

# MEMORANDUM

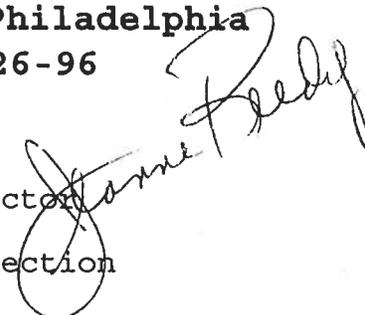
City of Philadelphia

Date: 7-26-96

**To:** Estelle B. Richman, Health Commissioner

**From:** Jeanne Reedy, Administrative Services Director

**Subject:** Changes to Regulations for Lead Paint Inspection  
and Lead Paint Inspector Certification



---

The above Order and Resolution which was originally filed with this department on November 20, 1995 was refiled on July 26, 1996 after a hearing had been held. This revised Order and Resolution (refiled on July 26, 1996) will become effective ten days later, which is August 5, 1996.

cc: Susan Lieberman  
Richard Tobin

bp

**CITY OF PHILADELPHIA  
DEPARTMENT OF PUBLIC HEALTH  
MATERNAL & CHILD HEALTH DIVISION  
CHILDHOOD LEAD POISONING PREVENTION PROGRAM**

**MEMORANDUM**

July 22, 1996

**TO:** Joan T. Decker, Commissioner  
Department of Records

**FROM:** Estelle B. Richman, Health Commissioner

*EB Richman*

**SUBJECT: TRANSMITTAL OF REGULATIONS APPROVED BY THE  
BOARD OF HEALTH**

Attached, please find a copy of the revised Regulations for Lead Paint Inspection and Lead Paint Inspector Certification.

This language of the regulations has been approved by the Law Department and by the Board of Health meeting of November 14, 1995. A public hearing was held March 10, 1996, and the revised language approved by the Law Department and Board of Health as of the meeting of July 9, 1996.

EBR:jg

cc: Susan Lieberman  
Richard Tobin

f:lead.ebr

DEPARTMENT OF RECORDS  
96 JUL 25 PM 3 42

REGULATIONS OF THE BOARD OF HEALTH  
FOR LEAD PAINT INSPECTION AND  
LEAD PAINT INSPECTOR CERTIFICATION

CITY OF PHILADELPHIA, PENNSYLVANIA

These Regulations are adopted pursuant to Title 6 of The Philadelphia Code, entitled "Health Code," and specifically pursuant to Chapter 6-800, entitled "Lead Paint Disclosure," approved June 15, 1995, which provides in Section 6-807 and Section 6-808 that the Board of Health shall establish by regulation certain standards, procedures and other requirements for the certification of lead-based paint inspectors and for the performance of residential lead inspections and risk assessments.

A. Lead-Based Paint Inspection in Residential Housing. An inspection is a surface-by-surface investigation for the presence of lead-based paint conducted according to the procedures in this section.

1. An inspection shall be conducted only by a person certified to perform such activities by the Philadelphia Department of Public Health or by the Commonwealth of Pennsylvania.
2. When conducting an inspection, the following locations shall be tested for the presence of lead-based paint:
  - a. Residential dwelling: All component surfaces with visible distinct painting histories in every room and all exterior components with distinct painting histories, except those components that are known to the inspector to have been replaced after 1980.
  - b. Common areas: All components with distinct visible painting histories, except those components that are known to the inspector to have been replaced after 1980.
3. Testing for the presence of lead-based paint shall be conducted by documented methodologies which incorporate adequate quality control procedures as described in the United States Department of Housing and Urban Development guidelines entitled "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing," (June 1995), as periodically amended, revised or updated. These Guidelines are available for inspection and copying in the lead poisoning office of the Department of Public Health, Building Three, 2100 West Girard Avenue, during regular business hours, or are available from HUD USER at 1-800-245-2691.
4. If testing of paint chips samples is being conducted using laboratory

analysis:

