renovation work is to occur in a common area of multi-unit housing, such as a stairway or laundry room, informational signs about the renovation may be posted instead of providing the informational pamphlet to each affected housing unit. The informational sign must be posted in an area likely to be seen by all occupants, and must describe the nature and location of the renovation, anticipated completion date and the EPA's Renovate Right pamphlet or information on how to obtain the free pamphlet.²³

Notification for Applicable Childcare Facilities in University Owned Buildings

For Syracuse University owned childcare facilities located in buildings built before 1978 and not declared lead-free by an EPA-certified inspector/risk assessor, the contractor shall provide the Syracuse University department who contracted their work with the following:

- Details of the renovation, location of the work area and the anticipated start and completion date.
- A copy of the EPA Renovate Right pamphlet

¹⁹ 40 CFR 745.103

²⁰ 40 CFR 745.83

²¹ 40 CFR 745.84(a)

²² 40 CFR 745.82(b)

²³ 40 CFR 745.84(b)

The contracting University department will then distribute the EPA Renovate Right pamphlet and specific details on the renovation work to be performed to the childcare facility director and receive their acknowledgement of receipt of the information using the form in Attachment B. The contracting department will provide a copy of the acknowledgement to the contractor and retain a copy for their records.

The childcare facility director will post an informational sign to provide parents or guardians of children attending the childcare facility with information about the renovation, location of the work area and the anticipated completion date. The informational sign must be posted in an area likely to be seen by all parents or guardians.²⁴ A copy of the EPA's Renovate Right pamphlet will be made available to parents/guardians upon request.

7.3 Certification of Lead Renovators

Renovation firms performing lead renovation activities in target housing must be certified by EPA. At least one EPA certified renovator must be at the work site when the LBP renovation work is performed. All of the workers do not need to be certified renovators. A copy of the certified renovator's EPA Lead Renovator Certificate must be kept on site during the work and must be provided to the University department contracting the work.²⁵ EPA's website provides lists of certified lead renovations contractors by regional area.

7.4 Prohibited Work Practices

Certain work practices are prohibited during a renovation in target housing including:²⁶

- Open-flame burning or torching of painted surfaces.
- The use of machines designed to remove paint or other surface coatings without a HEPA vacuum attachment to collect dust and debris. Machines must be operated so that no visible dust or release of air occurs outside the shroud or containment system.
- Operating a heat gun on painted surfaces above 1,100 degrees Fahrenheit.

7.5 Lead Safe Work Practices for Interior Renovation Work

When performing renovation work in the interior of target housing or applicable childcare facilities, lead safe work practices must be followed including, but not limited to, the following:²⁷

Work Practices During Renovation

- Appropriate gloves, coveralls, and respiratory protection is required.
- Post signs clearly defining the work area and warning occupants to remain outside the work area. The signs should include the following :²⁸

DANGER
LEAD WORK AREA
MAY DAMAGE FERTILITY OR THE UNBORN CHILD
CAUSES DAMAGE TO THE CENTRAL NERVOUS SYSTEM
DO NOT EAT, DRINK OR SMOKE IN THIS AREA

- Remove all objects from the work area, including furniture, rugs, and window coverings, or cover them with plastic sheeting or other impermeable material with all seams and edges taped or otherwise sealed.
- Close and cover all ducts opening in the work area with taped-down plastic sheeting or other impermeable material.
- Close windows and doors in the work area. Doors must be covered with plastic sheeting or other impermeable material. Doors used as an entrance to the work area must be covered with plastic sheeting or other

²⁴ 40 CFR 745.84(C)(2)(ii)

²⁵ 40 CFR 745.90(b)(7)

²⁶ 40 CFR 745.85(a)(3)

²⁷ 40 CFR 745.85(a)

²⁸ 29 CFR 1926.62(m)(1)

impermeable material in a manner that allows workers to pass through while confining dust and debris to the work area.

- Cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area 6 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater.
- Use precautions to ensure that all personnel, tools, and other items, including the exteriors of containers of waste, are free of dust and debris before leaving the work area.
- At the end of each work day, store renovation wastes under containment or in an enclosure to prevent the release of dust or debris.

