

NEW Changes to EPA's Lead Regulations

EPA changed lead regulations in “Target Housing” meaning any residential unit built before the year 1978.

On June 21, 2019, the U.S. Environmental Protection Agency (EPA) finalized a rule revising the Dust-Lead Hazard Standards (DLHS) from 40 $\mu\text{g}/\text{ft}^2$ for floors and 250 $\mu\text{g}/\text{ft}^2$ for windowsills, to 10 $\mu\text{g}/\text{ft}^2$ and 100 $\mu\text{g}/\text{ft}^2$, respectively. EPA is notifying risk assessors certified by EPA of the effect of this rule on their work. As a result of this revision, risk assessors must compare dust sampling results for floors and windowsills to the new, lower DLHS from this rule. Sampling results above the new hazard standard will indicate that a dust-lead hazard is present on the surfaces tested. However, this revision does not affect the existing **dust-lead clearance levels**, which are being evaluated under a separate rulemaking. The final rule does not change any other risk assessment requirements, and EPA's revisions to the DLHS do not retroactively compel actions. However, EPA encourages risk assessors to check with their state and local agencies with Lead-Based Paint (LBP) programs as they may require actions based on the revised DLHS. For further information, please see the following URL: <https://www.epa.gov/lead/hazard-standards-lead-paint-dust-and-soil-tsca-section-403>

On January 6, 2020, EPA revised the DLHS (Dust Lead Hazard Standard) from 40 $\mu\text{g}/\text{ft}^2$ and 250 $\mu\text{g}/\text{ft}^2$ to 10 $\mu\text{g}/\text{ft}^2$ and 100 $\mu\text{g}/\text{ft}^2$ on floors and windowsills respectively.

- **40 CFR 745(b) - Dust-lead hazard.** A dust-lead hazard is surface dust in a residential dwelling or child-occupied facility that contains a mass-per-area concentration of lead equal to or exceeding 10 $\mu\text{g}/\text{ft}^2$ on floors or 100 $\mu\text{g}/\text{ft}^2$ on interior window sills based on wipe samples.
- **40 CFR 745.227 (h)(3) – Determinations.** A dust-lead hazard is present in a residential dwelling or child occupied facility:
 - (i) In a residential dwelling on floors and interior window sills when the **weighted arithmetic mean** lead loading for all single surface or composite samples of floors and interior window sills are equal to or greater than 10 $\mu\text{g}/\text{ft}^2$ for floors and 100 $\mu\text{g}/\text{ft}^2$ for interior window sills, respectively;
 - (ii) On floors or interior window sills in an unsampled residential dwelling in a multi-family dwelling, if a dust-lead hazard is present on floors or interior window sills, respectively, in at least one sampled residential unit on the property; and
 - (iii) On floors or interior windowsills in an unsampled common area in a multi-family dwelling, if a dust-lead hazard is present on floors or interior windowsills, respectively, in at least one sampled common area in the same common area group on the property.

NEW Proposed Changes to MDE Lead Regulations

MDE proposed lead regulations in an “Affected Property” meaning any rental unit built before the year 1978.

Based from the EPA regulations change on January 6, 2020, Maryland has proposed to change lead regulations on July 1, 2020 from 40 $\mu\text{g}/\text{ft}^2$, on floors, 250 $\mu\text{g}/\text{ft}^2$ on windowsills and 400 $\mu\text{g}/\text{ft}^2$ on window wells to 10 $\mu\text{g}/\text{ft}^2$ on floors, and 100 $\mu\text{g}/\text{ft}^2$ on windowsills and wells, respectively.

Regulations Affected:

- **Annotated Code of Maryland, Environment §6-801(k)** - “Lead-contaminated dust” means dust in affected properties that contains an area or mass concentration of lead in excess of the lead content level determined by the Department by regulation.
- **Annotated Code of Maryland, Environment §6-815** – Satisfaction of Risk Reduction Standards.
- **Annotated Code of Maryland, Environment §6-819** – Modified Risk Reduction Standard.
- **COMAR 26.16.02.04** - -**Certification of Lead-Safe Housing**
- **COMAR 26.16.05, 09** – **Dust Wipe Inspections Performed to Establish Compliance with Environmental Article §§6-815 and 6-819, Annotated Code of Maryland**
- **COMAR 26.16.10** – **Clearance Inspection for Abatement Projects**
- **COMAR 26.16 11** – **Lead Risk Assessments** - Lead risk assessments shall be performed in accordance with 40 CFR §745.227. Lead risk assessments under this chapter may not be conducted to issue a certificate to satisfy the Maryland Reduction of Lead Risk in Housing Act.