

**STATE OF CONNECTICUT
REGULATION
OF**

Department of Public Health

**Concerning
Lead Poisoning Prevention and Control**

Section 1. Section 19a-111-1 of the Regulations of Connecticut State Agencies is amended to read as follows:

19a-111c-1 Definitions. As used in sections 19a-111c-1 thru 19a-111c-11 inclusive:

- (1) "Abatement" means any set of measures designed to eliminate lead hazards in accordance with abatement standards established pursuant to [Sections] sections 19a-111c, 20-474 through 20-482 and subsections (e) and (f) of [Section] section 19a-88 of the Connecticut General Statutes and sections 19a-111c-1 through 19a-111c-11 and 20-478-1 and 20-478-2 of the [regulations] Regulations of Connecticut State Agencies [sections 19a-111-1 through 19a-111-11 and 20-478-1 and 20-478-2] including, but not limited to, the encapsulation, replacement, removal, enclosure or covering of paint, plaster, soil or other material containing toxic levels of lead and all preparation, clean-up, disposal and reoccupancy clearance testing.
- (2) "Abatement area" means a room or area isolated with containment in accordance with subdivision 19a-111c-4(c) (2) of the [regulations] Regulations of Connecticut State Agencies where lead abatement is occurring.
- (3) "Accessible surface" means any surface which is below five (5) feet in height or is exposed in such a way that a child can come in contact with the surface.
- (4) "Apparent lead concentration" (ALC) means the average of at least three displayed lead concentration readings taken using a direct reading type x-ray fluorescence analyzer.
- (5) "Approved training course" or "approved refresher training course" means a training course or a refresher training course, respectively, approved by the department pursuant to [Section] section 20-477 of the Connecticut General Statutes.
- (6) "Atomic absorption spectrophotometer["] (AAS)" means an instrument [which measures the] capable of measuring lead [content in parts per million (p.p.m.)] concentrations using a lead source lamp, a flame supporting atomization of the sample, and a detector capable of measuring the absorbed energy [and converting it] allowing conversion to concentration.
- (7) "Biological monitoring" means the analysis of a person's blood and/or urine, to determine the level of lead contamination in the body.
- (8) "Certificate" means a document issued by the department indicating successful completion of an approved training course.
- (9) "Certified historic property" means any building, structure, or site which has been determined to be historic by the Connecticut [Historical] Commission on Culture and Tourism. Historic properties must be included in or eligible for inclusion in the national or state registers of historic places.
- (10) "Certified industrial hygienist" means a person possessing a certificate from the American Board of Industrial Hygiene which indicates that they have specific academic credentials, five years professional experience in industrial hygiene, and have passed an examination given by the American Board of Industrial Hygiene.
- (11) "Certified lead inspector risk assessor" means any lead consultant who completes an appropriate approved training course and obtains a certificate as a lead inspector risk assessor from the department. A certified lead inspector risk assessor conducts inspections and collects and interprets information to assess the level of risk from lead hazards. The terms "lead inspector risk assessor" and "inspector risk assessor" mean "certified lead inspector risk assessor" or "code enforcement official" as defined in subsection (21) of this section unless specifically noted otherwise.
- (12) "Certified lead abatement supervisor" means any person who completes an appropriate approved training course and obtains a certificate as a lead abatement supervisor from the department. A lead abatement supervisor oversees lead abatement activities.
- (13) "Certified lead abatement worker" means any person who completes an appropriate approved training course and obtains a certificate as a lead abatement worker from the department. A lead abatement worker performs lead abatement activities.

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- (14) "Certified lead inspector" means any lead consultant who completes an appropriate approved training course and obtains a certificate as a lead inspector from the department. A certified lead inspector conducts inspections to determine the presence of lead in paint, other surface coverings and various environmental media. The terms "lead inspector" and "inspector" mean "certified lead inspector" or "code enforcement official" as defined in subsection [(20)] (21) of this section unless specifically noted otherwise.
- (15) "Certified lead planner-project designer" means any lead consultant who completes an appropriate approved training course and obtains a certificate as a lead planner-project designer from the department. A certified lead planner-project designer designs lead abatement, lead hazard remediation and management activities.
- (16) "Chewable surface" means any projection one half (0.50) inch or greater from an interior or exterior surface up to five (5) feet in height that can be mouthed by a child. The chewable surface includes window sills, door frames, stair rails and stairs, two (2) inches back from any edge, and any other exterior and interior surface that may be readily chewed by children. Baseboards with an exposed horizontal edge may have quarter round molding applied to the top so that only vertical edges forming outside corners, if present, constitute a chewable surface.
- (17) "Child" means a person under the age of six (6).
- (18) "Child day care services" means a program of supplementary care in accordance with section 19a-77(a) of the Connecticut General Statutes.
- (19) "Child day care center" means a program of supplementary care in accordance with section 19a-77(a)(1) of the Connecticut General Statutes.
- (20) "Code enforcement agency" means the municipal or district public health unit that is administered by the city, borough, town, or district director of health.
- (21) "Code enforcement official" means the director [of health or], a person authorized by him to act on his behalf, [the local housing code official or a person authorized by him to act on his behalf,] or an agent of the commissioner who has been properly trained to conduct lead inspections or lead inspection risk assessments pursuant to sections 20-474 through 20-482 of the Connecticut General Statutes.
- (22) "Commissioner" means the commissioner of public health.
- (23) "Common area" means a room or area that is accessible to all tenants in a building (e.g., hallway, boiler room).
- (24) (25) "Constant on-site supervision" means being present at the work site at all times during lead hazard remediation work.
- [(24)] (25) "Containment" means a process for protecting workers, residents, and the environment by controlling exposures to lead dust and debris created during abatement or lead hazard remediation.
- [(25)] (26) "Confirmatory testing" means analysis using atomic absorption spectrophotometry (AAS), graphite furnace atomic absorption spectrophotometry (GFAAS), inductively coupled plasma/ mass spectrometry (ICP/MS), inductively coupled plasma atomic emission spectrophotometry (ICP-AES), or x-ray fluorescence spectrum analysis spectrometry [with a 240 second spectrum analyzer test] methods described in x-ray fluorescence performance characteristic sheets published jointly by the United States Environmental Protection Agency and the United States Department of Housing and Urban Development and subsection (a)(2) of section 19a-111c-3 of the Regulations of Connecticut State Agencies.
- [(26)] (27) "Corrected lead concentration["] (CLC)" means the difference between the average displayed lead concentration readings (using a direct reading type x-ray fluorescence analyzer) taken on a painted surface and the average of three readings taken on a bare substrate (substrate contribution).
- [(27)] (28) "Department" means the State of Connecticut [department] Department of [public health] Public Health.
- [(28)] (29) "[Defective surface] Deteriorated paint" means peeling, flaking, chalking, scaling or chipping paint; paint over crumbling, cracking or falling plaster, or plaster with holes in it; paint over a defective or deteriorating substrate; or paint that is damaged in any manner such that a child can get paint from the damaged area.
- [(29)] (30) "Director" means the [director of the state program for childhood lead poisoning prevention] city, borough, or town director of health as defined in section 19a-200 of the Connecticut General Statutes or the district director of health as defined in section 19a-242 of the Connecticut General Statutes.

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- [(30)] (31) "Dwelling" means every building or shelter used or intended for human habitation, including exterior surfaces and all common areas thereof, and the exterior of any other structure located within the same lot, even if not used for human habitation.
- [(31)] (32) "Dwelling unit" means a room or group of rooms within a dwelling arranged for use as a single household by one or more individuals living together who share living and sleeping facilities.
- [(32)] "Elevated blood lead level" means a blood lead concentration equal to or greater than twenty (20) micrograms per deciliter ($\mu\text{g}/\text{dl}$) or as defined by Connecticut General Statute section 19a-111.]
- (33) "Encapsulation" means [resurfacing or covering surfaces, and sealing or caulking with durable materials,] a process that renders lead-based paint inaccessible by providing a barrier between the surface and the general environment utilizing a flexible (liquid) or cementitious encapsulant so as to prevent [or control chalking, flaking substances containing toxic levels of lead] lead-based paint from becoming part of house dust or otherwise accessible to children.
- (34) "Enclosure" means a process that renders lead-based paint inaccessible by providing a rigid barrier between the surface and the general environment that is mechanically affixed to the substrate so as to prevent lead-based paint from becoming part of house dust or otherwise accessible to children.
- (35) "Engineering controls" means measures other than respiratory protection that are implemented at the work site to contain, control, and/or otherwise reduce exposure to lead-contaminated dust and debris.
- [(34)] (36) "Entity" means any person, partnership, firm, association, corporation, sole proprietorship or any other business concern, state or local government agency or political subdivision or authority thereof, or any religious, social or union organization, whether operated for profit or otherwise.
- [(35)] (37) "Epidemiological investigation" means an examination and evaluation to determine the cause of [elevated] a child's blood lead level[s]. An epidemiological investigation will include an inspection conducted by a lead inspector to detect lead-based paint and a report of findings. This investigation must also include evaluation of other potential sources of lead exposure such as soil, dust, pottery, gasoline, toys, or occupational exposures[, to determine the cause of elevated blood lead levels]. The investigation may also include isotopic analysis of lead-containing items.
- [(36)] (38) "Family day care home" means a program of supplementary care in accordance with section 19a-77(a)(3) of the Connecticut General Statutes.
- (39) "Friction surface" means an interior or exterior surface that is subject to damage as a result of abrasion or friction, including, but not limited to, certain window, floor and stair surfaces.
- [(37)] (40) "Graphite furnace atomic absorption spectrophotometer["] (GFAAS)" means an instrument that functions the same as an AAS, with one exception, i.e., the flame is replaced by an electrically heated chamber, a graphite tube, into which the sample is deposited.
- [(38)] (41) "Group day care home" means a program of supplementary care in accordance with section 19a-77(a)(2) of the Connecticut General Statutes.
- [(39)] (42) "High efficiency particulate air["] (HEPA)" means a type of filtering system capable of filtering out particles of 0.3 microns or greater diameter from a body of air at 99.97% efficiency or greater.
- [(40)] "High phosphate detergent" is detergent which contains at least five (5%) percent tri-sodium phosphate (TSP).]
- (43) "Impact surface" means an interior or exterior surface that is subject to damage by repeated sudden force, including, but not limited to, certain parts of doors and door frames.
- [(41)] (44) "Inductively coupled plasma-atomic emission spectrophotometer["] (ICP-AES)" is an instrument which measures lead in p.p.m. using a heat source (plasma torch) to dissociate and ionize lead atoms thereby emitting energy. This emission energy is measured and converted to concentration by the detector.
- (45) "Inductively coupled plasma/mass spectrometer (ICP/MS)" means an instrument that measures lead concentrations using a plasma torch coupled with a mass spectrometer detector.
- [(42)] (46) "Intact surface" means a defect-free surface with no loose, peeling, chipping or flaking paint. Painted surfaces must be free from crumbling, cracking or falling plaster and must not have holes in them. Intact surfaces must not be damaged in any way such that a child can get paint from the damaged area.

