



City of Philadelphia

DEPARTMENT OF PUBLIC HEALTH

**REGULATIONS FOR LEAD PAINT INSPECTION AND
LEAD PAINT INSPECTOR CERTIFICATION**

Approved:

(Date)

BOARD OF HEALTH

11/14/95

LAW DEPARTMENT

11/14/95

RECORDS DEPARTMENT

DEPARTMENT OF RECORDS
95 NOV 20 PM 8 35

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 by the Philadelphia Department of Public Health or by the Commonwealth of Pennsylvania as a lead paint inspector.
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 interim guidelines entitled, "Lead-Based Paint: Interim Guidelines for Hazard Identification and Abatement in Public and Indian Housing," 55 Federal Register 14556 (1990) and 55 Federal Register 39874 (1990), as periodically amended or updated.
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 regulations, currently set forth in the United States Department of Housing and Urban Development interim guidelines entitled, "Lead-Based Paint: Interim Guidelines for Hazard Identification and Abatement in Public and Indian Housing," 55 Federal Register 14556 (1990) and 55 Federal Register 39874 (1990), as periodically amended or updated.
 - 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 regulations, currently set forth in the United States Department of Housing and Urban Development interim guidelines entitled, "Lead-Based Paint: Interim Guidelines for Hazard Identification and Abatement in Public and Indian Housing," 55 Federal Register 14556 (1990) and 55 Federal Register 39874 (1990), as periodically amended or updated.
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 and units;
 - f. Name and signature of certified inspector conducting testing including certification or license numbers;
 - 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;

95 NOV 20 9 2 36
DEPARTMENT OF RECORDS

- 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 by the City of Philadelphia or the Commonwealth of Pennsylvania as a lead paint inspector.

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 to determine the condition of all painted surfaces shall be completed by the inspector.

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

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).

(iii) 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.

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 by the inspector 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 by the 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 risk assessment report by an inspector when conducting a risk assessment for lead-based paint hazards in

DEPARTMENT OF RECORDS
95 NOV 20 11:22 36

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 their certification or license number;
- 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 or residential lead risk assessments unless that person has been certified as a lead paint inspector by the 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 as a lead paint inspector in either:
 - (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;
- d. The applicant shall submit any of the following:
 - (i) A copy of his/her current Pennsylvania Radioactive 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 participating in the National Lead Laboratory Accreditation Program (NLLAP) and/or the Environmental Lead Proficiency Analytical Testing Program (ELPAT);
- 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

9 50 NOV 28 PM 2 36
DEPARTMENT OF HEALTH

implemented; and

g. The applicant shall submit evidence that he/she has obtained liability insurance totaling at least \$1 million, covering negligence or misfeasance in performing his/her duties as an inspector, 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.