

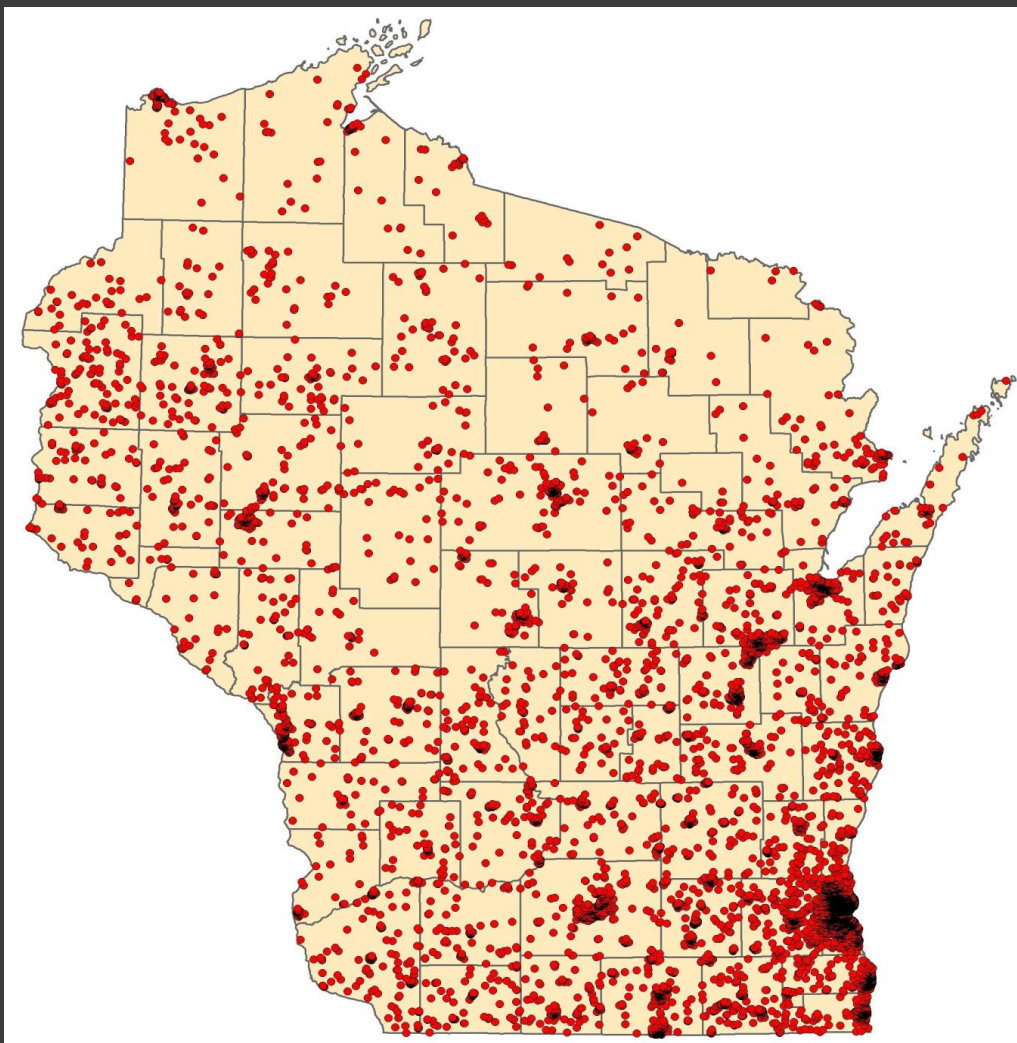


# NARI JANUARY 2014

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***Protecting Children from  
Lead Poisoning with  
Wisconsin's  
Lead-Safe Renovation Rule***

