



North Carolina Department of Health and Human Services
Division of Public Health

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July 17, 2017

TO: All Contacts Concerning Declared Disasters
All Entities Performing Restoration Work in NC

FROM: Ed Norman, MPH, Manager
Health Hazards Control Unit (HHCU) 

SUBJECT: North Carolina Renovation, Repair and Painting Requirements for Pre-1978
Housing and Child-Occupied Facility Emergency Renovations and
Post Disaster Restoration Activities

When renovation activities occur in structures that contain lead-based paint, these activities create hazards, including lead-contaminated dust. Lead-based paint hazards are harmful to adults and especially harmful to children.

To protect against this risk, EPA issued the Renovation, Repair and Painting (RRP) rule under the Residential Property Renovation, Subpart L, 40 CFR § 745, Subpart E. The North Carolina Department of Health and Human Services, Division of Public Health, Health Hazards Control Unit (HHCU) received authorization in January 2010 to administer a state-run RRP program under NCGS Chapter 130A, Article 19B. The NC RRP rules adopt the EPA regulations by reference.

Under the rules, firms performing renovation, repair and painting activities that disturb painted surfaces in homes and child-occupied facilities built before 1978 for compensation, must, among other things, be NC certified and follow lead-safe work practices.

To ensure that property owners and occupants can act quickly to preserve their homes and property in the wake of disasters, the RRP rules include an emergency provision exempting firms from certain requirements.

Enclosed are the relevant provisions of the RRP rule exemption along with guidance on how the rules may apply when responding to emergency situations requiring renovation, repair and painting activities, which will result in disturbing paint or surface coatings.

If you have any questions contact the HHCU at 919-707-5950.

www.ncdhhs.gov

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North Carolina
Lead-Based Paint Hazard Management Program for Renovation, Repair and Painting
Guidance for Emergency Renovations of Pre-1978 Housing & Child-Occupied Facilities

Emergency Provision:

The North Carolina Lead-Based Paint Hazard Management Program (LHMP-RRP) rules reference the EPA regulation that addresses the applicability of the federal Renovation, Repair, and Painting (RRP) rule during emergency situations for housing and child-occupied facilities¹ (COF) built before 1978. Emergency renovations are defined as renovation activities that were not planned, but result from a sudden, unexpected event that if not immediately attended to, present a safety or public health hazard, or threaten equipment and/or property with significant damage.

Under the emergency provision, firms² and individuals performing activities that are immediately necessary to protect personal property and public health need not be NC certified and are exempt from the following LHMP-RRP rule requirements for: information distribution; posting warning signs at the renovation site; containment of dust; and waste handling.

The emergency exemption is likely to apply during natural disasters, storms, and flooding. Specifically, when structures are significantly impacted, but not destroyed, there is a need to quickly remove damaged or wet building components and debris from the structure. This ensures that the main structure can be adequately prepared for renovation and repairs, which will avoid further damage to structural components and also minimize other potential public health impacts such as the growth of mold or generation of lead-based paint hazards. In these cases, "significantly impacted" means storm and structural damage to the extent that there is evidence of flooding in the structure, structural damage or an appreciable amount of damage visible on walls, doors, windows, and the like, as well as structural damage that did not result in total destruction.

This exemption applies only to the extent necessary to respond to the emergency. Once the portion of the renovation that addresses the source of the emergency is completed, the remaining activities are subject to all requirements of the LHMP-RRP Rule. Firms and individuals are NOT exempt from complying with the LHMP-RRP rules requirements for NC firm certification, NC renovator certification, and using trained workers while conducting renovation activities related cleaning, cleaning verification, and recordkeeping requirements for applicable renovation projects.