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- [(43)] (47) "Isotopic analysis" means a physicochemical method which differentiates between chemical elements having different atomic weight and electrical charge.
- [(44)] (48) "Lead-based paint" [refers to] means paints, glazes, varnishes, stains and other surface coverings [containing] that contain a toxic level of lead.
- [(45)] (49) "Lead abatement plan" means a written plan that identifies the location of [intact and defective lead-based paint and] lead hazards and describes how [defective lead-based surfaces] the lead hazards will be abated and how the environment[,] and human health[,] and safety will be protected. [The plan also identifies the location of soil containing lead and describes sampling protocol used and abatement options.]
- [(46)] (50) "Lead consultant" means any person who performs lead detection, risk assessment, abatement design, lead hazard remediation design or related services in disciplines including, but not necessarily limited to, inspector, inspector risk assessor and planner-project designer.
- (51) "Lead hazard" means deteriorated lead-based paint, lead-based paint on a deteriorated substrate, or lead-based painted friction or impact surfaces where the surface has been abraded, and house dust, bare soil or drinking water that contain a toxic level of lead as defined in subsection (73) of this section.
- (52) "Lead hazard remediation" means any set of interim control measures designed to eliminate lead hazards in accordance with lead hazard remediation standards established pursuant to section 19a-111c of the Connecticut General Statutes and sections 19a-111c-1 et seq. of the Regulations of Connecticut State Agencies including, but not limited to, engineering controls, paint stabilization, spot paint repair, occupant protection, cleaning and disposal methods that will be used to eliminate lead hazards.
- (53) "Lead hazard remediation plan" means a written document that identifies the location of lead hazards and describes how the lead hazards will be eliminated and how the environment and human health and safety will be protected. The plan will describe the methods that will be used to eliminate the lead hazards. Such work practices shall be consistent with methods described in lead-safe work practices training courses that have been approved by the U.S. Department of Housing and Urban Development pursuant to 24 CFR 35.1330(a)(4)(v). Abatement methods may be used.
- (54) "Lead inspection" means comprehensive testing to determine the presence of toxic levels of lead that includes the provision of a report that explains the results of the inspection. The term "inspection" means "lead inspection" unless specifically noted otherwise.
- [(47)] (55) "Lead management plan" means a written [plan] document that [describes] is developed to maintain a lead-safe environment by describing how [an] intact, encapsulated or enclosed [surface with] lead-based paint and covered lead contaminated soil or sand areas will be monitored to ensure that [defective paint surfaces] lead hazards that may develop will be identified and thereafter abated or remediated.
- (56) "Lead-safe work practices" means those methods as described in the U.S. Department of Housing and Urban Development booklet Lead Paint Safety (A Field Guide for Painting, Home Maintenance and Renovation Work, HUD-1779-LHC dated March 2001) or alternate methods that provide comparable protection that have been deemed acceptable by the director.
- [(48)] (57) "Licensed lead abatement contractor" means any entity that contracts to perform lead hazard reduction by means of abatement including, but not limited to, the encapsulation, replacement, removal, enclosure or covering of [paint, plaster, soil or other material containing toxic levels of lead] lead hazards and obtains a license from the department to conduct such abatement work. The contractor utilizes certified lead abatement supervisors to oversee such lead abatement activities and certified lead abatement workers to perform such abatement activities. The terms "lead abatement contractor" and "abatement contractor" mean "licensed lead abatement contractor" unless specifically noted otherwise.
- [(49)] (58) "Licensed lead consultant contractor" means any entity that contracts to perform lead hazard reduction consultation work utilizing an inspector, inspector risk assessor and/or planner-project designer and obtains a license from the department to conduct such consultation work. The terms "lead consultant contractor" and "consultant contractor" mean "licensed lead consultant contractor" unless specifically noted otherwise.
- (59) "Limited testing" means lead-based paint testing that is less extensive than testing conducted during a lead inspection.
- [(50)] (60) "Owner" means any person, partnership, firm, association, corporation, sole proprietorship or any other business concern, state or local government agency or political subdivision or authority thereof, or any religious, social or union organization, whether operated for profit or otherwise, who, alone or jointly

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with others owns, holds, or controls the whole or any part of the deed or title to any property. No holder of an easement, mortgagee, bank or lender holding the mortgage, shall be considered an owner except when the holder of an easement, mortgagee, banker, or lender takes physical possession of the property.

- (61) "Paint" means any substance that has been or may be applied to a surface as a surface coating including but not limited to paints, glazes, varnishes and stains.
- [(51)] (62) "Paint removal" means a strategy of abatement which entails stripping [lead] lead-based paint from surfaces.
- (63) "Paint stabilization" means the repair of any physical defect in the substrate of a painted surface that is causing paint deterioration, removal of loose paint and other material from the surface to be treated, and application of a protective paint coating.
- [(52)] (64) "Replacement" means a strategy of abatement which entails the removal of components such as windows, doors and trim that contain [toxic levels of lead] lead-based paint and installing new components which [are] do not contain a toxic level of lead [free].
- [(53)] (65) "Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" means the guidelines and methods approved by the state and federal governments for alterations to historic properties (36 CFR [section] 67).
- (66) "Spot paint repair" means paint stabilization of a small area of paint deterioration on a painted surface.
- [(54)] (67) "State laboratory for lead and lead poisoning detection" means the laboratory established by the commissioner, for the purpose of analyzing blood specimens from persons for the presence of lead; and analyzing samples of paint, plaster, soil, dust and other materials, within the laboratory or on site with mobile units, for toxic levels of lead.
- [(55)] (68) "State program" means the [childhood] lead poisoning prevention and control program established by the department.
- [(56)] (69) "Substrate" means the underlying surface which remains after paint is removed.
- [(57)] (70) "Substrate equivalent lead["] (SEL)" means the average of at least three displayed lead concentration readings with a direct reading type x-ray fluorescence analyzer after paint is removed from the substrate.
- [(58)] (71) "Target housing" means any housing constructed prior to 1978, except any zero-bedroom dwelling unit or any housing for the elderly or persons with disabilities unless a child resides or is expected to reside in such dwelling unit or housing.
- (72) "Temporary controls" means a set of measures designed to temporarily reduce exposure to lead hazards including but not limited to specialized cleaning, limited or temporary repair, maintenance, painting, paint stabilization, temporary containment and ongoing monitoring of lead hazards or potential lead hazards.
- [(59)] (73) "Toxic level of lead" means:
- (a) a level of lead in paint that:
- [(A)] (1) when present in paint offered for sale for use on or in a residential dwelling [contains], is greater than 0.06 percent lead by weight as measured by atomic absorption spectrophotometry (AAS), graphite furnace atomic absorption spectrophotometry (GFAAS), inductively coupled plasma/mass spectrometry (ICP/MS), inductively coupled plasma-atomic emission spectrophotometry (ICP-AES) or another accurate and precise testing method that has been approved by the commissioner, by a laboratory approved by the department for lead analysis.
- [(B)] (2) when present in a dried paint, plaster or other accessible surface on or in a residential dwelling [contains equal to], is equal to or greater than 0.50 percent lead by dry weight as measured by atomic absorption spectrophotometry (AAS), graphite furnace atomic absorption spectrophotometry (GFAAS), inductively coupled plasma/mass spectrometry (ICP/MS), inductively coupled plasma-atomic emission spectrophotometry (ICP-AES) or another accurate and precise testing method that has been approved by the commissioner, by a laboratory approved by the department for lead analysis, or equal to or greater than 1.0 milligrams lead per square centimeter of surface as measured on site by an X-ray fluorescence analyzer or another accurate and precise testing method that has been approved by the commissioner.

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(b) a level of lead in dust that is equal to or greater than:

(1) 40 µg/sq. ft. (micrograms per square foot) on floors or;

(2) 250 µg/sq. ft. on window sills; or

(3) 400 µg/sq. ft on window wells.

(c) a level of lead in bare soil or sand areas that is equal to or greater than 400 parts per million.

(d) a level of lead in drinking water that is greater than 15 parts per billion.

[(60)] (74) "Treatment" means any method, technique or process designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to render it non-hazardous, or to recover it, or to make it safer to transport, store or dispose of, or to make it amenable for recovery, storage, or volume reduction.

[(61)] "TSP" means tri-sodium phosphate. A TSP solution contains at least 5% TSP or its equivalent.]

[(62)] (75) "X-ray fluorescence analyzer (XRF)" means an [analytical] instrument equipped with a primary x-ray excitation source [that measures] capable of measuring the emissions of characteristic x-rays for specific elements. The instrument can be used to measure the [lead] concentration of lead in dried paint [on] surfaces or in a laboratory sample in milligrams per square centimeter (mg/cm²) [using a radioactive source within the instrument].

Section 2. Section 19a-111-2 of the Regulations of Connecticut State Agencies is amended to read as follows:

19a-111c-2 Applicability of regulations

The requirement to abate or remediate is not relieved by the child no longer remaining in residence.

