

**TO:** Air Quality Board

**THROUGH:** Bryce C. Bird, Executive Secretary

**FROM:** Leonard Wright, Air Toxics Lead-based Paint and Asbestos Manager; and Wade Hess, Environmental Scientist

**DATE:** June 2, 2021

**SUBJECT:** PROPOSE FOR PUBLIC COMMENT: Amend R307-840. Lead-Based Paint Program Purpose, Applicability, and Definitions., R307-841. Residential Property and Child-Occupied Facility Renovation., and R307-842. Lead-Based Paint Activities.

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As part of the Environmental Protection Agency's (EPA) efforts to address childhood lead exposure, they evaluated and lowered both the dust-lead hazard standards (DLHS) and dust-lead clearance levels (DLCL) within the last two years. In order to maintain EPA delegation, the Agency requires states to meet all requirements imposed by these rulemakings no later than two years after their effective date<sup>1</sup>. The amendments to R307-840. *Lead-Based Paint Program Purpose, Applicability, and Definitions.*, R307-841. *Residential Property and Child-Occupied Facility Renovation.*, and R307-842. *Lead-Based Paint Activities.* incorporate these changes into the air quality rules and allow our state program to maintain EPA-delegation.

Effective January 6, 2020, the EPA lowered the DLHS from 40 µg/ft<sup>2</sup> to 10 µg/ft<sup>2</sup> for floors, and from 250 µg/ft<sup>2</sup> to 100 µg/ft<sup>2</sup> for window sills<sup>2</sup>. Effective March 8, 2021 the EPA also lowered the DLCL from 40 µg/ft<sup>2</sup> and 250 µg/ft<sup>2</sup> to 10 µg/ft<sup>2</sup> and 100 µg/ft<sup>2</sup> on floors and window sills, respectively<sup>3</sup>. These changes require stricter cleaning practices by certified lead firms, decrease the likelihood of childhood lead exposure, and are mandated by the EPA.

Beyond the dust-lead changes required by the EPA, scientists in our program saw the need to add language to the rules concerning lead-based paint abatement work practices, on-site worker training, and training course structure. Previous language lacked specificity regarding containment of the work area, waste storage and disposal, and occupant safety during a lead-based paint abatement. Previously vague language relating to on-site training and training course structure was also made more detailed. These amendments offer increased guidance, but will not change current practices of the lead-based paint program or regulated community.

Recommendation: Staff recommends that the Board propose amended R307-840, R307-841, and R307-842 for public comment.

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<sup>1</sup> 40 CFR § 745.325.e.1

<sup>2</sup> 84 Fed. Reg. 32,632 (July 9, 2019).

<sup>3</sup> 86 Fed. Reg. 983 (January 7, 2021).