Additional Guidance with Respect to the Emergency Exemption:

Whole-house Gut and Rehabilitation

The RRP rule does not apply to the construction of new buildings. As such, EPA has explained that, as a general matter, EPA does not believe that the RRP rule applies to a whole house gut rehabilitation project that demolishes and rebuilds a structure to a point where it is effectively new construction. Thus, in pre-1978 homes where all interior and exterior painted surfaces (including windows) are removed and replaced, provisions of the RRP rule would not apply. The HHCUC concurs with EPA's explanation of applicability as noted above

¹ Child-occupied facility. – A building, or portion of a building, constructed prior to 1978, visited regularly by the same child under 6 years of age, on at least two different days within any week (Sunday through Saturday period), provided that each day's visit lasts at least three hours and the combined weekly visits last at least six hours, and the combined annual visits last at least 60 hours. Child-occupied facilities may include, but are not limited to, day care centers, preschools, and kindergarten classrooms. Child-occupied facilities may be located in target housing or in public or commercial buildings. With respect to common areas in public or commercial buildings, the child-occupied facility encompasses those common areas, both interior and exterior, routinely used by children under age 6.

² Firm means a company, partnership, corporation, sole proprietorship or individual doing business, association, or other business entity; a Federal, State, Tribal, or local government agency; or a nonprofit organization.

Partial Renovation and/or Removal of Surfaces and Building Components

- Projects that involve the partial removal of painted surfaces, such as a portion of a wall or other components, may result in numerous surfaces remaining in the structure where lead dust and residue can accumulate. Therefore, upon completion of the renovation, the provisions for cleaning must be followed and performed by a NC Certified Renovation Firm using a NC Certified Renovator and trained renovation workers.

Volunteer Groups:

- Volunteers are also encouraged to contact the HHCU or visit our website at: <http://epi.publichealth.nc.gov/lead/pdf/LeadPaintVol.pdf> for a copy of the brochure titled "What Volunteers Should Know about Lead-Based Paint and Health."

Following the steps in this brochure will help minimize site contamination and the potential for lead exposure to volunteers.

Owner Occupant Do-It-Yourself:

- Owner occupants performing do-it-yourself renovations in their personal residence are not subject to these rules. Owner occupants wishing to do their own renovations in pre-1978 homes are encouraged to contact the HHCU or visit our website at: <http://epi.publichealth.nc.gov/lead/pdf/StepstoLeadSafeRenovationRepairandPainting.pdf> for a copy of the brochure titled "Steps to Lead Safe Renovation, Repair and Painting."

Steps should homeowners take to protect themselves and their families from exposure to lead contaminated dust if they plan on doing their own renovations?

- ✓ The work area must be protected by plastic sheeting. Cover floor, ground or other applicable surfaces and furniture that cannot be moved with heavy-duty plastic and tape to seal the edges. Close windows, seal off doors and heating and cooling system vents. Use disposable coveralls/shoe coverings or clean your work clothes separately from other laundry as soon as possible after the work is performed to prevent spreading lead-contaminated dust.
- ✓ Always keep children, pregnant women, and pets out of the work area.
- ✓ Minimize dust during the project by using techniques that generate less dust, such as wet sanding or scraping, or using sanders or grinders that have High Efficiency Particulate Air (HEPA) vacuum attachments to collect dust as it is generated.
- ✓ Clean up daily by using a HEPA vacuum, wet wiping with soap and water, and rinsing with clean water to remove all visible dust and debris on surfaces and floors in the work area. Mop floors with soapy water and rinse several times before removing plastic from doors, windows, and vents.

Finding NC Certified Lead-Based Paint Renovation Professionals:

NC Certified Lead-Based Paint Renovation Firms can be found by contacting the HHCU or by going to the following website: <http://www.schs.state.nc.us/lead/accredited.cfm>.

Look under "Select by Firm" in the table, highlight "Renovation" under "Firm Type," choose to sort by city, county or name and a listing will be provided with contact information.

Note: Asbestos-containing building materials may also be present in any building undergoing renovation activities. The HHCU also administers the NC Asbestos Hazard Management Program for asbestos removals, building renovations and demolitions. For more information about asbestos, contact the HHCU at 919-707-5950, or visit our website at: <http://epi.publichealth.nc.gov/asbestos/ahmp.html>.