(a) When a child resides in a dwelling unit all [defective] deteriorated lead-based [surfaces] paint shall be abated or remediated. [A property owner may not avoid abatement by taking eviction action against a family with a child.]

(b) When a child resides in a dwelling all [defective] deteriorated lead-based paint on exterior surfaces and all [defective] deteriorated lead-based paint on surfaces in common areas [containing toxic levels of lead] shall be abated or remediated.

(c) When a child has [an elevated] a blood lead level [then abatement shall include] equal to or greater than twenty (20) micrograms per deciliter (µg/dL) or as stipulated in section 19a-111 of the Connecticut General Statutes, all deteriorated lead-based paint shall be abated, all lead-based paint on chewable surfaces [whether or not that surface is defective] where there is evidence that a person has chewed on or mouthed the painted surface, shall be abated, and all lead-based [movable parts of windows and surfaces that rub against movable parts of windows] paint on friction and impact surfaces where there is evidence that the paint has been abraded shall be abated. Baseboards or similar building components with an exposed horizontal or vertical edge may have quarter round or similar molding applied to eliminate the chewable surface.

(d) When a child resides in a dwelling requiring lead abatement or remediation, interior dust[, drinking water] and exterior bare soil shall be [assessed] tested. When bare soil or sand areas that are not covered by grass, sod, other live ground covers, wood chips, gravel, artificial turf, or similar covering are found to contain lead concentrations [in excess of] equal to or greater than 400 parts per million, such bare soil or sand areas shall be abated or remediated. When lead dust hazards are found to be a source or a potential source of [elevated] blood lead in a child, lead dust shall be reduced to a safe level using appropriate cleaning methods. When a child resides in a dwelling requiring lead abatement, drinking water shall be tested. When lead in drinking water is determined to be a source or potential source of [elevated] blood lead in a child, appropriate remedial action approved by the [local] director [of health] shall be implemented.

(e) [Intact surfaces containing toxic levels of lead] When a child resides in a dwelling, intact lead-based paint, except as noted in section 19a-111c-2(c) of [regulations] the Regulations of Connecticut State Agencies, [are not required to be] shall be managed unless it is abated [by these regulations,] or remediated. [however, when] When a child resides in a dwelling that contains intact lead-based paint that has been identified by lead inspection or limited testing, the owner shall have a written lead management plan [written] prepared: (1) within [sixty (60)] five (5) business days of [receipt] successful completion of [inspection results] clearance and reoccupancy inspection after lead abatement or lead hazard remediation; or (2) within sixty (60) calendar days of the lead inspection or limited testing whenever lead abatement or lead hazard remediation is not required. The plan shall be implemented

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and kept by the owner and transferred with ownership upon transfer of title. The management plan shall identify the location of intact [lead surfaces] lead-based paint and encapsulated, enclosed and stabilized lead-based paint and soil that has been abated or remediated by methods other than removal and replacement. [and] The plan shall describe how [these intact] the surfaces that contain intact lead-based paint and the soil areas will be monitored on a regular basis by the owner to ensure that if [they become defective] the lead-based paint deteriorates or the soil is exposed, the surfaces and soil areas will be identified and the lead hazards abated or remediated. The plan [must] shall be submitted to the [local] director [of health]. [or] The plan shall be submitted to the commissioner upon request.

Section 3. Section 19a-111-3 of the Regulations of Connecticut State Agencies is amended to read as follows:

19a-111c-3 Inspections, LIMITED TESTING, TEMPORARY CONTROLS, reports and notifications

(a) Methods FOR INSPECTION AND LIMITED TESTING FOR LEAD-BASED PAINT - An inspection conducted in target housing or a structure that is used for child day care services shall comply in scope and methodology with the procedure described in this section. Limited testing in target housing or a structure that is used for child day care services that is less extensive than the procedure described in this section may be conducted. Such limited testing that is less extensive than inspections shall comply in methodology with the procedure described in this section but shall not comprise or be called an inspection. Lead inspectors [may], lead inspector risk assessors and code enforcement officials who conduct inspections, tests and measurements [and] shall issue reports on [forms] the Lead Inspection and Testing Summary Form prescribed by the Department for the purpose of recording the presence of toxic levels of lead in paint. When used [to determine compliance] in association with sections 19a-110 and 19a-111 of the Connecticut General Statutes [section 19a-111] [and regulations] or to determine compliance with sections 19a-111c-1 through 19a-111c-11 of the Regulations of Connecticut State Agencies [Sections 19a-111-1 through 19a-111-11], such reports shall be based upon X-ray fluorescence (XRF), atomic absorption spectrophotometry (AAS), graphite furnace atomic absorption spectrophotometry (GFAAS), inductively coupled plasma/mass spectrometry (ICP/MS) or inductively coupled plasma-atomic emission spectrophotometry (ICP-AES). Paint samples taken for AAS, GFAAS, ICP/MS or ICP-AES analysis shall be a minimum size of 1 square inch and shall contain all layers of paint down to the substrate. For the purposes of these regulations only certified lead inspectors, certified lead inspector risk assessors and code enforcement officials may conduct lead inspections or limited testing for lead-based paint.

(1) Surface testing sites -

(A) Interior Locations - In each area of an interior location (e.g. [back] room, closet, pantry, hall, or part of a divided room), the following representative surfaces will be tested for the presence of [toxic levels of lead] lead-based paint: baseboard, ceiling, crown molding, door surface, door casing, and [side of] door [frame for] jamb of a representative interior door, floor, fireplace, radiator, shelf, shelf support, stair riser, stair tread, stair stringer, stair newel post, stair railing cap, stair balustrade, upper [wall,] and lower [wall] areas of each wall, chair rail, window sash and window casing and window sill for a representative window, representative door and window lintel and any other reasonably accessible surface not listed herein.

(B) Exterior Locations - For each side of an exterior surface the following representative [surface] surfaces will be tested for the presence of [toxic levels of lead] lead-based paint: bulkhead, porch, entrance canopy, exterior wall, siding, lattice, ceiling, railing, railing cap, stair stringer, stair tread, stair riser, trim, door surface, door casing, and door jamb of a representative exterior door, cellar window unit, and window sill, window casing, and window sash for a representative window and any other reasonably accessible surface not listed herein.

(2) Testing protocols for determining lead present at or above the toxic level using XRF [analyzer instruments] ANALYZERS

(A) The methodology shall be consistent with performance characteristics specific to each make and model of instrument so as to maintain accuracy and precision. Readings shall be classified as: (1) lead present at or above the toxic level of lead as defined in section 19a-111c-1[(59)] (73) of the Regulations of Connecticut State Agencies, (2) inconclusive or (3) lead not present at or above the toxic level. Instruments used to determine these classifications shall have verified accuracy and precision utilizing X-ray Fluorescence Performance Characteristic Sheets published jointly by the United States Environmental Protection Agency and the United States Department of Housing and Urban Development. The Performance Characteristic Sheets describe the methodology to be used for obtaining X-ray fluorescence readings taken on specific substrates, calibration check tolerances, and provide information describing the performance of the specific model of X-ray fluorescence instrument, including inconclusive ranges.

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(B) Multifamily dwelling protocols and decision flowcharts shall not be acceptable methodology for residential lead inspections conducted pursuant to section 19a-111c-3(a)(1) of the Regulations of Connecticut State Agencies.

(C) XRF testing of representative surfaces as described within section 19a-111c-3(a)(1) of the Regulations of Connecticut State Agencies shall require testing of a representative surface on each listed component when present within an interior area (e.g. room, closet, pantry, hall) or on an exterior side of a building. When multiple readings are required upon a component per Performance Characteristic Sheet protocol, these readings shall be taken on different locations upon the component testing surface. The average of the multiple readings shall then be used to determine the classification of the readings as described within subdivision (2) (A) of this subsection and within the Performance Characteristic Sheet for the specific model of the XRF instrument used to obtain the readings. An inspector or inspector risk assessor may terminate the series of readings when an individual reading or readings are sufficiently high so as to substantiate a conclusion that lead is present at or above the toxic level without completion of the full test sequence.

(D) When the reading classification obtained from a surface has been determined to be within the inconclusive range, confirmation shall be required except as noted in this subsection. Confirmation shall be performed through testing with atomic absorption spectrophotometry (AAS), graphite furnace atomic absorption spectrophotometry (GFAAS), inductively coupled plasma/mass spectrometry (ICP/MS), inductively coupled plasma atomic emission spectrophotometry (ICP-AES), or another testing protocol deemed acceptable by the commissioner. Alternatively at the discretion of the owner and in lieu of confirmation, (1) paint on a surface that is found to be within the inconclusive range may be presumed to [contain a toxic level of lead] be lead-based paint and abated with no further confirmation or (2) paint on an intact surface, except [for those] as noted in subsection (c) of section 19a-111c-2 of the Regulations of Connecticut State Agencies, may be placed under the auspices of a lead management plan without confirmatory testing. If [deterioration occurs on] any such intact [surface] paint deteriorates, the owner shall provide confirmatory testing of that [surface] paint and abate or remediate the [surface] lead hazard if found to contain a toxic level of lead or, at the discretion of the owner, abate or remediate any such [defective surface] deteriorated paint as containing a toxic level of lead, without further confirmatory testing.

(E) XRF testing shall be immediately preceded by a minimum of three calibration check readings. Calibration check readings shall be made immediately after an inspection has been completed. Additional calibration check readings shall be made every four (4) hours during an inspection or as indicated by the manufacturer, whichever is more frequent. Calibration check readings shall be within the calibration check tolerances outlined in the Performance Characteristic Sheet of the model being utilized before the inspection may proceed. Calibration check readings shall be logged within the inspection documents by the inspector.

(F) XRF instruments may be used to test surfaces that are flat and accessible to the measuring probe of the instrument. XRF instruments shall not be used to test surfaces that are curved, ornate or inaccessible.

