



North Dakota Department of Health  
Division of Air Quality  
Lead-Based Paint Program  
GUIDANCE DOC # NDLBP001

**Lead-based Paint Inspection and Risk Assessment  
Investigations and Report Guidance.**

This document is to provide guidance on what is required to be included in the written portions of a Lead-based Paint Inspection report or a Risk Assessment or a Clearance report.

Under NDAC 33-15-24 Lead-based Paint Activities Rule and 40 CFR 745.227 there is certain information that are required to be included in the reports even if the scope of work for a job does not specifically request it.

Also there are additional information requirements for risk assessment and Inspection reports under U.S. Office of Housing and Urban Development (HUD) requirements in 24 CFR 35 Lead-based Paint Poisoning Prevention in Certain Residential Structures, including reporting requirements for Clearance Reports.

Other issues to consider is:

- A) An Inspection Report made by a certified Lead Inspector cannot include recommendations of interim controls, operations and management or abatement. Those types of recommendations fall under the scope of work of a Risk Assessor.
- B) A certified Risk Assessor, who is writing an Inspection Report and includes recommendations for interim controls, operations and management or abatement must fulfill the full requirements of a Risk Assessment report as required by ND 33-15-24 and 40 CFR 745.227(c) &(d).
- C) A Clearance examination is required in HUD's 24 CFR 35 subpart B, C, D, F through M, and R. and in EPA's 40 CFR 745.227(8). Clearance is required after abatement and some other activities that are defined as non-abatement activities such as: interim controls, paint stabilization, standard treatments, ongoing lead-based paint maintenance and rehabilitation. All terms are defined in both HUD's and EPA's regulations.

This document is divided into three parts. Part One pertains to Inspection investigations and report requirements. Part Two pertains to the two types of Risk Assessment investigations and their report requirements and Part Three pertains to Clearance Reports requirements.

If you have any questions about the following information please contact the North Dakota Department of Health, Division of Air Quality, Lead-based Paint Program at 701-328-5188

## Part One

### **Lead-based Paint Inspection Investigation and Report Requirements**

#### Inspection for Lead-based Paint

- (1) A lead-based paint inspection shall be conducted only by a person certified by the Department as a lead-based paint inspector or risk assessor and, if conducted, must be conducted according to the procedures in the following paragraphs.
- (2) When conducting an inspection, the following locations shall be selected according to documented methodologies and tested for the presence of lead-based paint. All documented methodologies must be reproducible and must follow U.S. EPA regulations and HUD Guidelines for Evaluation and Control of Lead-based Paint Hazards in Housing.
  - (A) In a residential dwelling and/or child-occupied facility, each interior and/or exterior component with a distinct painting history shall be tested for lead-based paint, except those components that the inspector or risk assessor determines to have been replaced after 1978, or to not contain lead-based paint.
  - (B) In a multi-family dwelling or child-occupied facility, each component with a distinct painting history in every common area, shall be tested for lead-based paint, except those components that the inspector or risk assessor determines to have been replaced after 1978, or to not contain lead-based paint.
- (3) Paint shall be sampled in the following manner:
  - (A) The analysis of paint to determine the presence of lead shall be conducted using documented methodologies which incorporate adequate quality control procedures.
  - (B) All collected paint chip samples shall be analyzed according to paragraph (f) of 40 CFR 745.227 which states: " Any paint chip, dust, or soil samples collected pursuant to work practice standards continued in this section shall be collected by a State Certified Inspector or Risk Assessor and

analyzed by a U.S. EPA Certified Laboratory, to determine if they contain detectable levels of lead that can be quantified numerically.

All of the following items must be included in an Inspection Report as required by 40 CFR 745.227(b)(4), NDAC 33-15-24 Lead Based Paint Activities and HUD requirements in 24 CFR Part 35.

**The Lead-Based Paint Inspection Report Check-off List**

#	Information required	✓	Comments
1	Date of each inspection.		
2	Address of each building.		
3	Date of construction of each building.		
4	Apartment numbers (if applicable).		
5	Name, address, and telephone number of the owner or owners of each residential dwelling or child-occupied facility.		
6	Name, signature, and certification number of each certified inspector and/or risk assessor conducting testing.		
7	Name, address, and telephone number of the licensed firm employing each inspector and/or risk assessor, if applicable.		
8	Each testing method and device and/or sampling procedure employed for paint analysis, including quality control data and, if used, the serial number of any x-ray fluorescence (XRF) device.		
9	Specific locations of each painted component tested for the presence of lead-based paint.		

