

North Carolina

General “Lead-Based Paint” Requirements for Abatement and Renovation Activities

According to the United States Centers for Disease Control and Prevention, approximately 450,000 children in the United States have potentially harmful levels of lead in their bloodstream. Lead can affect nearly every system in the body, but it often occurs with no obvious symptoms. Lead in children can cause learning disabilities, behavioral problems, and at very high levels, seizures, coma, and even death.

Protecting children from exposure to lead is important to lifelong good health. No safe blood lead level in children has been identified. Even low levels of lead in blood have been shown to affect IQ, ability to pay attention and academic achievement. The effects of lead exposure cannot be corrected. Asking your health care provider to perform a blood lead test is the only sure way to determine if a child has been exposed to lead.

Children are exposed to lead primarily through lead-based paint in poor condition and lead-contaminated dust and soil found in buildings built before 1978. Common abatement and renovation activities that disturb lead-based paint and other surface coatings (e.g., shellacs, varnishes, stains) may create lead-based paint hazards (e.g., lead-dust, lead-contaminated soil, lead-paint chips) which can contaminate the property and be harmful to children and adults. All paint and other surface coatings in Pre-78 housing or child-occupied facilities is assumed to contain lead unless otherwise tested by a NC certified renovator, inspector or risk assessor and shown to contain lead equal to or in excess of 1.0 milligram per square centimeter (mg/cm²) or 0.5% by weight.

The North Carolina Department of Health and Human Services, Health Hazards Control Unit (HHCU) administers the Lead-Based Paint Hazard Management Program for Renovation, Repair and Painting (LHMP-RRP) Program in North Carolina in lieu of EPA. North Carolina law requires the use of lead-safe work practices during renovation, remodeling and painting work done for compensation in single and multi-family housing and child-occupied facilities (COF) built before 1978. Child-occupied facilities may include, but are not limited to, day care centers, preschools, and kindergarten classrooms.

In addition to the Renovation Program, the HHCU also administers the Lead-Based Paint Hazard Management Abatement Program (LHMP) statewide in lieu of EPA. This program addresses lead abatement activities, such as lead-based paint inspections, risk assessments, project design and projects that are intended as an abatement that are conducted in housing and child-occupied facilities built before 1978.

Lead-Based Paint Abatement and Renovations is not the same thing. In short, abatement occurs when the intent is to permanently eliminate lead-based paint or lead-based paint hazards. These projects require a permit issued by the HHCU and clearance testing following the abatement. A renovation means the modification of any existing structure, or portion thereof which results in the disturbance of painted surfaces. A renovation performed for the purpose of converting a building, or part of a building, into target housing or a child-occupied facility is a renovation. Permits and clearance testing are not required for renovations. However, other cleaning verification procedures must be followed and documented by the firm conducting the renovation. Additionally written post renovation recordkeeping requirements must be provided to the owner and/or occupant (if present) when an applicable renovation is completed.

Failure to comply with applicable requirements of the laws may result in environmental contamination, personal exposure, additional project cost, regulatory violations, penalty assessments and potential litigation.

The use of lead-safe work practices to minimize and contain lead dust will also help ensure a healthier working environment for painters, carpenters, and other tradesmen. Occupational lead exposure of adults is an important health problem in the United States. Lead exposure causes acute and chronic adverse effects in multiple organ systems. Evidence indicates that lead exposure at low doses can lead to adverse cardiovascular and kidney effects, cognitive dysfunction, and adverse reproductive outcomes in adults.

Property owners hiring contractors to perform either abatement or renovation activities should ensure that they use only North Carolina certified abatement or renovation firms, whichever is appropriate for the intended work.

The NC laws require separate certifications for lead-based paint work, one is for the firm (e.g., company, partnership, corporation, sole proprietorship or individual doing business, association, other business entity or a nonprofit organization) and the other is for the individual(s) (e.g., Abatement Supervisor, Renovator, Inspector, Risk Assessor, Abatement Worker) performing the activities.

Certifications may be verified by asking to see the NC issued Firm Certificate and Individuals certification documents issued by the HHCU before beginning the project. Verifying or locating a NC Certified Abatement or Renovation Firm can also be done by visiting the HHCU lead website (see below) or by calling the HHCU at (919) 707-5950.

The information contained in this article is intended as a general overview and is not intended to be all inclusive and should not be interpreted as such. All applicable abatement or renovation activities must comply with the North Carolina General Statutes Chapter 130A, Article 19 and Article 19B, §130A-453.01 through 453.11(abatement) and §130A-444 through 452 (renovation) and the rules adopted to implement the Lead-Based Paint Abatement Activities Program (LHMP) 10A N.C.A.C. 41C .0800 and the Lead-Based Paint Hazard Management Program for Renovation, Repair and Painting (LHMP-RRP) 10A N.C.A.C. 41C .0900. It is not uncommon that building materials disturbed as part of a renovation may also contain asbestos and therefore asbestos requirements will also apply in addition to the lead-based paint requirements. There may be times when a contractor will need both accreditation for asbestos and certification for lead-based paint.

To further assist you with understanding the state lead-based paint requirements or to find certified lead professionals you can visit our website at: <http://epi.publichealth.nc.gov/lead/lhmp.html>

For questions regarding specific applicability of the lead-based paint requirements, you are encouraged to contact the HHCU to discuss the project in detail. If you would like to have a presentation addressing asbestos or lead-based paint regulations at a meeting or conference, or if you have specific questions, please feel free to contact the HHCU at (919) 707-5950.

Typical Renovation activities can include:

Exterior siding and trim scrape and re-paint



Exterior painted siding replacement, soffit, fascia, trim work (replacement, repainting, repairs, etc.)



Roof paint, exterior painted porch decking, columns and siding



Typical Personal Protective Equipment use for Residential Lead Work



Interior renovation



DRAFT