

STATUTES AND ADMINISTRATIVE RULES

- NCGS §§ 130A-131.5
- 130A-131.7—130A-131.H
- 15A NCAC 18A .3101—.3111-

ENABLING LEGISLATION

- NCGS §130-131.5 authorizes the Commission for Health Services to Adopt rules for the prevention and control of Lead Poisoning In Children

NCGS§ 130A-131.7-- Definitional Statute

- Key terms
- Child-occupied facility
- Confirmed lead poisoning
- EBL
- Lead- based paint hazard
- Lead poisoning hazard

Definitional statute

- Regularly Visits
- Remediation
- Supplemental
Address
-

LEAD POISONING HAZARDS

- . . . **Means** :any lead-based paint or other substance that contains lead in an amount equal to or greater than 1.0 milligrams lead per square centimeter or greater by XRF or 0.5% by chemical analysis

LEAD POISONING HAZARDS

- Any lead-based paint or substance on any readily accessible substance or chewable surface on which there is evidence of teeth marks or mouthing

Lead poisoning hazards means...

- Any lead-based paint or other lead bearing substance on any other deteriorated or otherwise damaged interior or exterior surface

LEAD POISONING HAZARD MEANS

- Any substance that contains lead in an amount equal to or greater than .06 % lead by weight when substance intended for use by child
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LEAD POISONING HAZARD ALSO MEANS:

- Any ceramic ware generating lead equal to or greater than 3 micrograms /milliliter of leaching solution for flatware; 0.5 mg/milliliter for cups, mugs, pitchers

LEAD POISONING HAZARD MEANS...

- Lead concentration in water => 15 parts per billion
- Lead dust on floors => 40 micrograms /square foot
- Lead dust on interior window sills vinyl miniblinds, bathtubs sinks or lavatories of 250 micrograms/sq.ft.

LEAD POISONING HAZARDS

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- Lead-paint or other lead bearing substance on impact or friction surfaces when lead dust level on nearest horizontal surface is 40 mgs/ sq.ft (floors) or 250 mgs /sq. ft (window sills)

HAZARDS...

- Lead in bare soil in play areas, drip line, pet sleeping areas when \Rightarrow 400 ppm
- Lead in other parts of yard is hazardous when \Rightarrow 1200ppm

LEAD POISONING HAZARDS INCLUDE:

- Lead based paint hazards, lead burdened soil, lead contaminated pottery, china, water, mini-blinds, bullets, fishing weights, batteries.....



REMEDIATION *

- Means elimination or control of lead poisoning hazards by methods approved by the Dept.

TYPES OF REMEDIATION*

- Abatement
- Maintenance Standard
- Demolition
- Abandonment

REMEDICATION METHODS...(1)

- **Abatement** means the elimination of lead based paint hazards by:
 - Removal and repainting
 - removal and replacing

REMEDICATION METHODS....(1)

- Enclosure
- Encapsulating
 - ...HAZARDS....

REMEDIATION METHODS

...(2)


- **Maintenance standard**
- Control of lead hazards by :
- Repairing and repainting
- Utilizing special techniques

REMEDIATION METHODS

...(2)

- **Maintenance standard.....**
- adjusting doors and windows to minimize friction
- addresses interior and exterior surfaces for pre-1950

REMEDIATION METHODS...(2)

- **Maintenance Standard**
- cleaning interior to  remove dust
- Clean carpets {if tenant approves}

REMEDICATION METHODS...(3)

- **Demolition**
- Acceptable
- Containment measures necessary
- Must provide for storage and disposal of lead contaminated soil and debris
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REMEDIATION METHODS

...(4)

- **Abandonment**
- acceptable method
- Leave vacant New plan required if plan to reoccupy
- Does not authorized or encourage eviction
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NCGS § 130A--131.8-REPORTS OF BLOOD LEAD LEVELS*

- All Laboratories doing business in NC must report all blood lead test results to DHHS
- Of children under 6 and for other individuals whose ages are unknown

NCGS §130A-131.9

EXAMINATION/TESTING*

- DHHS can require testing of children when there is a reasonable suspicion of EBL or confirm lead poisoned child
- DHHS can obtain info. on parent/ child from owner/managing agent/ tenant

NCGS § 130A-131.9A— INVESTIGATION*

Dept. must conduct
investigation for
confirmed lead
poisoned children

Must investigate
dwellings and child-
occupied facilities
linked with child

NCGS § 130A-131.9A(a1)*

Dept. can investigate the
residential housing units
of children with elevated
blood lead levels if
parent/guardian's consents

If consent denied, can't
locate , failure to respond
then Dept. documents

NCGS §130A-131.9A...