Post Renovation Cleaning Activities

After completing the renovation, the work area must be cleaned until no dust or debris remains.²⁹

- Collect all paint chips, dust and debris in a bag or container for disposal
- Collect any LBP painted building materials removed during the renovation work, place into a bag or container for disposal.
- Mist plastic sheeting or other disposable impermeable material used to cover the work area, fold sheeting inward to contain debris, and place into a bag or container for disposal.
- Clean all objects and surfaces in the work area and within 2 feet of the work area in the following manner, cleaning from higher to lower:
- Clean walls starting at the ceiling and working down to the floor by either vacuuming with a HEPA vacuum or wiping with a damp cloth.
- Thoroughly vacuum all remaining surfaces and objects in the work area, including furniture and fixtures, with a HEPA vacuum.
- Wipe all remaining surfaces and objects in the work area, except for carpeted or upholstered surfaces, with a damp cloth.
- Mop uncarpeted floors thoroughly, using a mopping method that keeps the wash water separate from the rinse water.

EHSS Hazardous Waste will evaluate/sample collected waste material prior to disposal to determine if it is hazardous waste. If the waste material is determined to be hazardous, EHSS Hazardous Waste will collect the waste material for disposal. If the waste is determined to be non-hazardous, the contractor performing the renovation is responsible for disposal. See Section 9 of this Program for more information on waste disposal.

Post Renovation Clearance Activities

Following cleaning, a visual inspection of the work area must be performed by an EPA Certified Renovator to determine if dust or debris is still present, using an EPA approved cleaning verification card. After a successful visual inspection, cleaning must be verified.³⁰

- Wipe each window sill in the work area with a wet disposable cleaning cloth that is damp to the touch. If the cloth matches or is lighter than the cleaning verification card, the windowsill has been adequately cleaned. If the cloth does not match the cleaning verification card, re-clean the windowsill and wipe it again until it matches the verification card.
- Wipe uncarpeted floors and countertops within the work area with a wet disposable cleaning cloth. If the cloth used to wipe each section of the surface within the work area matches the cleaning verification card, the surface has been adequately cleaned. If the cloth does not match the cleaning verification card, re-clean the area and wipe that section again until it matches the verification card.
- When the work area passes the post-renovation cleaning verification, remove the warning signs.

²⁹ 40 CFR 745.85(a)(5)

³⁰ 40 CFR 745.85(b)(1)

7.7 Lead Safe Work Practices for Exterior Renovation Work

When performing renovation work on the exterior of target housing, lead safe work practices including, but not limited to, the following:³¹

Work Practices During Renovation

- Appropriate gloves, coveralls, and respiratory protection is required.
- Post signs clearly defining the work area and warning occupants to remain outside the work area. The signs should include the following:³²

DANGER
LEAD WORK AREA
MAY DAMAGE FERTILITY OR THE UNBORN CHILD
CAUSES DAMAGE TO THE CENTRAL NERVOUS SYSTEM
DO NOT EAT, DRINK OR SMOKE IN THIS AREA

- Close all doors and windows within 20 feet of the renovation. On multi-story buildings, close all doors and windows within 20 feet of the renovation on the same floor as the renovation, and close all doors and windows on all floors below that are the same horizontal distance from the renovation.
- Ensure that doors within the work area are covered with plastic sheeting or other impermeable material in a manner that allows workers to pass through while confining dust and debris to the work area.
- Cover the ground with plastic sheeting or other disposable impermeable material extending 10 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to collect falling paint debris, whichever is greater, unless the property line prevents 10 feet of such ground covering. Ground containment measures may stop at the edge of the vertical barrier when using a vertical containment system.
- If the renovation will affect surfaces within 10 feet of the property line, the renovation firm must erect vertical containment or equivalent extra precautions in containing the work area to ensure that dust and debris from the renovation does not migrate to adjacent properties.
- At the end of each work day, store renovation wastes under containment or in an enclosure to prevent the release of dust or debris.

Post Renovation Cleaning Activities

After completing the renovation, the work area must be cleaned until no dust or debris remains.³³

- Collect all paint chips, dust and debris in a bag or container for disposal
- Collect any LBP painted building materials removed during the renovation work, place into a bag or container for disposal.
- Mist plastic sheeting or other disposable impermeable material used to cover the work area, fold sheeting inward to contain debris, and place into a bag or container for disposal.