(G) For those XRF instruments that require substrate correction, apparent lead concentration (ALC) analysis results may be used to determine that lead is present at or above the toxic level when an ALC result is greater than or equal to 4.0 mg/cm².

(H) Where manufacturer's protocol including calibration check criteria are more stringent than those specified in the Performance Characteristic Sheet for that XRF, the manufacturer's protocol shall take precedence.

(b) Soil – [The methodology for sampling soil for lead varies depending on the site.] The methodology used for sampling soil shall be [detailed in the lead abatement plan] consistent with protocol described in Appendix 13.3: "Soil Sampling Protocol For Housing" of the latest edition of the Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing published by the United States Department of Housing and Urban Development. The scooping technique for sample collection may be used.

(c) Lead in dust sampling: Wipe sampling procedure – The standard sample area for this technique is one (1) square foot, which is obtained with a plastic template or measuring device. Where areas of this size are not available for sampling, the size of the smaller sampling area shall be measured and recorded to allow adjustment of analysis results. Disposable gloves shall be worn throughout the sampling procedure. Wipe media approved by the American Society for Testing and Materials (ASTM) shall be placed flat on the surface to be sampled. A sample shall be collected by passing a wipe in an "s" pattern over the entire measured area. The wipe shall then be folded in half and rubbed once again over the surface at a 90 degree angle to the first series of wipes. Finally, the wipe shall be folded and

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placed in a marked hard shelled container for laboratory determination of lead via AAS, GFAAS, ICP/MS or ICP-AES. A minimum of two (2) unused wipes or one (1) wipe for every twenty (20) used, whichever number is greater, shall be submitted to the laboratory as blanks.

(d) Lead in water sampling – A sample shall be collected when water has remained stagnant in the plumbing system for six or more hours. The water sample shall be collected at the kitchen cold-water tap or a cold-water faucet used for drinking and/or cooking purposes. The water will not be allowed to run before the sample is collected. A second sample shall be collected from the same faucet after the water has been run until a distinct temperature change is noted, usually after 1-2 minutes.

[(e) Notification - Within two (2) days after receipt of an inspection report identifying toxic levels of lead requiring abatement the owner shall have posted notice on each entrance to the dwelling unit or common area of dwelling if affected. The notice shall measure at least 8 1/2" x 11" with letters measuring at least one half (1/2) inch. The notice shall state that the dwelling unit contains a toxic level of lead which may be dangerous and which a child should not be allowed to mouth or chew. The notice shall not be removed until the dwelling unit has been found to comply with Connecticut General Statutes section 19a-111 and regulations of Connecticut State Agencies sections 19a-111-1 through 19a-111-11. The owner will provide a summary report of the lead inspection and/or lead management plan, and the post-abatement inspection report to the residents. This summary inspection report will contain the results of lead-based surface testing as required by section 19a-111-3 of the regulations of Connecticut State Agencies and will include a description of the testing methods used. The owner shall also provide the residents with information prescribed by the department concerning the toxicity of lead and precautions that should be taken to avoid exposure.]

[(c) (e) [Inspection priorities] INSPECTIONS AND TEMPORARY CONTROLS - Code enforcement agencies shall carry out the following inspections [according to the following priorities]:

(1) [Elevated blood lead level –] When required by section 19a-111 of the Connecticut General Statutes, an epidemiological investigation shall begin within five (5) business days after notification of the director by the child's physician, hospital, clinic, an analytical laboratory, or the state program and be completed as expeditiously as possible. As part of an epidemiological investigation of a child's [elevated] blood lead level that is equal to or greater than twenty (20) micrograms per deciliter (µg/dL), dwelling units in which the child resides and the exterior and common areas of the dwelling shall be inspected for [toxic levels of lead] lead-based paint and lead hazards by the [local] director [of health]. [This epidemiological investigation shall begin within five (5) working days after notification of the local director of health by the child's physician, hospital, clinic or by the state lead poisoning prevention program and be completed as expeditiously as possible.] Upon completion of the lead inspection the director may require the owner to implement temporary controls until abatement of lead hazards is completed.

(2) When required by section 19a-110 of the Connecticut General Statutes, an inspection shall begin within five (5) business days after notification of the director by the child's physician, hospital, clinic, an analytical laboratory, or the state program and be completed as expeditiously as possible. The dwelling unit and the exterior and common areas of the dwelling shall be inspected for lead-based paint and lead hazards by the director. Upon completion of the lead inspection the director may require the owner to implement temporary controls until lead hazard remediation and/or abatement of lead hazards is completed.

[(3) Child day care services - Before licensure or relicensure of a child day care center or group day care home by the department, or before registration of a family day care home by the State of Connecticut department of human services, the premises in which the services are provided shall be inspected by a lead inspector for toxic levels of lead.]

(3) Other [dwellings] DWELLING UNITS - Inspections shall begin within thirty (30) [working] business days and be completed as expeditiously as possible in all other dwelling units in which a child resides in the same building as those identified under section 19a-111c-3[(c)](e)(1) or section 19a-111c-3(e)(2) of [regulations] the Regulations of Connecticut State Agencies. Upon completion of the lead inspection the director may require the owner to implement temporary controls until abatement or remediation of lead hazards is completed.

(f) INSPECTIONS OF FACILITIES USED FOR CHILD DAY CARE SERVICES –

(1) Prior to licensure by the department of a child day care center or group day care home that is to be located in a building or buildings that were constructed in whole or in part prior to 1978, the facility and premises at which the services are to be provided shall be inspected by a lead inspector, lead inspector risk assessor, or code enforcement official. Prior to re-licensure by the department of a child day care center or group day care home that is located in a building or buildings that were constructed in whole or in part prior to 1978 and where a comprehensive lead inspection has not been previously conducted and documented, the facility and premises shall be

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inspected by a lead inspector, lead inspector risk assessor, or code enforcement official. The code enforcement agency approval that is furnished to the department prior to licensing or re-licensing shall:

- (A) identify the individual who conducted the lead inspection;
- (B) indicate whether that individual is a certified lead inspector, certified lead inspector risk assessor or code enforcement official;
- (C) indicate whether deteriorated lead-based paint or other lead hazards were identified; and
- (D) indicate whether intact lead-based paint that will require a management plan was identified.

(2) Prior to licensure of a family day care home by the department, deteriorated paint shall be identified and tested for lead.

[(d)] (g) [Report of inspection – Whenever an inspector finds a toxic level of lead requiring abatement, the inspector shall report this to the owner, local director of health and the commissioner.]
INSPECTION OR LIMITED TESTING REPORTS - [This report] All inspection or limited testing reports shall include a properly completed copy of the [inspection form] Lead Inspection And Testing Summary Form prescribed by the department and shall be postmarked and sent by certified mail, [or] hand delivered or by other provable method of transmittal to the owner by the end of the [second working] fifth business day following completion of the inspection or limited testing. The inspection [form will indicate all defective and intact] or limited testing report shall identify the location of lead-based [surfaces] paint, the condition of that lead-based paint, the location of any paint that was determined not to be lead-based paint and the location of any painted surfaces that were not accessible for testing. In addition to the data provided on the prescribed form, the written report shall include the following information: the name, address and telephone number of each laboratory that analyzed any sample, the results of all XRF and laboratory analyses, the sampling protocol that was used, the make, model and serial number of any XRF that was used, the specific locations of all building components and surfaces that were tested, any data collected using on-site testing equipment and language alerting the owner of obligations pursuant to the federal disclosure requirements as stipulated at 24 CFR 35 and 40 CFR 745. This additional information may be provided in any written format that is clear, precise and unambiguous. [Soil and dust exposure pathways shall be investigated and the potential for lead poisoning to a child assessed. Soil sampling methodology shall be documented.]

[(h)] Post abatement inspection - consists of:

(1) Reinspection: All areas where abatement has been completed in accordance with the abatement plan mandated in section 19a-111-4(a) of the regulations of Connecticut State Agencies shall be reinspected by the code enforcement agency within ten (10) working days after notification has been received from the owner that lead abatement has been completed. The inspection shall ascertain whether the defective lead based paint has been properly abated. A lead abatement project shall be considered complete when all defective lead based paint has been abated, there is no visible residue in the work area, and the level of lead has been reduced in the abatement area to below the toxic level of lead as determined by the use of lead in dust sampling in the abatement area. A copy of the post abatement inspection report shall be sent by certified mail or hand delivered to the owner of the residential property, the local director of health and the commissioner within two (2) working days after the reinspection is completed.

(2) Lead in dust sampling: Wipe sampling procedure - The standard sample size in this technique is one square foot, which is obtained with a plastic template or measuring device according to the following formula: length in inches times width in inches divided by 144 equals the fraction or multiple of one square foot. Disposable gloves are worn throughout the sampling procedure. A pre-moistened wipe or towelette is placed flat on the surface to be sampled. The wipe is rubbed in an "S" pattern over the entire measured area. The wipe is then folded in half and rubbed once over the surface again at a 90 degree angle to the first series of wipes. Finally, the wipe is folded and placed in a marked tube or plastic bag for laboratory determination of lead via AAS, GFAAS, or ICP-AES. A minimum of 2 unused wipes or 1 wipe for every 20 used, whichever number is greater, is submitted to the laboratory as a blank.]

[(f)] (h) Corrective action - The local code enforcement agency shall issue an order within five (5) business days of completion of an inspection or limited testing to correct all [defective lead-based surfaces requiring] lead hazards that require abatement or remediation [and soil areas identified as a source, or potential source for elevated blood lead] within the time period specified in section 19a-111c-[5] 7 of [regulations] the Regulations of Connecticut State Agencies. The local code enforcement agency shall send a copy of the order to the residents of any affected dwelling units.

(i) Notification – The owner will provide a copy of any Lead Inspection and Testing Summary Form to the residents within five (5) business days of receipt by the owner. The owner will provide a copy of

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any lead management plan and post-abatement inspection or post lead hazard remediation report to the residents and the director. The owner shall also provide the residents with information prescribed by the department concerning the toxicity of lead and precautions that should be taken to avoid exposure.