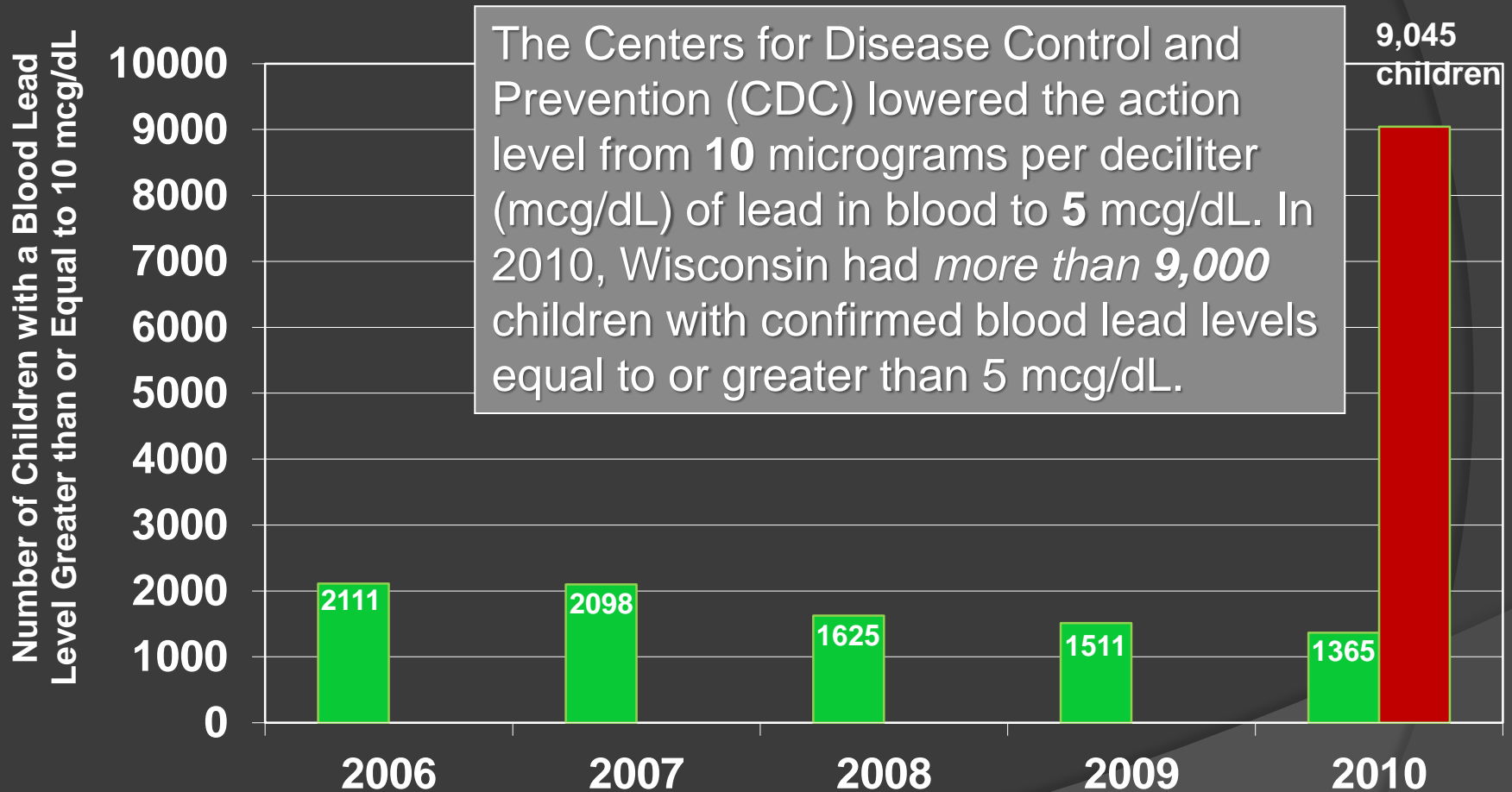
# Lead Poisoning is a Statewide Problem



Each red dot  
represents an  
address related to  
a lead-poisoned  
child, 1996 - to  
present

***More than 47,000  
children!***

# Number of Wisconsin Children Under Age 6 with Lead Poisoning, 2006 - 2010



# Preventing Lead Poisoning is Cost Effective

- Based on a review of the scientific literature, the estimated *minimum* savings of preventing lead poisoning is *\$45,608 per child* from additional lifetime earnings and avoided healthcare, special education, and justice system costs.
- This translates to over two billion dollars saved if those 47,000 poisoned Wisconsin children had been protected from lead exposure in the first place.