- a. Paint chips should be collected according to the procedures found in applicable federal guidelines, currently set forth in the United States Department of Housing and Urban Development guidelines entitled, "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing," (June 1995), as periodically amended, revised or updated. These Guidelines are available for inspection and copying in the lead poisoning office of the Department of Public Health, Building Three, 2100 West Girard Avenue, during regular business hours, or are available from HUD USER at 1-800-245-2691.
  - b. All samples shall be sent for analysis to a laboratory recognized by the United States Environmental Protection Agency as being capable of performing these activities.
5. If using X-Ray Fluorescence Spectroscopy (XRF) to test for the presence of lead-based paint, XRF should be used according to the procedures found in applicable federal guidelines, currently set forth in the United States Department of Housing and Urban Development guidelines entitled "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing," (June 1995), as periodically amended, revised or updated. These Guidelines are available for inspection and copying in the lead poisoning office of the Department of Public Health, Building Three, 2100 West Girard Avenue, during regular business hours, or are available from HUD USER at 1-800-245-2691.
6. If soil samples are required, randomly selected soil samples shall be collected by an inspector and analyzed in order to adequately characterize the lead concentrations in the following areas:
- a. Exterior play areas;
  - b. Areas containing bare soil; and
  - c. Drip line/foundation areas.
  - d. The samples shall be sent for analysis to a laboratory recognized by the United States Environmental Protection Agency as being capable of performing these activities.
7. The following information shall be recorded in a written inspection report by an inspector when conducting an inspection:
- a. Date of inspection;
  - b. Address of buildings and units;
  - c. Date of construction of buildings and units;
  - d. Unit numbers (if applicable);
  - e. Name, address, and telephone number of the owner of buildings

DEPARTMENT OF HEALTH  
1996 JUN 25 PM 5:42

- and units;
- f. Name and signature of certified inspector conducting testing, including certification or license numbers from any and all jurisdictions;
- g. Name, address, and telephone number of the firm employing each inspector;
- h. Name, address, and telephone number of each recognized laboratory conducting an analysis of collected samples;
- i. Each testing devices and/or sampling procedure employed, and if used, the serial number of any XRF device;
- j. Precise locations of all components and surfaces on components tested/sampled;
- k. All data collected using on-site testing devices;
- l. A list of all tested surfaces (components) found, either through on-site testing or laboratory analysis, to contain lead-based paint, as defined in § 6-802(3) of The Health Code, and a list of those surfaces that did not contain lead-based paint; and
- m. Any recommendation by an inspector regarding the need for additional testing or a risk assessment.

8. Reports and plans required under paragraph A(7) of this section shall be maintained by the owner of the residence or building and by the firm that conducted the inspection for no less than 3 years. This information is subject to the disclosure requirements of § 6-803 of The Health Code.

B. Lead-Based Paint Risk Assessment in Residential Housing. A risk assessment is an on-site investigation conducted according to the procedures in this section to determine the existence, nature, severity, and location of lead-based paint hazards and the provision to the property owner/occupant of a report explaining the results of the investigation and providing options for reducing lead-based paint hazards with a rationale for those options.

1. Any risk assessment or other lead hazard assessment activity shall be conducted only by a person certified to perform such activities by the City of Philadelphia or by the Commonwealth of Pennsylvania.

2. Background information regarding the physical characteristics of the unit and residential use patterns shall be collected and shall include the following:

- a. A schematic site plan showing each room within every unit, its use and the number of children under age 6 currently residing in the unit;
- b. The age of the structure and any additions thereto;
- c. A copy of any previous test results or inspections regarding lead-

based paint or other assessments for lead-related hazards;

d. A description of any lead-related health problems for either children or adults in the residence, provided such information is made available to the inspector by the residents;

e. Other available information that the inspector determines is necessary to characterize occupant use patterns that may generate or contribute to lead-based paint hazards.

3. A visual inspection or assessment, as defined in the United States Department of Housing and Urban Development guidelines entitled "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing," (June 1995), as periodically amended, revised or updated, shall be completed by the inspector to determine the condition of all painted surfaces. These Guidelines are available for inspection and copying in the the lead poisoning office of the Department of Public Health, Building Three, 2100 West Girard Avenue, during regular business hours, or are available from HUD USER at 1-800-245-2691.

4. Dust samples shall be collected by the inspector within each selected unit according to the following procedures:

a. Parts of the living area where children are most likely to come into contact with dust as determined by the inspector shall be sampled.

b. The samples shall be sent for analysis to a laboratory recognized by the United States Environmental Protection Agency as being capable of performing these activities. Where applicable, dust samples shall be collected by an inspector in the following common areas:

(i) In buildings of three or fewer floors:

(a) Common areas adjacent to the sampled unit.

(b) Entry area of building.

(c) First level landing above the ground floor.

(ii) In buildings of four floors or more, from floor and window sills of common areas (if present).

5. Any paint found to be deteriorated, or any other area that the inspector in his/her professional opinion, determines to be potentially hazardous, shall be tested according to the procedures found in paragraph A(4) and, if applicable, paragraph A(5) of this Section, in order to determine lead concentrations.