[(g)] (i) Identification and certification of historic properties - When a dwelling is fifty (50) years old or older and requires lead abatement or lead hazard remediation, the owner shall within five (5) [working] business days after completion of the inspection [report] postmark or hand deliver [an inspection report and] a good quality photograph of the property [to] and such other information as may be required by the Connecticut [Historical] Commission on Culture and Tourism to the commission. The code enforcement agency may also deliver such information to the commission. The commission will determine whether properties over fifty (50) years old which require lead abatement or lead hazard remediation are historic in order to provide guidance on which lead abatement or lead hazard remediation techniques comply with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and are appropriate for historic properties. The commission will certify properties which are included in or eligible for inclusion in the national or state registers of historic places. The commission shall within ten (10) [working] business days after receipt of the [inspection report and] photograph send by first class mail a written report of the building's historic status.

[(i)] (k) Conflict of interest – [The] A lead inspector, lead inspector risk assessor, or code enforcement official shall not be [an] the owner, an employee of the owner, the lead abatement contractor or an employee of the lead abatement contractor for any property for which the lead inspector, lead inspector risk assessor, or code enforcement official issues a lead inspection or limited testing report.

[(j)] (l) Risk Assessment – For the purpose of assessing the level of risk from lead dust, a lead dust hazard is present when the concentration of lead in dust is equal to or exceeds the following[.]:

[(A)] (1) floors - 40 µg/sq. ft. (micrograms per square foot);

[(B)] (2) window sills – 250 µg/sq. ft.; and

(3) window wells – 400 µg/sq. ft.

(m) Record keeping - all reports, forms and related data including but not limited to, inspection reports, sample analyses results and letters of compliance, shall be retained by the owner until such time as the property has been rendered free of toxic levels of lead and so certified by a lead inspector or lead inspector risk assessor. The owner shall retain the certificate. The owner shall transfer these records or the certificate upon transfer of title. The lead consultant contractor shall retain these records for a minimum of three (3) years from the date of issuance.

Section 4. Section 19a-111-4 of the Regulations of Connecticut State Agencies is amended to read as follows:

19a-111c-4 Abatement of toxic levels of lead

(a) Lead abatement plan - When [toxic levels of] lead hazards requiring abatement have been identified the owner shall have a written lead abatement plan prepared and submitted to the [local] director [of health] according to the time period for compliance listed in section 19a-111c-5 of [regulations] the Regulations of Connecticut State Agencies. The [local] director [of health] shall review the plan for completeness and compliance with sections 19a-111c-1 through 19a-111c-11 of the [regulations] Regulations of Connecticut State Agencies. The plan shall identify the lead inspection report that is the basis for the plan and describe repair work that is necessary prior to abatement[.]. The plan shall identify all [surfaces and soil areas containing toxic levels of] lead [, the sampling] hazards and [testing methodologies utilized,] how [surfaces and soil areas requiring abatement] the lead hazards will be abated, how occupants will be protected, clean up procedures, disposal methods for waste and clearance testing prior to reoccupancy. The plan shall state estimated starting and completion dates for the abatement project. The abatement project shall follow the plan and be in compliance with section 19a-111c-1 through 19a-111c-11 of the [regulations] Regulations of Connecticut State Agencies. If the property is a certified historic property as identified according to section 19a-111c-3[(g)] (h) of the [regulations] Regulations of Connecticut State Agencies the lead abatement plan must also be submitted to the Connecticut [Historical] Commission on Culture and Tourism for review. Review of the plan by the Connecticut [Historical] Commission on Culture and Tourism will be completed and state if the lead abatement plan proposes to use lead abatement techniques which comply with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and are appropriate for historic properties. This written review shall be postmarked within ten (10) [working] business days of receipt of the abatement plan and be sent to the owner and [local] director [of health]. [If the plan requires revision the local director of health shall establish a timetable for development of a revised plan with the owner.]

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(b) Notice to DIRECTOR AND residents - Prior to beginning a lead abatement project, the owner shall give the director and the residents of the affected premises or dwelling unit [residents] a minimum of five (5) [working] business days written notice of the date the abatement will begin. This notice shall inform the residents of their rights and responsibilities in accordance with [general statutes] section 19a-111 of the Connecticut General Statutes and sections 19a-111c-1 through 19a-111c-11 of the [regulations] Regulations of Connecticut State Agencies and [state which surfaces or soil areas] indicate lead hazards that shall be abated. Additionally, the name(s) and proof of training of the person(s) who will supervise the lead abatement work shall be provided to the director prior to the start of work. Property owners may self-attest to having viewed lead hazard remediation educational material that has been authorized by the department.

(c) Methods of abatement – [The owner of a dwelling is responsible for proper abatement of toxic levels of lead in dwelling units where a child resides. All defective paint, plaster or other material containing toxic levels of lead on both interior and exterior surfaces and soil areas and fixtures] Lead abatement may be conducted by property owners working on their own property provided they have viewed lead hazard remediation educational material that has been authorized by the department. The educational material shall be available through printed copy or an electronic medium. Lead hazards shall be adequately abated by proper preparation, containment, abatement, clean-up, and waste disposal.

(1) Preparation prior to abatement

(A) Post warnings - Warning signs as specified by the United States Department of Labor Occupational Safety and Health Administration shall be placed at all entrances and exits to the abatement area.

(B) Packing residents' belongings - The residents shall pack their belongings in easily handled containers. The owner shall have these belongings moved from the abatement area to a secure area where the residents can have access to their belongings on a daily basis. Belongings must be moved unless abatement methods of replacement or encapsulation are used in a limited area and very little dust is expected to be generated and the abatement plan specifies that the belongings will remain in the abatement area.

(C) Covering residents' belongings - The abatement contractor shall ensure that all [permanent fixtures] remaining belongings and non-movable objects are covered with 6 mil polyethylene sheeting and kept sealed with duct tape.

(D) Repair work prior to abatement - Prior to abatement, repairs shall be made to pre-existing conditions that may impede abatement including water leaks and inadequate heat. A description of these repairs shall be summarized in the lead abatement plan.

(2) Containment - The abatement area shall be properly contained using materials such as 6 mil polyethylene sheeting to prevent lead dust from contaminating the dwelling or environment.

(A) Cover objects - Non-movable objects shall be covered with [6-mil] 6 mil polyethylene sheeting and kept sealed with duct tape and floors shall be covered with two layers of [6-mil] 6 mil polyethylene sheeting and kept sealed with duct tape.

(B) Air systems - Air heating, ventilation and conditioning systems shall be turned off and air intake and exhaust systems shall be sealed.

(C) Entrances - Entrances to the abatement area shall be [sealed] covered by using two layers of [6-mil] 6 mil polyethylene sheeting (each layer attached to the top of the entrance and opposite side using heavy duty tape).

(D) Exterior - Exterior abatement shall have proper containment using [6-mil] 6 mil polyethylene sheeting to prevent release of lead into the environment and the work area shall be clearly demarcated.

(i) For liquid waste extend the end of the polyethylene sheets a sufficient distance to contain the runoff and raise the outside edge of the sheets to trap liquid waste.

(ii) For dry waste extend the sheeting out from the foundation a distance of three (3) feet per story being abated with a minimum of [five (5)] ten (10) feet unless limited by sideline restrictions or other structures and a maximum of twenty (20) feet. Erect vertical shrouds to contain any potential dust release into the adjacent environment.

(3) Abatement OF LEAD-BASED PAINT HAZARDS - [Defective lead-based surfaces requiring abatement] Lead-based paint hazards shall be abated by [either] replacement, encapsulation, enclosure or removal methods. [Repainting] When abatement is required, repainting or use of

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paper or vinyl wall covering without abating the [defective lead-based surface] lead-based paint hazard does not constitute compliance with sections 19a-111c-1 through 19a-111c-11 of the [regulations] Regulations of Connecticut State Agencies. Appropriate employee worker protection practices shall be followed as specified [in section 19a-111-6 of the regulations of Connecticut State Agencies] by the United States Department of Labor Occupational Safety and Health Administration.

(A) Replacement of surfaces [containing toxic levels of lead] THAT CONTAIN LEAD-BASED PAINT - Old surfaces shall be removed and new surfaces that have no lead-based [surfaces] paint shall be installed.

(B) Encapsulation OF LEAD-BASED PAINT - [A permanent cover shall be installed over the lead-based surface. Encapsulant materials shall bind to the substrate and not just the surface paint.] A barrier shall be installed over the lead-based paint. Encapsulants may be of (i) cement-based materials (cementitious) with components such as polymerized acrylic fixatives and fiberglass mesh or (ii) the flexible (liquid) variety such as fiberglass polyester systems and flexible polymer coatings that are applied by roller, brush, or spray equipment. Encapsulants shall be listed on the registry of authorized encapsulant products maintained by the department pursuant to section 19a-111c of the Connecticut General Statutes to be used for encapsulation of lead-based paint during a lead abatement project.

(i) Encapsulation shall not be an acceptable abatement method for surfaces that are subject to friction or impact, including, but not limited to, floors, window sashes, window jambs, door edges, or door jambs unless used as a supplemental protective system on a surface in conjunction with another acceptable abatement method.

(ii) The use of flexible (liquid) encapsulants on any surface for lead abatement shall be allowed only after successful completion of surface tape tests and a test patch of the encapsulant material has been shown to be effective on the specific surface where it is proposed for use, or on a representative surface of similar composition, condition and painting history within the same structure or complex. Surfaces shall be properly prepared prior to application and the encapsulant applied in accordance with the manufacturer's instructions. Where a particular film thickness is specified, appropriate gauges or other measuring devices shall be used to verify compliance.