***Children still need protection from lead exposures now and in the future.***

# The Lead-Safe Renovation Rule

Ensures lead-safe renovations in pre-1978 housing and child-occupied facilities by requiring:

- Training and certification of renovators
- Pre-renovation education for and occupants
- Use of lead-safe work practices
- Final cleaning verification



# Wisconsin RRP Program by the Numbers

## Current numbers vs. 2011

- Accredited RRP training providers: **22**
  - Down from 26
  - Over 15,500 have completed the 1-day RRP training course
- Certified Renovators: **7,598\***
  - Down from over 8,800
- Certified Companies: **4,371**
  - Down from over 5,500

\* Includes certified Lead-Safe Renovators, Lead Abatement Supervisors and Lead Abatement Workers qualified to conduct lead-safe renovation

# Certified Renovator Responsibilities

- Provide on-the-job training (OJT) in lead-safe work to uncertified workers
- Be at jobsite during containment set-up and final clean-up
- Supervise work & ensure ongoing containment of dust & debris
- Be available by phone to return promptly
- *Personally* conduct final cleaning verification
- Have certification card when at a job site
- Prepare renovation records



# Required Pre-Renovation Education



- Before work starts, the renovator must provide the *Renovate Right* pamphlet to:
  - Owners and occupants
  - Parents of children in child-occupied facilities
- Obtain a signature of receipt
- Keep records for 3 years

# Recognized Lead Test Kits

The Department of Health Services recognizes **3M LeadCheck** and **ESCA Tech D-Lead** test kits for testing for the presence of lead on painted surfaces in pre-1978 housing and child-occupied facilities.



# Using a Paint Test Kit in Wisconsin

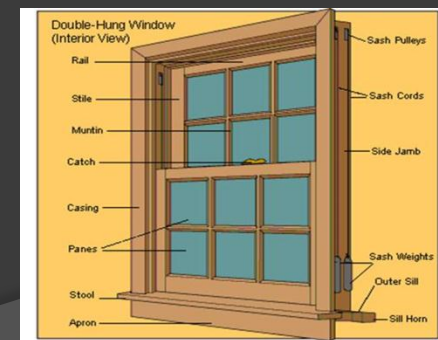
- Only a certified Lead-Safe Renovator may use a lead test kit
- Paint testing may **only** be performed at the request of the property owner or person contracting for your services
- The test kits are limited to use on paint or other coatings on wood, ferrous metal, drywall or plaster substrates

# Using a Paint Test Kit in Wisconsin

- The certified Lead-Safe Renovator must follow the manufacturer's instructions for using the recognized test kit.
- Each distinct component and surface to be disturbed must be tested separately with unused testing materials.
- Test only the components that will be disturbed during the renovation project.