#	Information required	✓	Comments
10	The results of the inspection expressed in terms appropriate to the sampling method used.		
11	List all testing combinations, including those that are painted, stained, shellacked, varnished, coated or wallpaper which covers painted surfaces. * HUD Requirement		
12	Selected testing combinations * HUD Requirement		
13	Performed XRF testing (including calibration readings) * HUD Requirement		
14	Collect and analyze paint chip samples for testing combinations that cannot be tested with the XRF or that had inconclusive XRF results. * HUD Requirement		
15	Classify XRF and paint chip results * HUD Requirement		
16	Evaluate the work and results to ensure the quality of the paint inspection. * HUD Requirement		
17	Document all findings in plain language summary and a complete report; including language in both the summary and the report indicating that the information must be disclosed to tenants and perspective purchasers in accordance with Federal law (24 CFR 35 or 40 CFR 745) * HUD Requirement		

## **Part Two**

### **Risk Assessment Investigations and Reports**

A certified risk assessor may conduct one of two types of investigations.

The first type is a Lead Hazard Screen. The other type is a Risk Assessment. Both types of investigations also include written reports which must contain the required information as defined under 40 CFR 745.227©) and (d), NDAC 33-15-24 Lead-based Paint Activities, and HUD's 24 CFR 35 Lead-based Paint Poisoning Prevention in Certain Residential Structures even if the information is not requested in the scope of work for the job.

A Lead Hazard Screen is defined as:

- (1) A limited risk assessment activity that involves limited paint and dust sampling as described in 40 CFR 745.227©).

A Risk Assessment is defined as:

- (1) An onsite investigation to determine the existence, nature, severity, and location of lead-based paint hazards, and
- (2) The provision of a report by the individual or the firm conducting the risk assessment, explaining the results of the investigation and options for reducing lead-based paint hazards.

#### **Requirements for a Lead Hazard Screen Investigation:**

A lead hazard screen shall be conducted only by a person certified by the Department as a risk assessor. If conducted, a lead hazard screen shall be conducted as follows:

1. Background information regarding the physical characteristics of the residential dwelling or child-occupied facility and occupant use patterns that may cause lead-based paint exposure to one or more children age six years and under shall be collected.
2. A visual inspection of the residential dwelling or child-occupied facility shall be conducted to:
  - (A) Determine if any deteriorated paint is present, and
  - (B) Locate at least two dust sampling locations.

3. If deteriorated paint is present, each surface with deteriorated paint, which is determined, using documented methodologies, to be in poor condition and to have a distinct painting history, shall be tested for the presence of lead.
4. In residential dwellings, two composite dust samples shall be collected, one from the floors and the other from the windows, in rooms, hallways or stairwells where one or more children, age 6 and under, are most likely to come in contact with dust.
5. In multi-family dwellings and child-occupied facilities, in addition to the floor and window samples required if deteriorated paint is present, each surface with deteriorated paint determined to be in poor condition and to have a distinct painting history, shall be tested for the presence of lead. The risk assessor shall also collect composite dust samples from common areas where one or more children, age six and under, are most likely to come into contact with dust.
6. Dust samples shall be collected and analyzed in the following manner:
  - (A) All dust samples shall be taken using documented methodologies that incorporate adequate quality control procedures.
  - (B) All collected dust samples shall be analyzed to determine if they contain detectable levels of lead that can be quantified numerically.
7. Paint shall be sampled in the following manner: The analysis of paint to determine the presence of lead shall be conducted using documented methodologies which incorporate adequate quality control procedures; and all collected paint chip samples shall be analyzed to determine if they contain detectable levels of lead that can be quantified numerically.

**WHAT TO INCLUDE IN A LEAD HAZARD SCREEN REPORT.**

The risk assessor shall prepare a lead hazard screen report, which shall include the following information:

#	Information required	✓	Comments
1.	Date of assessment.		
2.	Address of each building.		
3.	Date of construction of each building.		
4.	Apartment number(s) (if applicable).		
5.	Name, address, and telephone number of each owner of each building.		
6.	Name, signature, and certification of the certified risk assessor conducting the assessment.		
7.	Name, address, and telephone number of the licensed firm employing each certified risk assessor, if applicable.		
8.	Name, address, and telephone number of each recognized laboratory conducting analysis of collected samples.		
9.	Results of the visual inspection		
10	Testing method and sampling procedure for paint analysis employed.		
11	Specific locations of each painted component tested for the presence of lead.		
12	All data collected from on-site testing, including quality control data and, if used, the serial number of any XRF device.		



