



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

DEH Circular Letter #2001-5

Date: February 5, 2001

**To: Directors of Health
Chief Sanitarians
Lead Program Coordinators
Lead Training Providers**

**From: Alan J. Buzzetti, R.S., Supervising Environmental Sanitarian
Lead Environmental Management Unit (LEMU)
Division of Environmental Health**

Re: Recent HUD Rule 24 CFR Part 35, et al. "Requirements for Notification, Evaluation and Reduction of Lead-Based Paint in Federally Owned Residential Property and Housing Receiving Federal Assistance"

Recently this department requested that the U.S. Department of Housing & Urban Development (HUD) grant a waiver from specific provisions that are contained within 24 CFR Part 35, et al. (established pursuant to Sections 1012 and 1013 of Title X – The Residential Lead-Based Paint Hazard Reduction Act of 1992). This rule applies to many HUD funded rehabilitation projects in pre-1978 housing and many activities that are related to maintenance and Housing Quality Standards compliance in pre-1978 HUD assisted residential dwellings (e.g., Section 8 Housing).

The provisions stipulate that a certified risk assessor and/or a certified lead-based paint inspector be used to perform: (1) lead inspections, (2) lead risk assessments, (3) lead hazard screens, and (4) clearance examinations in association with lead abatement, lead hazard reduction, maintenance, and rehabilitation projects in HUD assisted residential dwellings. Those of you who attended the recent HUD sponsored training (November 28 through December 1, 2000) may recall that this provision was discussed extensively during those training sessions. In many communities local health officials provide some or all of these services at such HUD funded and assisted projects. Subsequently, the department decided to request a waiver from HUD to allow trained (but uncertified) code enforcement officials (e.g., local health department officials) to conduct such activities at projects that are covered by the HUD rule.



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As you are aware, state and municipal code enforcement officials are exempted by state statute from the state certification requirements and may perform lead inspection and risk assessment activities if they maintain the level of training that would be required for state certification (**Connecticut General Statute §20-479. Limited exemption for code enforcement officials.**) This training consists of DPH approved lead inspector and lead inspector risk assessor training courses that private sector lead inspectors and lead inspector risk assessors must complete in order to receive (and maintain) certification from this department.

Additionally, it was pointed out in the waiver request that the U.S. Environmental Protection Agency (EPA) has authorized the State of Connecticut training and licensure/certification program and has accepted the exemption accorded to state and municipal code enforcement officials. Also, trained code enforcement officials have performed lead inspection, lead risk assessment, and project clearance activities as part of every HUD funded state and municipal Lead-Based Paint Hazard Control Grant Program in Connecticut.

On January 16, 2001 David Levitt of the HUD Office of Healthy Homes and Lead Hazard Control responded that a waiver was not required: "In response to your recent inquiry to the Office of Healthy Homes and Lead Hazard Control, you do not need to seek a waiver because EPA has authorized the state of CT training and licensure/certification program."

Therefore, appropriately trained (albeit uncertified) local health department personnel may be utilized in conjunction with the aforementioned HUD projects.

If you have any questions regarding this determination, please do not hesitate to contact me at 860.509.7307.

c: Mary Ellen D.M. Morgan, Director
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