

Explanation of the Preventive Maintenance Program and Maintenance Standard For the Local Health Department

The Preventive Maintenance Program

The *Preventive Maintenance Program* (PMP) is a voluntary program that focuses on primary prevention (i.e., before children are lead poisoned). In order to participate in the PMP, interior surfaces must be maintained in a lead-safe condition for dwellings built since 1950. For pre-1950 dwellings, interior and exterior surfaces must be maintained in a lead-safe manner and bare soil must be covered within three feet of the foundation.

Certificate of Compliance

In accordance with 15A NCAC 18A .3108, a Certificate of Compliance (COC) is available to anyone who implements the Maintenance Standard and all participants in the PMP who are in compliance with G.S. 130A-131.7. A certified lead inspector or risk assessor must conduct an initial inspection as well as annual monitoring inspections. The annual monitoring visit must take place on, or before, the expiration date on the COC.

The Maintenance Standard

The *Maintenance Standard* is a method of remediation using interim controls that an owner or managing agent may choose **when required to remediate** (e.g., in response to a confirmed lead poisoning, licensed child care center without a poisoned child). If the Maintenance Standard is chosen as the method of remediation, the owner or managing agent will be required to comply with 15A NCAC 18A .3107. In addition, all lead poisoning hazards identified on interior and exterior surfaces and any other identified lead poisoning hazards (e.g., soil, drinking water, vinyl miniblinds, pottery) must be addressed by remediation. The owner or managing agent will only be required to address surfaces that were identified as lead poisoning hazards during the investigation. However, during the initial clearance or annual monitoring visit, sampling may be conducted on any component that is deteriorating and accessible to children. If it is determined that a surface contains a lead poisoning hazard, remediation of that component will be required. The completed and signed *Remediation Planning Guide for the Maintenance Standard* may be used as the owner's or managing agent's plan, or may be used as a guide for development of a plan.

An environmental health specialist authorized to enforce the laws and rules of the Childhood Lead Poisoning Prevention Program should always meet with the owner and review each item on the planning guide to ensure an adequate understanding of the plan.

If the property is sold (before or after the hazards are remediated), the new owner should be notified by the local health department and advised of the remediation requirements and remediation methods available. New owners may continue efforts to comply with the Maintenance Standard, or they may choose abatement, demolition, or abandonment. For properties that are owner-occupied, the exceptions found in G.S. 130A-131.9C(j1) can be used in lieu of the annual monitoring inspections.

For potential future liability relief, owners of properties complying with the Maintenance Standard should be encouraged to apply for a Certificate of Compliance (COC).

Annual Monitoring Procedure for the Maintenance Standard

The annual monitoring visit will take place approximately 12 months after the date of clearance sampling. A letter reminding the owner of the annual monitoring visit should be sent 30 days in advance to ensure access to the property. Annual monitoring requirements associated with the Maintenance Standard are separate from the monitoring requirements for the Preventive Maintenance Program.

After conducting **annual monitoring visits for non-compliant occupied properties**, the local authorized agent should send a 10-day order listing the deficiencies to be corrected. If the property is to remain occupied, the order should state that non-compliance could result in abatement being required. An explanation of the added expense and complexity involved in conducting abatement (e.g., certified workers/firms, permits from the state Health Hazards Control Unit) should be included.

After conducting **annual monitoring visits for the Maintenance Standard and the property is out of compliance and vacant**, the owner shall be required by the local authorized agent to re-establish compliance within a specified time, unless the owner states, in writing, the intention to permanently abandon the dwelling. Owners should monitor the abandoned property periodically and post a *No Trespassing* sign to ensure that the property remains unoccupied. Any required work should be completed while the unit is vacant. Properties not in compliance by the time defined by the local authorized agent should receive a 10-day notice to comply. Vacant property should be visually monitored by the Department at least once each calendar year.

Properties not in compliance after 10 additional days should receive a five-day final notice to comply, again listing deficiencies and stating that abatement may be required or reminding of the options to abandon or demolish. If not in compliance after five additional days, the property should be referred to the county attorney and the Attorney General's office for possible legal action.