#	Information required	✓	Comments
13	All results of laboratory analysis on collected paint, soil, and dust samples.		
14	Any background information collected pursuant to paragraph 40 CFR 745.227(c)(2)(i) which States: " Background information regarding the physical characteristics of the residential dwelling or child-occupied facility and occupant use patterns that may cause lead-based paint exposure to one or more children age six years and under shall be collected."		
15	Any background information collected regarding the physical characteristics of the residential dwelling or child-occupied facility and occupant use patterns that may cause lead-based paint exposure to one or more children 6 years and under shall be collected. This information shall be included in the risk assessment report; and recommendations, if warranted, for a follow-up risk assessment, and as appropriate, any further actions.		
16	Document all findings in plain language summary and a complete report; including language in both the summary and the report indicating that the information must be disclosed to tenants and perspective purchasers in accordance with Federal law (24 CFR 35 or 40 CFR 745) * HUD Requirement		

## Requirements for a Risk Assessment

### Risk Assessment Building Investigation List.

- (1) A risk assessment shall be conducted only by a person certified by the Department as a risk assessor and, if conducted, must be conducted according to the procedures in this paragraph.
- (2) A visual inspection for risk assessment of the residential dwelling or child-occupied facility shall be undertaken to locate the existence of deteriorated paint, assess the extent and causes of the deterioration, and other potential lead-based paint hazards.
- (3) Background information regarding the physical characteristics of the residential dwelling or child-occupied facility and occupant use patterns that may cause lead-based paint exposure to one or more children age 6 years and under shall be collected.
- (4) Each surface with deteriorated paint, which is determined, using documented methodologies, to be in poor condition and to have a distinct painting history, shall be tested for the presence of lead. Also each friction surface or impact surface with visibly deteriorated paint shall be tested.
- (5) In residential dwellings, dust samples (either composite or single-surface samples) from the window and floor shall be collected in all living areas where one or more children, age 6 and under, are most likely to come into contact with dust.
- (6) For multi-family dwellings and child-occupied facilities, samples are required to be taken of the following surfaces: The surfaces that are determined, using documented methodologies to have a distinct painting history shall be tested for the presence of lead. Each friction surface or impact surface with visibly deteriorated paint, and all other surfaces with visibly deteriorated paint shall be tested. In addition, window and floor dust samples (either composite or single-surface samples) shall be collected in the following locations:
  - (i) Common areas adjacent to the sampled residential dwelling or child-occupied facility; and

- (ii) Other common areas in the building where the risk assessor determines that one or more children, age six and under, are likely to come into contact with dust.
- (7) For child-occupied facilities, window and floor dust samples (either composite or single-surface samples) shall be collected in each room, hallway or stairwell utilized by one or more children, age six and under, and in other common areas in the child-occupied facility where the risk assessor determines one or more children, age 6 and under, are likely to come into contact with dust.
- (8) Soil samples shall be collected and analyzed for lead concentrations in the following locations:
- (i) Exterior play areas where bare soil is present;
  - (ii) The rest of the yard (i.e. non-play areas) where bare soil is present;
  - (iii) Dripline/foundation areas where bare soil is present.
- (9) Any paint, dust, or soil sampling or testing shall be conducted using documented methodologies that incorporate adequate quality control procedures.
- (10) Any collected paint chip, dust, or soil samples shall be analyzed to determine if they contain detectable levels of lead that can be quantified numerically. Also any paint chip, dust, or soil samples collected pursuant to the work practice standards shall be:
- (A) Collected by persons certified by the department as an inspector or risk assessor; and
  - (B) Analyzed by a laboratory recognized by EPA pursuant to section 405(b) of TSCA as being capable of performing analyses for lead compounds in paint chip, dust, and soil samples.

### **General Information For the Risk Assessment**

The Risk Assessment report should also include a summary that answers two basic questions:

- 1) Is there lead-based paint hazard in the house?

- 2) If there is a lead-based paint hazard, where is it located and what is its condition. It is suggested to have a floor diagram or floor plan of the building to show the location of the testing areas and where the elevated lead-based paint is located.

This summary is required by HUD for rental units and transaction of property.