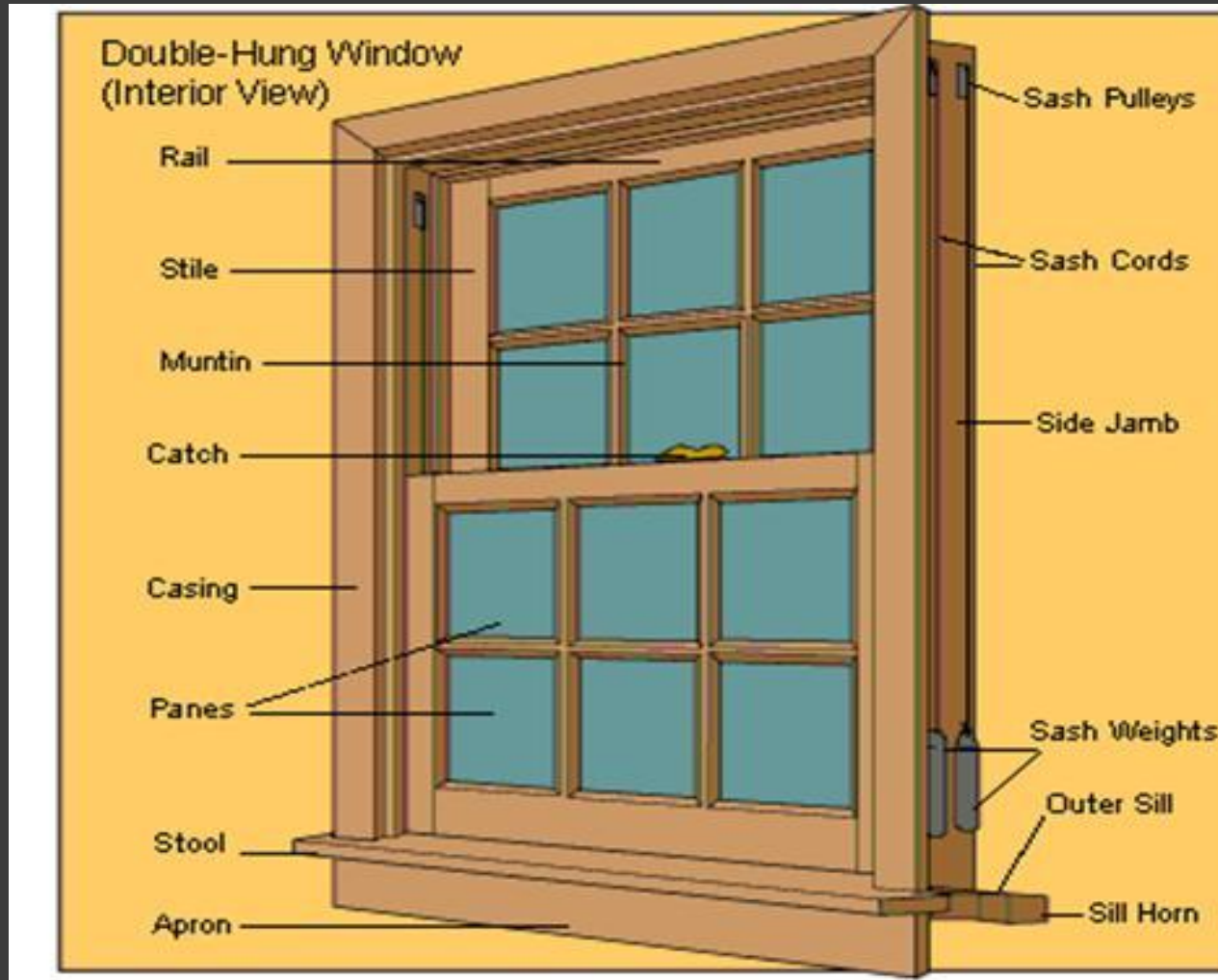
# Using a Paint Test Kit in Wisconsin

- The Lead-Safe Renovator must keep a record of:
  - The manufacturer and model of each test kit used
  - Verification that the test kit used is recognized by the department
  - A description of each component tested (including the specific location)
  - The result for each location tested



# Window System Components

Which window components require separate testing?



# Using a Paint Test Kit in Wisconsin

- A written lead test kit report must be provided to the person contracting for the work within 10 days of completing the renovation project
- A Test Kit Documentation Form may be downloaded from the Wisconsin Lead Safe website at:  
[www.dhs.wi.gov/lead/RenovatorRule/TestKit.htm](http://www.dhs.wi.gov/lead/RenovatorRule/TestKit.htm)







# LEAD-SAFE RENOVATION ENFORCEMENT

# Enforcement Options

Civil Enforcement Actions may include:

1. Letter of Inquiry / Warning Letter
2. NON
3. NON with Order (plan of correction required)
4. NON with Civil Forfeiture (monetary penalty)
5. Suspension/Summary Suspension
6. Revocation
7. Denial
  - Multiple enforcement actions may be taken
  - Enforcement Conference may be used

# Enforcement Policy

Year One: April 22, 2010 - April 22, 2011

- Provided onsite compliance assistance to untrained and uncertified contractors
- Ordered untrained or uncertified contractors to get training and apply for certification within 60 days of Notice of Noncompliance (NON)
- Sent warning letters or NONs with a plan of correction to certified contractors
- Few civil forfeitures (\$ penalties)

# Enforcement Policy

Year Two and forward: Beginning April 22, 2011, the enforcement policy went into full effect, including