EHSS Hazardous Waste will evaluate/sample collected waste material prior to disposal to determine if it is hazardous waste. If the waste material is determined to be hazardous, EHSS Hazardous Waste will collect the waste material for disposal. If the waste is determined to be non-hazardous, the contractor performing the renovation is responsible for disposal. See Section 9 of this Program for more information on waste disposal.

³¹ 40 CFR 745.85(a)(2)(ii)

³² 29 CFR 1926.62(m)(1)

³³ 40 CFR 745.85(a)(5)(i)

Post Renovation Clearance Activities

Following cleaning, a visual inspection of the work area must be performed by an EPA Certified Renovator to confirm that no lead dust or debris remains in the work area. After a successful visual inspection, remove the warning signs.³⁴

7.8 Renovation Work Records

Within 30 days after the renovation is complete, the EPA certified contractor that performed the renovation must provide the University department contracting the work information regarding compliance with the above actions by completing the form in Attachment C.³⁵

Records of all renovations, notification and clearance must be maintained for a period of three years by the contractor who performed the work.³⁶ The Syracuse University department contracting the work should also retain records of the work for a minimum of three years.

8.0 Lead Paint Abatement

Lead paint abatement includes any measure designed to permanently eliminate LBP hazards. Abatement includes the permanent enclosure or encapsulation of LBP. It does not include renovation or remodeling projects that eliminate or repair LBP as part of the renovation work. Lead paint abatement requires the use of EPA certified abatement firms and notification to EPA of all lead abatement activities. Lead abatement is not typically performed at the University. If an abatement project is anticipated, the University department contracting the work must contact EHSS for assistance with EPA notification.

9.0 Lead Waste

Waste generated during lead renovation and/or lead abatement work must be collected and evaluated to determine if it contains lead at a concentration that would make it a hazardous waste. Syracuse University EHSS must be contacted prior to the start of a project where LBP paint will be impacted and/or generation lead waste is anticipated to advise on proper waste containerization, labeling, sampling, storage and disposal.

The proper waste disposal facility can be determined on the Lead Disposal Flow Chart in Appendix D.

Hazardous Waste Determination

In accordance with NYSDEC regulations, waste containing lead at a concentration of greater than or equal to 5 mg/L, based on the Toxicity Characteristic Leaching Procedure (TCLP), is considered to be hazardous waste and must be disposed of properly through EHSS³⁷.

A hazardous waste determination must be made for waste containing or contaminated with lead. Waste containing lead must be assumed to be hazardous until determined otherwise.

A hazardous waste determination for lead containing waste can be made based on the following:

- Analytical sampling of the waste material (TCLP analysis)
- Generator's historical knowledge of the waste material or waste stream
- Assumption that the waste is a hazardous waste
- Commitment to recycle the waste as a scrap metal (metal waste only)

EHSS must be contacted for assistance in making a proper waste determination and to arrange for waste sampling.

³⁴ 40 CFR 745.85(b)(2)

³⁵ 40 CFR 745.86(b)(6)

³⁶ 40 CFR 745.86(a)

³⁷ 6 NYCRR 371.3 (e)

If waste sampling is deemed necessary to make the hazardous waste determination, the sampling will be coordinated by EHSS.

Scrap Metal sent for recycling is not required to be tested due to the University's use of the Scrap Metal Exemption presented under 6NYCRR Part 371.1(c)(7).

Lead Waste Containerization and Management

If the lead waste material is assumed or confirmed to be a hazardous waste it must be managed and disposed of properly.

- These materials must be placed in appropriate containers, stored closed and in a manner to prevent a release to the environment. EHSS can provide drums for use in collection lead hazardous waste. If a rolloff container is needed for large LBP projects, the rolloff must be obtained by EHSS.
- The containers must be labeled with a hazardous waste label (provided by EHSS) and the label must be filled out to indicated the lead contents.
- The containers must be stored at or near the area where it is generated and the storage area must be secured when unoccupied.
- In no circumstance will the waste be removed from campus by any organization or department other than the EHSS.