6. Randomly selected soil samples shall be collected and analyzed in order to adequately characterize the lead concentrations in the following areas:

DEPARTMENT OF RECEPTION  
1996 JUL 26 10:59 AM '92

- a. Exterior play areas;
- b. Areas containing bare soil; and
- c. Drip line/foundation areas.
- d. The samples shall be sent for analysis to a laboratory recognized by the United States Environmental Protection Agency as being capable of performing these activities.

7. The following information shall be recorded in a risk assessment report by an inspector when conducting a risk assessment for lead-based paint hazards in residential housing:

- a. Date of assessment;
- b. Address of residence and building;
- c. Date of construction of residence and building;
- d. Unit numbers (if applicable);
- e. Name, address, and telephone number of the owner of residence and building;
- f. Name of each occupant of the residence and building at the time of assessment (if applicable);
- g. Name and signature of inspector conducting the assessment, including certification or license numbers in any and all jurisdictions;
- h. Name, address, and telephone number of the firm employing each inspector;
- i. Name, address, and telephone number of each recognized laboratory conducting analysis of collected samples;
- j. Any background information collected;
- k. Results of the visual inspection;
- l. Testing method and sampling procedure for paint analysis employed;
- m. Precise locations of all painted surfaces (components) tested for the presence of lead-based paint;
- n. All data collected from on-site testing;
- o. All results of laboratory analysis on collected paint, soil, and dust samples;
- p. Any other sampling results;
- q. An evaluation, to the extent that they are utilized as part of the hazard determination, of the adequacy of any previous inspections or analysis of the presence of lead-based paint, or other assessments of lead related hazards; and
- r. A detailed description of recommended control strategies for reducing lead-based paint hazards and justification for the strategy selected, the locations where the recommended actions should take place and a suggested prioritization for taking each action, based on the immediacy of the hazard.

8. Reports and plans required under paragraphs B(2) and B(7) of this Section shall be maintained by the owner of the residence or building and by the inspector or firm that conducted the risk assessment for no less than 3 years.

C. Lead Paint Inspector Certification.

1. No person shall perform comprehensive residential lead inspections unless that person has been certified to perform such activities by the Philadelphia Department of Public Health or by the Commonwealth of Pennsylvania.

2. The Department of Public Health shall not issue a lead paint inspector certificate to any applicant unless and until the Department certifies, in writing, that the applicant has met the following requirements:

a. The applicant shall be at least eighteen (18) years of age as of the date of application;

b. The applicant shall submit a lead paint inspector application, accompanied by a fee of Twenty-five dollars (\$25) and a recent passport size photograph;

c. The applicant shall submit evidence of a current, valid certificate or license to perform lead-based paint inspections and risk assessments from:

(i) a state or commonwealth having a certification or licensing program with training requirements at least as stringent as the United States Environmental Protection Agency model curricula; or

(ii) a state or commonwealth that accepts training at one of the United States Environmental Protection Agency regional training centers;

Provided, however, that if the applicant's certification or license from such a jurisdiction permits the applicant to perform inspections but does not permit the applicant to perform risk assessments, the Philadelphia Department of Public Health may certify the applicant to perform inspections but shall not certify the applicant to perform risk assessments and the certificate issued by the Department shall so specify;

d. The applicant shall submit any of the following:

(i) A copy of his/her current Pennsylvania Radioactive

DEPARTMENT OF PUBLIC HEALTH  
JUL 2 1992

materials license; or

(ii) A copy of his/her radioactive materials license from a state other than Pennsylvania and a letter from the Pennsylvania Department of Environmental Protection, Radioactive Substances Division, allowing him/her to come into the Commonwealth of Pennsylvania with an XRF; or

(iii) A copy of the radioactive materials license of the company or organization for which the applicant works and a notarized statement from the licensee that the applicant will be operating an XRF under that license;

e. The applicant shall certify that he/she will engage or use only analytical testing laboratories recognized by the United States Environmental Protection Agency as being capable of performing the relevant activities;

f. The applicant shall submit a description of his/her resources, laboratory affiliations, and the methods which he/she will employ to insure that the inspection requirements of these Regulations are fully implemented; and

g. The applicant shall submit evidence that he/she is covered by Professional Liability insurance with a minimum of \$500,000 in limits, except that the insurance requirement shall be waived for inspectors employed by the Department of Public Health while performing their duties for the Department.

3. Lead paint inspector certificates shall be valid for twelve (12) months from the date of issuance or until such time as the Commonwealth of Pennsylvania statewide certification program becomes effective.