(iii) Surfaces containing intact lead-based paint may be encapsulated to avoid deterioration without work site preparation per subdivision (2) of subsection 19a-111c-4(c) of the Regulations of Connecticut State Agencies, provided the existing lead-based paint will not be disturbed by surface preparation or the encapsulation process and the surface is placed under or remains under the auspices of a lead management plan. The requirements of subdivision (2) of subsection 19a-111c-4(c) and section 19a-111c-8 of the Regulations of Connecticut State Agencies shall apply when any activity such as surface preparation prior to encapsulant application will disturb lead-based paint.

(iv) Clean-up and reoccupancy testing of abatement areas may be completed prior to application of encapsulant materials, provided the encapsulant is applied in a manner that does not further disrupt lead-based paint.

(C) Removal OF LEAD-BASED PAINT - Removal methods include:

(i) heat based removal using heat guns with temperature not in excess of 700°F to prevent vaporization of lead (open flames shall not be used);

(ii) chemical removal with caustic or solvent-based chemicals done either on site or components taken off site for removal of the lead-based surface;

(iii) wet scraping or sanding by misting the surface and then scraping or sanding;

(iv) sanding or grinding with [only] power equipment that is shrouded and equipped with a HEPA vacuum attachment to collect dust;

(v) for exterior lead-based [surfaces] paint only, [this surface] paint may be removed by abrasive blasting with a HEPA vacuum arrangement or contained water blasting or the methods listed above such that no visible emissions or residue can be observed. Uncontained abrasive blasting is not allowed. Soil shall be sampled for lead content according to methodologies specified in the lead abatement plan [both] before and after exterior lead abatement to ensure that containment, abatement, and clean-up are effective[.]; and

(vi) other methods accepted by the commissioner.

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(D) Enclosure of lead-based paint - A barrier shall be installed over the lead-based paint by methods that involve covering surfaces and sealing or caulking with durable materials. Enclosure shall be accomplished using rigid materials that are mechanically affixed to the substrate including, but not limited to, gypsum board, paneling, coil stock, and rigid insulation materials that are installed beneath exterior siding.

(4) Clean-up - Preliminary clean-up shall be done by wet sweeping the containment area and carefully removing the polyethylene covering by folding the plastic upon itself to trap all dust. After the polyethylene covering is removed the abatement area shall be HEPA vacuumed [and then washed with TSP detergent. Then for final clean-up the abatement area shall be HEPA vacuumed], washed with [TSP detergent,] a general all purpose cleaner or a lead-specific cleaner and HEPA vacuumed again for final clean-up. To give airborne lead time to settle, the final clean-up should be scheduled to start no sooner than [twenty-four (24) hours] one (1) hour after active abatement has ceased. Final clearance testing [should] shall be performed [using] by visual inspection of all abated surfaces and lead in dust testing [and XRF, GFAAS, AAS or ICP-AES] after the final clean-up has been performed but before the removal of the polyethylene sheeting material that isolates the abatement area from the rest of the dwelling and seals off [the] any air heating, ventilation, and conditioning systems.

(5) Waste disposal - Disposal of lead abatement waste and soil [must] shall be in compliance with local, state, and federal regulations including but not limited to sections 22a-174-1 through 22a-174-43 inclusive, 22a-209-1 [, 22a-209-8(c)] through 22a-209-17 inclusive, 22a-449(c)-11, and 22a-449(c)-100 through [22a-449(c)-110] 22a-449(c)-119 inclusive, of the [regulations] Regulations of Connecticut State Agencies, and sections 22a-208, 22a-250, and 22a-430 of the Connecticut General Statutes.

(d) ABATEMENT OF LEAD HAZARDS IN Soil [Areas] – [Soil areas] Lead hazards in soil shall be abated [when necessary in a site specific manner] as detailed in the lead abatement plan [and]. Acceptable soil abatement methods include covering, installation of barriers, restriction of access to the area, and removal and replacement with soil that contains less than 400 p.p.m. lead. Lead hazards in soil that contains lead concentrations in excess of 5,000 p.p.m. shall be abated by permanent covering or removal and replacement. Disposal of lead contaminated soil shall be in accordance with the Connecticut Department of Environmental Protection regulations as noted in section 19a-111c-4(c)(5) of the [regulations] Regulations of Connecticut State Agencies.

[(e) Occupancy - Prior to reoccupancy of the abatement area the lead inspector shall ensure through reinspection that the lead abatement plan has been followed and that the following criteria are met.

(1) Every building component upon which removal of lead based surfaces has been performed will be tested using XRF, AAS, GFAAS, or ICP-AES technologies. Successful abatement of these components consists of either meeting the XRF testing criteria defined in 19a-111-3(a)(1) through 19a-111-3(a)(3) or by AAS, GFAAS, or ICP-AES analysis of every component abated and determination of a level of lead less than toxic.

(2) Samples of dust shall be collected at the following locations in each room or area where lead-based paint has been abated. Additionally, if only a portion of a dwelling unit has been abated, a sample shall be collected from the floor outside the containment within ten (10) feet of the entrance to the abatement area upon completion of abatement activities. Any samples collected under this section shall have lead in dust levels that are below the following clearance criteria for reoccupancy to be allowed:

(A) floors - 40 µg/sq. ft. (micrograms per square foot);

(B) window sills – 250 µg/sq. ft.;

(C) window wells – 400 µg/sq. ft.]

(3) When abatement methods of replacement or encapsulation are used in a limited area and very little dust is expected to be generated then clearance dust monitoring may be less than specified in section 19a-111-4(e)(2) if the alternative dust monitoring is specified in the lead abatement plan.]

(e) Lead management plan - A written lead management plan shall be developed and implemented pursuant to subsection 19a-111c-2(e) of the Regulations of Connecticut State Agencies for monitoring all surfaces that contain intact lead-based paint and encapsulated lead-based paint and enclosed lead-based paint and covered lead contaminated soil or sand areas. The plan shall be prepared, administered, transferred and maintained as specified in subsection 19a-111c-2(e) of the Regulations of Connecticut State Agencies.

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[(f) Letter of Compliance - After lead abatement has been completed in a dwelling unit according to the lead abatement plan and dust levels have been found to be in compliance with section 19a-111-4(e)(2) of the regulations of Connecticut State Agencies the lead inspector shall issue a letter of compliance within five (5) working days for that dwelling unit stating that the lead inspector has found the dwelling unit free of lead hazards. If intact lead-based surfaces remain then the letter of compliance must state that the lead management plan must be followed to assure compliance with sections 19a-111-1 through 19a-111-11 of the regulations of Connecticut State Agencies.]

(f) Record keeping - All reports, forms and related data including but not limited to, lead abatement plans, letters of compliance, lead management plans and hazardous waste manifests shall be retained by the owner until such time as the property has been rendered free of toxic levels of lead and so certified by a lead inspector or lead inspector risk assessor. The owner shall retain the certificate. The owner shall transfer these records or the certificate upon transfer of title. The lead abatement contractor shall retain these records for a minimum of three (3) years from the date of issuance.

(g) Cease and desist - When a person is performing work that is not in compliance with this regulation the code enforcement official may issue a written order to cease and desist such work. The order shall be served by hand delivery, certified mail or by other provable method of transmittal to the owner or the person(s) who are performing the work. Such order shall require that work be ceased immediately. A violation of such cease and desist order shall be subject to penalties as stipulated in section 19a-230 of the Connecticut General Statutes. The director may issue an order or written directive stipulating corrective action that is required in order for work to resume. Work shall not be resumed until written release to resume work is provided by the code enforcement official.

Section 5. The Regulations of Connecticut State Agencies are amended by adding section 19a-111c-5 as follows:

(NEW) 19a-111c-5 Lead Hazard Remediation

(a) Lead hazard remediation plan - When lead hazards requiring lead hazard remediation have been identified the owner shall have a written lead hazard remediation plan prepared and submitted to the director according to the time period for compliance listed in section 19a-111c-7 of the Regulations of Connecticut State Agencies. The director shall review the plan for completeness and compliance with sections 19a-111c-1 through 19a-111c-11 of the Regulations of Connecticut State Agencies. The plan shall identify the lead inspection report that is the basis for the plan and describe repair work that is necessary prior to lead hazard remediation. The plan shall identify all lead hazards and how the lead hazards will be remediated, how occupants will be protected, clean up procedures, disposal methods for waste and clearance testing prior to reoccupancy. Lead-safe work practices shall be specified. The plan shall state estimated starting and completion dates for the lead hazard remediation project. The lead hazard remediation project shall follow the plan and be in compliance with sections 19a-111c-1 through 19a-111c-11 of the Regulations of Connecticut State Agencies. If the property is a certified historic property as identified according to section 19a-111c-3(h) of the Regulations of Connecticut State Agencies the lead hazard remediation plan must also be submitted to the Connecticut Commission on Culture and Tourism for review. Review of the plan by the Connecticut Commission on Culture and Tourism will be completed and state if the lead hazard remediation plan proposes to use lead hazard remediation techniques which comply with The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and are appropriate for historic properties. This written review shall be postmarked within ten (10) business days of receipt of the lead hazard remediation plan and be sent to the owner and director.

(b) Notice to director and residents - Prior to beginning a lead hazard remediation project, the owner shall give the director and the residents of the affected premises or dwelling unit a minimum of five (5) business days written notice of the date the lead hazard remediation will begin. This notice shall inform the residents of their rights and responsibilities in accordance with section 19a-111 of the Connecticut General Statutes and sections 19a-111c-1 through 19a-111c-11 of the Regulations of Connecticut State Agencies and indicate lead hazards that shall be remediated. Additionally, the name(s) and proof of training of the person(s) who will supervise the lead hazard remediation work shall be provided to the director prior to the start of work. Property owners may self-attest to having viewed lead hazard remediation educational material that has been authorized by the department.