**The risk assessment report shall include the following information:**

#	Information required	✓	Comments
1	Date of assessment.		
2	Address of each building.		
3	Date of construction of each building.		
4	Apartment number (if applicable).		
5	Name, address, and telephone number of each owner of each building.		
6	Name, signature, and certification of the certified risk assessor conducting the assessment.		
7	Name, address, and telephone number of the North Dakota licensed firm employing each certified risk assessor, if applicable.		
8	Name, address, and telephone number of each recognized laboratory conducting analysis of collected samples.		
9	Results of the visual inspection.		
10	Testing method and sampling procedure for paint analysis employed.		
11	Specific locations of each painted component tested for the presence of lead.		
12	All data collected for on-site testing, including quality control data and, if used, the serial number of any XRF device.		

#	Information required	✓	Comments
13	All results of laboratory analysis on collected paint, soil, and dust samples.		
14	Any other sampling results.		
15	Any background information collected regarding the physical characteristics of the residential dwelling or child-occupied facility and occupant use patterns that may cause lead-based paint exposure to one or more children age 6 years and under shall be collected.		
16	To the extent that they are used as part of the lead-based paint hazard determination, the results of any previous inspections or analyses for the presence of lead-based paint, or other assessments of lead-based paint-related hazards.		
17	A description of the location, type, and severity of identified lead-based paint hazards and any other potential lead hazards.		
18	A description of interim controls and/or abatement options for each identified lead-based paint hazard and a suggested prioritization for addressing each hazard. If the use of an encapsulant or enclosure is recommended, the report shall recommend a maintenance and monitoring schedule for the encapsulant or enclosure.		
19	Recommendations, if warranted, for a follow-up risk assessment, and as appropriate, any further actions.		
20	A report that is suitable to post or give to occupants of the building where the Risk Assessment was conducted * HUD Requirement		

#	Information required	✓	Comments
21	Document all findings in a plain language summary and a complete report; including language in both the summary and the report indicating that the information must be disclosed to tenants and perspective purchasers in accordance with Federal law (24 CFR 35 or 40 CFR 745) * HUD Requirement		

## Part Three

### Clearance Report Requirements

Clearance report requirements are found in the both HUD regulations 24 CFR 35 entitled "Lead-based Paint Poisoning Prevention in Certain Residential Structures" Subpart R 1340©) of part 35 entitled "Clearance" and in EPA's 40 CFR 745.227(10) for Abatement work.

Clearance examinations required in 24 CFR 35 subpart B, C, D, F through M, and R, and shall be performed in accordance with HUD's provisions.

### Non-abatement Clearance Report Requirements

#	Information required	✓	Comments
1.	The address of the residential property and, if only part of a multifamily property is affected, the specific dwelling units and common areas affected.		
2.	The dates of the clearance examination		
3.	The name, address, and signature of each person performing the clearance examination, including certification number		
4.	The results of the visual assessment for the presence of deteriorated paint and visible dust, debris, residue or paint chips.		
5.	The results of the analysis of the dust sample, in $\mu\text{g}/\text{ft}^2$ , by location of the sample		
6.	The name and address of each lab that conducted the analysis of the dust sampling including the identification number for each such lab recognized by EPA under section 405(b) TSCA.		
7.	Information on the hazard reduction or maintenance activity for which the clearance was performed including		
8.	The start and completion dates of the hazard reduction or maintenance activity		

#	Information required	✓	Comments
9.	The name and address of each firm or organization conducting the hazard reduction or maintenance activity and the name of the supervisor assigned		
10.	A detail written description of the hazard reduction or maintenance activity, including methods used. Location of exterior surfaces, interior rooms, common areas, and/or components where the hazard reduction activity occurred and any suggested monitoring of the encapsulant or enclosures.		
11.	If soil hazards were reduced, a detail description of the location of the hazard reduction activity and the methods used.		

#### Clearance Report Requirements for Abatement Activities

#	Information required	✓	Comments
1.	Start and completion dates of the abatement		
2.	The name and address of each licensed firm conducting the abatement and the name of each supervisor assigned to the abatement project.		
3.	The occupant protection Plan prepared pursuant to all abatement projects and required in 40 CFR 745.227(e)(5)		
4.	The name, address, and signature of each risk assessor or inspector conducting clearance sampling and the date of the clearance testing		
5.	The results of clearance testing and all soil analysis (if applicable) and the name of each EPA recognized laboratory that conducted the analysis		
6.	A detail written description of the abatement, including abatement methods used, locations of the rooms, and/or components where abatement occurred, reason for selection particular abatement methods for each component, and any suggested monitoring of encapsulates or enclosures.		