Once the lead waste container is full, EHSS must be immediately contacted to arrange for the container to be moved to one of the University's Central Hazardous Waste Accumulation Areas or for direct offsite disposal.

For large lead projects, EHSS must be contacted in advance of the project start to coordinate and/or provide appropriate waste accumulation containers, confirm proper storage and plan out a disposal/pick up schedule.

Lead Waste Disposal

Waste materials confirmed or assumed to have a lead concentration equal to or greater than 5 mg/L (TCLP) are regulated as a hazardous waste and must be disposed of at a permitted hazardous waste disposal facility. Waste disposal must be coordinated with EHSS and waste may only be disposed of at a University approved hazardous waste disposal facility.

Waste materials with lead concentrations confirmed to be less than 5 mg/L (TCLP) results are not considered hazardous waste and can be disposed of at a solid waste or construction and demolition waste disposal facility, depending on type of waste material. The contractor generating the waste can coordinate for disposal of the waste at a NYS approved solid waste or construction and demolition waste disposal facility.

Lead or lead painted metal waste can be recycled as scrap metal waste regardless of its lead content.

10.0 Record Keeping

Lead Disclosure Documentation:

EHSS will maintain lead disclosure notification documents for a period of three years.

Renovation Documentation:

The Syracuse University department contracting the work will retain records of all renovations, notifications and clearance for a period of three years.

Lead Waste:

EHSS will maintain waste sampling and disposal records.

Appendix A

Syracuse University Disclosure of Information on Lead-Based Paint

SYRACUSE UNIVERSITY(Lessor)
Disclosure of Information on Lead-Based Paint and Lead-Based Paint Hazards
(Address)

Lead Warning Statement

Housing built before 1978 may contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not managed properly. Lead exposure is especially harmful to young children and pregnant women. Before renting pre-1978 housing, lessors must disclose the presence of lead-based paint and/or lead-based paint hazards in the dwelling. Lessees must also receive a federally approved pamphlet on lead poisoning prevention.

Lessor's Disclosure

- (a) Presence of lead-based paint and/or lead-based paint hazards (check (i) or (ii) below):
- (i) _____ Known lead-based paint and/or lead-based paint hazards are present in the housing (explain). This disclosure is based on the following reports:
- (ii) _____ Lessor has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.
- (b) Records and reports available to the Lessee (check (i) or (ii) below):
- (i) _____ Lessor has provided the lessee with a summary of all lead inspections, surveys and risk assessments conducted. Copies of all pertinent records and reports are available to the lessor, upon request.
- (ii) _____ Lessor has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.
-

Lessee's Acknowledgment (initial)

_____ Lessee has received copies of all Information listed above.

_____ Lessee has received the pamphlet *Protect Your Family from Lead in Your Home*.

Agent's Acknowledgment (initial) (where applicable)

_____ Agent has informed the Lessor of the lessor's obligations under 42 U.S. 4852(d) and is aware of his/her responsibility to ensure compliance.

Certification of Accuracy

The following parties have reviewed the Information above and certify, to the best of their knowledge, that the Information they have provided is true and accurate.

Lessee Date

Lessor Date

Lessee Date

Agent Date

Appendix B

Syracuse University Pre-Renovation Acknowledgement Form

Syracuse University Lead Based Paint (LBP)

Pre-Renovation Form for Target Housing

In accordance with US EPA Lead Renovation, Repair and Painting Rule, 40 CFR Part 745 Subpart E

This form may be used to document the EPA's educational pamphlet titled "Renovate Right: Important Lead Hazard Information for Families; Child Care Providers and Schools" was provided the owner and/or tenants of target housing and applicable childcare facilities prior to any renovation, repair and/or painting work that will disturb LBP. The educational pamphlet must be provided to and have receipt acknowledged by one adult occupant of the house, apartment, or facility where the renovation work will be occur in accordance with the EPA's Lead-Based Paint Renovation, Repair, and Painting Program.

Location of Renovation: _____

Description of Renovation: _____

Occupant Confirmation of Pamphlet Receipt:

___ I have received a copy of the lead hazard information pamphlet informing me of the potential risk of lead hazard exposure from renovation activity to be performed in my dwelling unit. I received this pamphlet before the work began.