(c) Methods of lead hazard remediation - Lead hazard remediation shall be conducted using lead-safe work practices. Lead hazard remediation shall be conducted by individuals who: (1) have successfully completed the Lead-Safe Painting, Remodeling, and Maintenance training course developed by the University of Connecticut or a lead-safe work practices training course that has been approved by the U.S. Department of Housing and Urban Development pursuant to 24 CFR 35.1330(a)(4)(v); or (2) are certified lead abatement supervisors or certified lead abatement workers; or (3) are working under the constant on-site supervision of a certified lead abatement supervisor; or (4) are property owners working on their own property who have viewed lead hazard remediation educational material that has been authorized by the department. The educational material shall be available through printed copy or an electronic medium. All work practices shall be consistent with methods described in the U.S.

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Department of Housing and Urban Development booklet Lead Paint Safety (A Field Guide for Painting, Home Maintenance and Renovation Work, HUD-1779-LHC dated March 2001) or alternate methods that provide comparable protection that have been deemed acceptable by the director. Appropriate employee protection practices shall be followed as specified by the United States Department of Labor Occupational Safety and Health Administration.

(d) Clean-up - Preliminary clean-up shall be done by wet sweeping the containment area and carefully removing the polyethylene covering by folding the plastic upon itself to trap all dust. After the polyethylene covering is removed the lead hazard remediation area shall be HEPA vacuumed, washed with a general all purpose cleaner or a lead-specific cleaner and HEPA vacuumed again for final clean-up. To give airborne lead time to settle, the final cleanup should be scheduled to start no sooner than one (1) hour after active lead hazard remediation has ceased. Final clearance testing shall be performed by visual inspection of all surfaces where lead hazards have been remediated and lead in dust testing after the final clean-up has been performed but before the removal of any polyethylene sheeting material that isolates the lead hazard remediation area from the rest of the dwelling and seals off any air heating, ventilation, and conditioning systems.

(e) Waste disposal - Disposal of lead hazard remediation waste and soil shall be in compliance with local, state, and federal regulations including but not limited to sections 22a-174-1 through 22a-174-43 inclusive, 22a-209-1 through 22a-209-17 inclusive, 22a-449(c)-11, and 22a-449(c)-100 through 22a-449(c)-119 inclusive, of the Regulations of Connecticut State Agencies, and sections 22a-208, 22a-250 and 22a-430 of the Connecticut General Statutes.

(f) Lead Management Plan - A written lead management plan shall be developed and implemented pursuant to subsection 19a-111c-2(e) of the Regulations of Connecticut State Agencies for monitoring surfaces that contain intact lead-based paint and encapsulated lead-based paint and enclosed lead-based paint and covered lead contaminated soil or sand areas. The plan shall be prepared, administered, transferred and maintained as specified in subsection 19a-111c-2(e) of the Regulations of Connecticut State Agencies.

(g) Record Keeping - All reports, forms and related data including, but not limited to, lead hazard remediation plans, lead management plans, letters of compliance and hazardous waste manifests shall be retained by the owner until such time as the property has been rendered free of toxic levels of lead and so certified by a lead inspector or lead inspector risk assessor. The owner shall retain the certificate. The owner shall transfer these records or the certificate upon transfer of title. The lead hazard remediation contractor shall retain these records for a minimum of three (3) years from the date of issuance.

(h) Cease and Desist - When a person is performing work that is not in compliance with this regulation the code enforcement official may issue a written order to cease and desist such work. The order shall be served by hand delivery, certified mail or by other provable method of transmittal to the owner or the person(s) who are performing the work. Such order shall require that work be ceased immediately. A violation of such cease and desist order shall be subject to penalties as stipulated in section 19a-230 of the Connecticut General Statutes. The director may issue an order or written directive stipulating corrective action that is required in order for work to resume. Work shall not be resumed until written release to resume work is provided by the code enforcement official.

Section 6. The Regulations of Connecticut State Agencies are amended by adding section 19a-111c-6 as follows:

(NEW) 19a-111c-6 Post abatement or post lead hazard remediation clearance and reoccupancy inspections

(a) Reoccupancy - Prior to reoccupancy of the lead abatement or the lead hazard remediation area a lead inspector, lead inspector risk assessor, or code enforcement official shall ensure through reinspection that the lead abatement plan or lead hazard remediation plan has been followed and that the following criteria are met. Samples of dust shall be collected at the following locations in each room or area where lead abatement or lead hazard remediation has taken place. Additionally, if lead abatement or lead hazard remediation has taken place in a portion of a dwelling unit, a sample shall be collected from the floor outside the containment within ten (10) feet of the entrance to the lead abatement or lead hazard remediation area. Any samples collected under this section shall have lead in dust levels that are below the following clearance criteria for reoccupancy to be allowed:

- (1) floors - 40 µg/sq. ft. (micrograms per square foot);
- (2) window sills – 250 µg/sq. ft.; and
- (3) window wells – 400 µg/sq. ft.

When abatement methods of replacement, enclosure or encapsulation are used in a limited area and very little dust is expected to be generated, the number of dust samples collected for clearance testing
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may be less than specified in this section if the alternative dust monitoring schedule is specified in the lead abatement plan and has been accepted by the director. When lead hazard remediation is conducted in a limited area and very little dust is expected to be generated, the number of dust samples collected for clearance testing may be less than specified in this section if the alternative dust monitoring is specified in the lead hazard remediation plan and has been accepted by the director.

(b) Lead in dust sampling - Lead in dust sampling for reoccupancy shall be conducted no sooner than one (1) hour after completion of final clean-up of the lead abatement area or lead hazard remediation area to permit settling of any airborne dust.

(c) Re-cleaning and re-testing - If any residual dust levels equal or exceed the clearance criteria, the area shall be cleaned again and retested until compliance is attained. When satisfactory inspection results relative to this section have been attained and all residual lead in dust clearance standards have been achieved, the area shall be cleared for reoccupancy pursuant to subsections (a) and (e) of this section.

(d) Letter of Compliance - After lead abatement or lead hazard remediation has been completed in a dwelling unit according to the lead abatement or lead hazard remediation plan and dust lead levels have been found to be in compliance with the clearance criteria specified in this section, the lead inspector, lead inspector risk assessor, or code enforcement official shall within five (5) business days, issue a letter of compliance for that dwelling unit to the owner and provide a copy to the director stating that the lead inspector, lead inspector risk assessor, or code enforcement official has found the dwelling unit free of lead hazards. If intact lead-based paint or encapsulated lead-based paint and enclosed lead-based paint and/or covered lead contaminated soil or sand areas remain then the letter of compliance shall state that a lead management plan must be developed and followed to assure compliance with sections 19a-111c-1 through 19a-111c-11 of the Regulations of Connecticut State Agencies.

(e) Reinspection - All areas where abatement or lead hazard remediation has been completed pursuant to an order that has been issued by the director shall be reinspected by the code enforcement agency within ten (10) business days after notification has been received from the owner that lead abatement or lead hazard remediation has been completed. The inspection shall ascertain whether lead hazards have been properly abated or remediated. A lead abatement or lead hazard remediation project shall be considered complete when all lead hazards have been abated or remediated, there is no visible residue in the work area, and the level of lead has been reduced in the abatement or lead hazard remediation area to below the toxic level of lead as determined by the use of lead in dust sampling in the abatement or lead hazard remediation area. A reinspection report shall be prepared and a copy of the reinspection report shall be sent by certified mail, hand delivered or by other provable method of transmittal to the owner of the property within two (2) business days after the reinspection is completed.

(f) Conflict of interest - A lead inspector, lead inspector risk assessor, or code enforcement official shall not be the owner, a regular employee of the owner, the lead abatement contractor, the contractor who conducts lead hazard remediation, an employee of the lead abatement contractor, or an employee of the contractor who conducts lead hazard remediation for any property for which the lead inspector, inspector risk assessor, or code enforcement official issues a post abatement reinspection report, a post lead hazard remediation reinspection report, or a letter of compliance. The lead inspector, lead inspector risk assessor, or code enforcement official shall not conduct cleaning of any property for which the lead inspector, lead inspector risk assessor, or code enforcement official conducts final clearance testing.

(g) Record keeping - All reports, forms and related data including but not limited to, reinspection reports, lead management plans, sample analyses results and letters of compliance shall be retained by the owner until such time as the property has been rendered free of toxic levels of lead and so certified by a lead inspector or lead inspector risk assessor. The owner shall retain the certificate. The owner shall transfer these records or the certificate upon transfer of title. The lead consultant contractor shall retain these records for a minimum of three (3) years from the date of issuance.

(h) Notice of compliance with or withdrawal of an order to correct lead hazards – The director shall provide written notice of compliance or withdrawal to the owner when compliance with an order to correct lead hazards that has been issued pursuant to section 19a-111c-3(g) of the Regulations of Connecticut State Agencies has been achieved or when the order has been withdrawn by the director.

Section 7. Section 19a-111-5 of the Regulations of Connecticut State Agencies is amended to read as follows:

19a-111c-[5]7 Time periods for compliance

The [local] director [of health] shall ensure that lead abatement or lead hazard remediation projects [be] are completed in a timely fashion according to the time frames specified in the lead abatement or lead
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hazard remediation plan and according to the following schedule. However, the [local] director [of health] may shorten this timetable when he/she deems it necessary for prevention of an imminent health hazard.

(a) Child with [an elevated] A blood lead level EQUAL TO OR GREATER THAN TWENTY (20) MICROGRAMS PER DECILITER (μ G/DL) - In a dwelling unit in which a child resides, and has [an elevated] a blood lead level equal to or greater than twenty (20) micrograms per deciliter (μ g/dl), the owner shall submit a written lead abatement plan to the [local] director [of health] within fifteen (15) [working] business days of notification of inspection results. If the owner fails to submit a written lead abatement plan within five (5) business days of the required date of submission the director shall refer the case to the housing court prosecutor of jurisdiction and local corporation counsel for enforcement through appropriate criminal and civil action and shall notify the commissioner that such a referral has occurred. When a property is over 50 years old and is being reviewed for historic status by the Connecticut [Historical] Commission on Culture and Tourism as required in section 19a-111c-3[(g)](i) of the [regulations] Regulations of Connecticut State Agencies, [then] the time period for submission of a written lead abatement plan to the director shall be extended. The owner shall submit a written lead abatement plan to the [local] director [of health] within five (5) [working] business days after receipt of notification and guidance from the Connecticut [Historical] Commission on Culture and Tourism [is received]. The [local] director [of health] shall review the plan for completeness and compliance with sections 19a-111c-1 through [191]19a-111c-11 of the [regulations] Regulations of Connecticut State Agencies. [If the plan is found to be incomplete, the] The [local] director [of health] shall notify the owner in writing within [ten (10) working] twenty (20) business days of receipt of the plan [of the reasons why] whether (i) the plan [was not complete and establish] is acceptable or (ii) the plan is incomplete or requires revision. When the plan is incomplete or requires revision a [timetable] date for [compliance] resubmission shall be specified in the notification. No lead abatement shall commence on properties that are subject to a lead abatement order without written approval of the lead abatement plan by the director or the director's designated agent.