- Dept may also conduct investigation when it reasonably suspects that hazard exists to children
- Dept. take samples of materials suspected of containing lead

.3104—IDENTIFYING LEAD HAZARDS

- Reasonable suspicion
- Unit or facility
built < 1950 / < 1978
contains accessible
lead or if < 1978
recently undergone
remodeling/renovation

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REASONABLE SUSPICION

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- Child less than 6 residing in or regularly visiting unit or facility
- a referral from a sister agency

WHERE TO INVESTIGATE

- **Where child resides. regularly visits, attends**
- Child's residence or day care
- Child's home/ daycare within 6 months period before diagnosis

WHERE TO INVESTIGATE

- Child occupied facility or housing unit where Dept. reasonably suspect that hazards may exist to children less than 6 years of age

ENVIROMENTAL LEAD INVESTIGATIONS

- XRF Readings
done
- Dust samples taken
- Soil and water
samples taken when
appropriate
- Paint chip samples
taken

SUMMARY

- Dept. is authorized to investigate when child has confirmed lead poisoning
- May investigate if reasonable suspicion
- May investigate when child has lead level 5-9ug/dl when parent consent
- Investigate housing units /child occupied facilities

NCGS § 130A-131.9B-- POST INVESTIGATION

- **Report** must be written
- **Notice** of Hazards must be sent to owner/occupants
- Notice will **recommend** or **require remediation**

.3103—EXAMINATION/ TESTING

- Notice to parents of results of investigation
- Notice informs parents of adverse health effects of lead
- Parents of children less than 6 months – advised to test after 6 mo.

130A-131.9C-REMEDIATION REQUIRED*

- In housing unit or child occupied facility linked with a confirmed lead poisoned child
- Confirmed lead poisoning means a level of 10ugdl or greater

REQUIRED REMEDIATION

- **Notice** to owner
/managing agent--
requires submission
of Remediation
Plan
- **14** days to submit
plan
- Health Dept.
reviews/ approves
plan

REQUIRED REMEDIATION...

- Owner/managing agent must select one of the methods of Remediation
- Complete Remediation within 60 days of plan approval

REMEDICATION REQUIRED

- Can apply for 30 day extension of time
- Verification of Remediation by Clearance testing—
sampling and visual

130A-131.9C(k) REMEDICATION

- REMOVAL OF
CHILDREN DOES NOT
CONSTITUTE
REMEDICATION

Remediation required so long
as property continues to be
used as a dwelling or child
occupied facility

REMEDICATION RECOMMENDED

- When hazards identified in dwelling unit investigated based on consent or reasonable suspicion
- When child occupied facility has hazards but no child with an EBL

REMEDICATION RECOMMENDED

- When child has a blood lead level of 5-9ugdl
- ebl -- determined by the 2 consecutive tests

REMEDIATION METHODS -- SUMMARY

- ABATEMENT
- MAINTENANCE STANDARD
- ABANDONMENT
- DEMOLITION
- Change of use

.3106--REMEDICATION

- REMEDIATION by ABATEMENT can be required even if owner has elected the maintenance standard whether or not he has a COC when:
 - Owner failed to maintain compliance with the MS:
 - blood lead levels of child increased (2 tests)

.3106 REMEDIATION

- MAINTENANCE
STANDARD
- WHEN elected:
- MS activities must
follow approved Plan:
- Plan must address all
hazards

MAINTENANCE STANDARD-

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- When elected as method of remediation:
 - carpet must be addressed if contaminated with lead dust

.3106--REMEDICATION....

- ABANDONMENT—
- Plan of abandonment must be submitted;
- Plan should state that owner will submit new plan if owner decides to re-occupy as unit or facility

.3106--REMEDIATION....

- DEMOLITION---
- Owner must notify
occupant/Dept
- Property must undergo
clearance testing

SUMMARY

- When hazard identified must notify parents, owners
- Remediation required confirmed lead level of 10 ug/dl
- 14 days to submit Remediation Plan

SUMMARY....

- 60 Days to complete remediation activities
- Can request 30-day extension
- Maintenance standard is one method of remediation

FAILURE TO COMPLY WITH ORDERS

- If **plan** not submitted in timely manner
- Order to submit
- Final order
- Review with Director/ Regional Specialist
- Refer to legal

FAILURE TO COMPLY WITH ORDERS

- Order to Complete **Remediation** activities in timely manner
- Final Notice
- Review with Health Director/Regional Specialist
- Refer to legal

TIME FRAMES

- 14-days (plan)
- 60 days (remediate)
- 5-day Notices
- 10-day Notices
- Owner/managing agent can request 30-day extension of time to complete Remediation



POST REMEDIATION

- **Clearance testing**
- If site passes
Clearance then
Clearance letter
issued
- If fails, more work
must be done until
passes

KEY POINTS

- Child—less than 6 years of age
- Can investigate and require remediation of housing units and child occupied facilities

KEY POINTS

- The order to Remediate goes with the unit or facility
- Transfer of property by sell or gift does not change order to Remediate

KEY POINTS...

- Removal of children less than 6 from unit/ facility does not change the order to Remediate so long as used as dwelling/ child occupied facility

STAY TUNED

