



## **SCHOOLS INSURANCE PROGRAM FOR EMPLOYEES**

7455 Morro Road • Atascadero, CA 93422-4423 • Tel: (805) 460-0280 • Fax: (805) 460-0286 • [www.slosipe.org](http://www.slosipe.org)

# **LEAD PAINT IN SCHOOLS**

**Date:** January 4, 2019

**Legal Reference:** CCR Title 8, Section 1532.1 Lead., EPA 40 CFR part 745

**Purpose:** The purpose of this guidance document is to assist member school districts in advancing their knowledge and assisting in compliance with lead-based paint regulations.

### **Background**

The Federal Occupational Safety and Health Administration (OSHA), has enacted a lead standard, which was adopted by the Cal/OSHA as CCR Title 8, Section 1532.1. The purpose of both standards is to protect workers from exposure to lead. OSHA is primarily concerned with activities that disturb paints with any detectable amounts of lead. Lead was used in most paints until the mid-1950s and was banned in amounts more than 0.06% by weight in 1978 for most non-industrial paints by the Consumer Product Safety Commission (CPSC).

In 2008, the EPA's Lead Renovation, Repair, and Painting Rule (RRP Rule) requires that firms performing renovation, repair, and painting projects that disturb lead-based paint in homes and other child-occupied facilities have their firm certified by the EPA or a State authorized by the EPA, use certified renovators who are trained by EPA-approved training providers and follow lead-safe work practices.

The RRP Rule typically applies to buildings regularly visited by children under six years of age such as daycare and kindergarten rooms and cafeteria and library buildings built before 1978, including their associated canopy structures. In addition, the project will disturb more than six square feet inside or 20 square feet outside.

Use the *RRP Flowchart* available on the SIPE website to determine if the RRP Rule applies to your maintenance and construction projects.

### **Must Paint Be Tested for Lead?**

No. However, if the paint is not tested and the school building was constructed before January 1, 1993, it must be assumed that the paint contains lead and the district must take all necessary precautions and follow the requirements of the Cal/OSHA Lead in Construction standard, just as if the district knew for sure that there was lead in the paint.

### **Contractor Agreements**

If a contractor(s) will be disturbing painted surfaces, use the recommended language available on the SIPE website called, *Contract Language for Projects which Disturb Lead Surfaces*. Never use the term "lead paint abatement." Abatement is defined as any set of measures designed to reduce or eliminate lead hazards or lead-based paint. The use of this term triggers many government regulations and notifications. The intent of the construction project is not lead paint removal even though there may be lead in the paint. Contact SIPE to determine if your district needs actual lead abatement.

## **SIPE Lead Recommendations for School Buildings**

Buildings Built before 1993: Assume lead in painted surfaces, no sampling needed. The amount of lead in the material does not matter, any detectable level triggers Cal/OSHA regulations. District employees or contractors must follow regulation Title 8, Section 1532.1 and the RRP Rule.

Building Built After 1993: Paint testing may benefit the district to rule out lead.

Districts may consider contracting out painting projects on buildings built before 1993 and having the M&O staff maintain newer buildings.

SIPE will provide lead sampling on an as-needed basis. If a district, contractor, or architect wants to deviate from SIPE's lead testing recommendations or wants their demolition waste stream tested, they would be responsible for hiring an environmental consultant for those services.

### **Helpful Links**

EPA RRP - <https://www.epa.gov/lead/lead-renovation-repair-and-painting-program-rules>

Cal/OSHA - [https://www.dir.ca.gov/title8/1532\\_1.html](https://www.dir.ca.gov/title8/1532_1.html)

Lead Safe Schools Guide - <http://www.lohp.org/docs/pubs/lead/lssguide.pdf>

SIPE Documents - <https://www.slosipe.org/resources/documents-and-forms.php>