Printed Name of Occupant

Signature of Occupant

Signature Date

Renovator's Self Certification Option (for tenant-occupied dwellings only):

Instructions to Renovator: If the lead hazard information pamphlet was delivered but a tenant signature was not obtainable, you may check the appropriate box below.

___ Declined - I certify that I have made a good faith effort to deliver the lead hazard information pamphlet to the rental dwelling unit listed below at the date and time indicated, and that the occupant declined to sign the confirmation of receipt. I further certify that I have left a copy of the pamphlet at the unit with the occupant.

___ Unavailable for signature - I certify that I have made a good faith effort to deliver the lead hazard information pamphlet to the rental dwelling unit listed below and that the occupant was unavailable to sign the confirmation of receipt. I further certify that I have left a copy of the pamphlet at the unit.

Printed Name of Person Certifying Delivery

Attempted Delivery Date

Signature of Person Certifying Lead Pamphlet Delivery

Unit Address:

Note Regarding Mailing Option -- As an alternative to delivery in person, you may mail the lead hazard information pamphlet to the owner and/or tenant. Pamphlet must be mailed at least 7 days before renovation. Mailing must be documented by a certificate of mailing from the post office.

Appendix C

Syracuse University Post-Renovation Recordkeeping Checklist

Syracuse University Lead Based Paint (LBP)
Post Renovation Recordkeeping Checklist Form for Target Housing
In accordance with US EPA Lead Renovation, Repair and Painting Rule, 40 CFR Part 745 Subpart E

This form may be used by the certified renovator as documentation of compliance with the requirements of EPA’s lead safe work practices. The form must be returned to Syracuse University within 30 days of the completed renovation.

Name of Firm: _____
 Date and Location of Renovation: _____
 Brief Description of Renovation: _____
 Name of Assigned Renovator: _____
 Name(s) of Trained Worker(s), if used: _____
 Name of Inspector or Risk Assessor, if used: _____

_____ Copies of renovator and dust sampling technician qualifications (training certificates, certifications) on file.

_____ Certified renovator provided training to workers on (check all that apply):

- | | |
|-------------------------------|---|
| _____ Post warning signs | _____ Setting up plastic containment barriers |
| _____ Maintaining containment | _____ Avoiding spread of dust to adjacent areas |
| _____ Waste handling | _____ Post-renovation cleaning |

_____ Test kits or test results from EPA-recognized laboratory on collected paint chip sample, used by renovator to determine whether lead was present on components affected by renovation (identify method used, type of test kit used (if applicable), laboratory used to conduct paint chip analysis, describe sampling locations and results):

- _____ Warning signs posted at entrance to work area
 _____ Work area contained to prevent spread of dust and debris
 _____ All objects in the work area removed or covered (interiors)
 _____ HVAC ducts in the work area closed and covered (interiors)
 _____ Windows in the work area closed (interiors)
 _____ Windows in and within 20 feet of the work area closed (exteriors)
 _____ Doors in the work area closed and sealed (interiors)
 _____ Doors in and within 20 feet of the work area closed and sealed (exteriors)
 _____ Doors that must be used in the work area covered to allow passage but prevent spread of dust
 _____ Floors in the work area covered with taped-down plastic (interiors)
 _____ Ground covered by plastic extending 10 feet from work area—plastic anchored to building and weighed down by heavy objects (exteriors)
 _____ Vertical containment installed if property line prevents 10 feet of ground covering, or if necessary to prevent migration of dust and debris to adjacent property (exteriors)
 _____ Waste contained on-site and while being transported off-site
 _____ Work site properly cleaned after renovation
 _____ All chips and debris picked up, protective sheeting misted, folded dirty side inward, and taped for removal
 _____ Work area surfaces and objects cleaned using HEPA vacuum and/or wet cloths or mops (interiors)
 _____ Certified renovator performed post-renovation cleaning verification (describe results, including number of wet and dry cloths used). If dust clearance testing was performed instead, attach a copy of report.

_____ I certify under penalty of law that the above information is true and complete.

Name and title _____ Date _____

Appendix D

Potentially Lead Contaminated Building Material Disposal Flowchart

Potentially Lead Contaminated Building Material Disposal