The owner shall [initiate] complete abatement [of toxic levels of lead] within [forty-five (45) working] ninety (90) calendar days of [notification of inspection results and diligently pursue such abatement] receipt of approval of the abatement plan. No more than three (3) extensions of thirty (30) calendar days each may be granted by the director for the following reasons: (i) Exterior work is unable to be completed due to weather conditions (i.e., soil covered by snow, heavy snow and/or extreme cold hampering exterior abatement); (ii) materials such as replacement windows are on documented back order; or (iii) The owner is personally performing a substantial portion of the abatement and has completed at least fifty percent (50%) of the abatement work within the initial ninety (90) calendar day time period. Such extensions when granted shall be in writing and in detail with copies to the commissioner. The owner may request further extensions from the commissioner and the commissioner may grant such extensions. Additionally, the director may permit abatement to be delayed indefinitely when a dwelling unit is unoccupied and vacant of all furniture and personnel possessions. Such a delay shall be stipulated in a written contract with the owner and the unit shall remain unoccupied and vacant until abatement is completed and clearance achieved.

(b) Other [dwellings] DWELLING UNITS - In a dwelling unit in which a child resides, but does not have [an elevated] a blood lead level equal to or greater than twenty (20) micrograms per deciliter (μ g/dL), the owner shall [initiate abatement of all toxic levels of lead in defective condition within ninety (90) working days of notification of the inspection results and diligently pursue such abatement. The owner shall] submit a written lead abatement or lead hazard remediation plan to the [local] director [of health] within twenty (20) [working] business days of [initial identification of a lead hazard] notification of inspection results. If the owner fails to submit a written lead abatement or lead hazard remediation plan within five (5) business days of the required date of submission the director shall refer the case to the housing court prosecutor of jurisdiction and local corporation counsel for enforcement through appropriate criminal and civil action and shall notify the commissioner that such a referral has occurred. When a property is over 50 years old and is being reviewed for historic status by the Connecticut Commission on Culture and Tourism as required in section 19a-111c-3(h) of the Regulations of Connecticut State Agencies, the time period for submission of a written lead abatement or lead hazard remediation plan to the director shall be extended. The owner shall submit a written lead abatement plan or lead hazard remediation plan to the director within five (5) business days after receipt of notification and guidance from the Connecticut Commission on Culture and Tourism. The [local] director [of health] shall review the plan for completeness and compliance with sections 19a-111c-1 through 19a-111c-11 of the [regulations] Regulations of Connecticut State Agencies. [If the plan is found to be incomplete, the] The director [of health] shall notify the owner in writing within [fifteen (15) working] twenty (20) business days of receipt of the plan [of the reasons why] whether (i) the plan [was not approved and establish] is acceptable or (ii) the plan is incomplete or requires revision. When the plan is incomplete or requires revision a [timetable] date for [compliance] resubmission shall be specified in the notification. No lead abatement or lead hazard remediation shall commence on properties that are subject to a lead abatement or lead hazard remediation order without written approval of the lead abatement or lead hazard remediation plan by the director or the director's designated agent. Lead abatement or lead hazard remediation may commence in accordance with the lead abatement or lead hazard remediation plan and these regulations on properties that are not

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subject to a lead abatement or lead hazard remediation order if plan approval or notification that the plan is unacceptable has not been issued within twenty (20) business days of receipt of the plan by the director or the director's designated agent.

The owner shall complete abatement or lead hazard remediation within one hundred and twenty (120) calendar days of receipt of approval of the abatement plan or lead hazard remediation plan. No more than three (3) extensions of thirty (30) calendar days each may be granted by the director for the following reasons: (i) exterior work is unable to be completed due to weather conditions (i.e., soil covered by snow, heavy snow and/or extreme cold hampering exterior abatement); (ii) materials such as replacement windows are on documented back order; or (iii) the owner is personally performing a substantial portion of the abatement or lead hazard remediation work and has completed at least fifty percent (50%) of the abatement or lead hazard remediation work within the initial one hundred and twenty (120) calendar day time period. Such extensions, when granted, shall be in writing and in detail. Additionally, the director may permit abatement or lead hazard remediation to be delayed indefinitely when a dwelling unit is vacant. Such a delay shall be stipulated in a written contract with the owner and the unit shall remain vacant until abatement or lead hazard remediation is completed and clearance achieved.

(c) Lead management plans - The director shall notify the owner in writing within fifteen (15) business days of receipt of a lead management plan whether (i) the plan is acceptable or (ii) the plan is incomplete or requires revision. When the plan is incomplete or requires revision a date for resubmission shall be specified in the notification.

Section 8. Section 19a-111-7 of the Regulations of Connecticut State Agencies is amended to read as follows:

19a-111c-[7]8 Absence of non-workers during LEAD abatement AND LEAD HAZARD REMEDIATION

(a) Residents - Residents shall not occupy a room or work area where on-site lead [paint] abatement or lead hazard remediation is occurring. The lead work areas where lead abatement or lead hazard remediation is occurring must be sealed from the remainder of the dwelling [according to section] in accordance with sections 19a-111c-4 and 19a-111c-5 of the [regulations] Regulations of Connecticut State Agencies.

(b) Work area - No person shall enter or remain in a work area at any time during a lead abatement or lead hazard remediation project [which involves the on-site removal of lead paint,] except for the lead abatement contractor and lead abatement workers, lead hazard remediation contractor and lead hazard remediation workers, federal, state, and local enforcement officials and their designees, lead inspectors, lead inspector risk assessors, and the property owner or the owner's designee.

(1) Persons not listed above may enter the work area only after [the] a lead inspector, lead inspector risk assessor, or code enforcement official determines that the lead abatement or lead hazard remediation project has been completed in accordance with sections 19a-111c-1 through 19a-111c-11 of the [regulations] Regulations of Connecticut State Agencies.

(2) All persons present in a work area during a lead abatement or lead hazard remediation project which involves the removal of lead paint shall wear protective equipment as [listed in section 19a-111-6(d) of regulations of Connecticut State Agencies] specified by the Occupational Safety and Health Administration of the United States Department of Labor.

(3) At all times when a lead abatement or lead hazard remediation project is being conducted in a common area of a dwelling occupied by two (2) or more dwelling units:

(A) residents shall use alternative entrances and exits which do not require passage through the abatement or lead hazard remediation area, if any such entrance and exit exists;

(B) the lead abatement contractor [and], lead abatement workers, lead hazard remediation contractor and lead hazard remediation workers shall use all reasonable efforts to create an uncontaminated passage for all dwelling residents;

(C) in the event that the passage in a building can be reached only through the lead abatement or lead hazard remediation area, lead abatement or lead hazard remediation in common areas shall only be conducted between the hours of [9] 9:00 A.M. to [3] 3:00 P.M. [only], and the lead abatement or lead hazard remediation area shall be thoroughly cleaned with a HEPA vacuum at the end of each [working] business day; and

(D) all building unit and fire code requirements for access to a dwelling must be maintained for occupied dwellings. If containment required for lead abatement or lead hazard remediation blocks access, [then] affected dwelling units must be vacated during the blockage.

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Section 9. Section 19a-111-8 of the Regulations of Connecticut State Agencies is amended to read as follows:

19a-111c-[8]9 Reports to the commissioner

[In addition to notification of inspection reports required under subsection 19a-111-3(d) of regulations of Connecticut State Agencies local code] Code enforcement agencies shall submit a report to the commissioner, on a form prescribed by the commissioner by the 15th day of January, April, July, and October for the previous quarter signed by the [head of such agency] director. This report shall list:

- (a) the medical status of all lead poisoned children,
- (b) all [uncorrected] violations that remained uncorrected at the end of the previous quarter,
- (c) all violations that were corrected during the previous quarter, and
- (d) [what] legal action that has been taken regarding each uncorrected violation.

Section 10. Section 19a-111-11 of the Regulations of Connecticut State Agencies is amended to read as follows:

19a-111c-11 Severability

If any provision of sections 19a-111c-1 through 19a-111c-11 inclusive of the [regulations] Regulations of Connecticut State Agencies shall be held inconsistent with federal laws or the laws of the State of Connecticut, that inconsistency shall not affect the remaining provisions.

STATEMENT OF PURPOSE: To establish and update lead abatement, lead hazard remediation, and lead management requirements and procedures for materials that contain toxic levels of lead in dwellings where children under six (6) years of age reside and in child day care facilities in accordance with sections 19a-110, 19a-111, 19a-111c, and 19a-111d of the Connecticut General Statutes.

Section 11. Section 19a-111-6 of the Regulations of Connecticut State Agencies is repealed.

Effective Date: 09/29/92

Amended: 12/01/95 [section 19a-111-1 revised; sections 19a-111-9, 19a-111-10 and subsection 19a-111-2(f) repealed]

Amended: 07/25/97 [subsection 19a-111-1(62) revised; subdivision 19a-111-3(a)(2) revised; subdivision 19a-111-3(a)(3) repealed]

Amended: 10/09/03 [subsection 19a-111-1(59) revised; subsection 19a-111-2(d) revised; subsection 19a-111-3(j) added; subsection 19a-111-4(e)(2) revised]

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