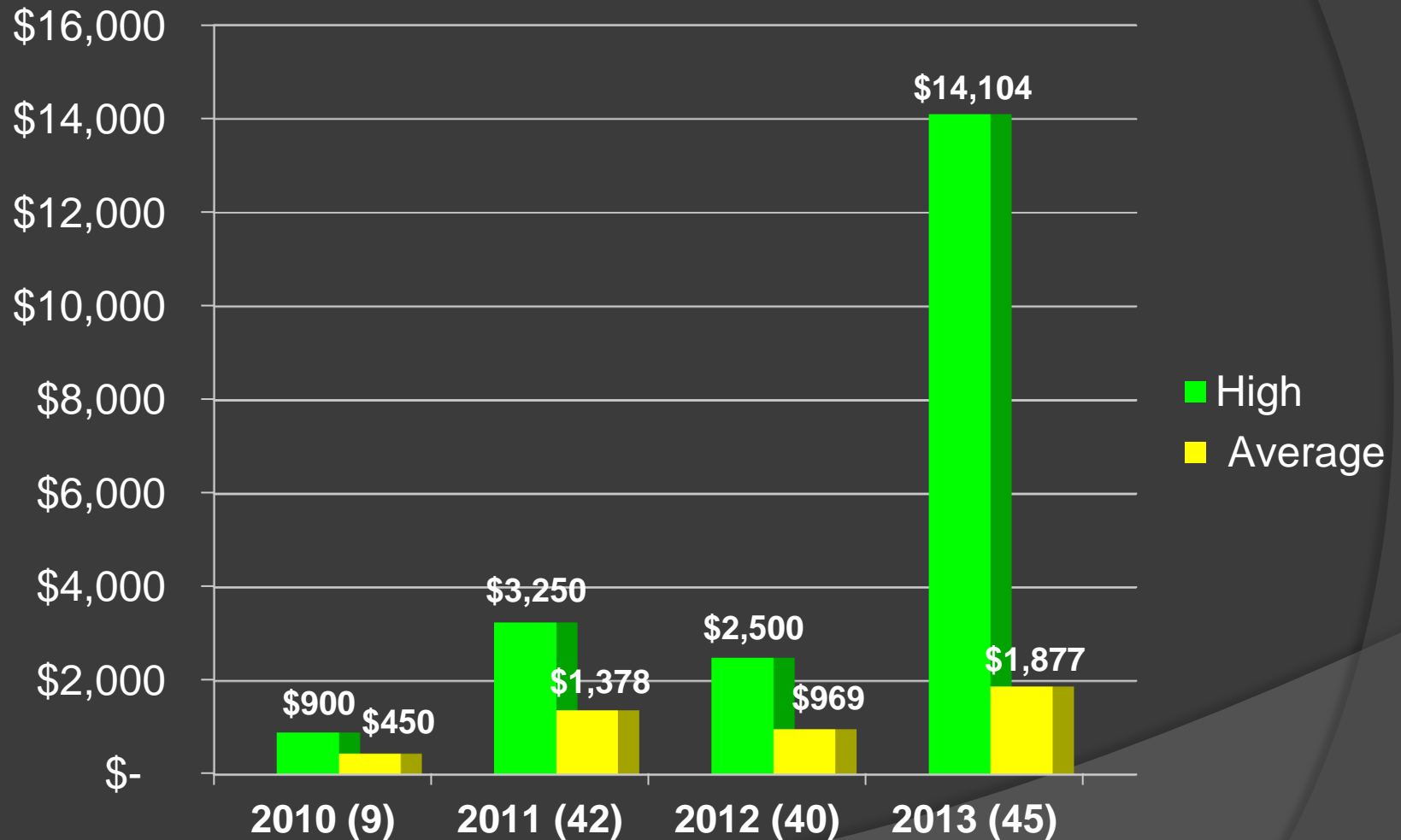
- NONs requiring plans of correction
- Use of a standardized penalty worksheet to determine appropriate civil forfeitures
- Civil forfeitures have ranged from \$100 to \$14,104
- Most NONs involve multiple violations and the largest tend to involve larger companies and multiple projects

# Enforcements to date

## April 2010 – Present

- Conducted 668 lead inspections
- 81 enforcement actions initiated – over ½ included \$\$ penalties
- Conducted 235 renovation inspections
- 167 renovation enforcement actions initiated – over ½ included \$\$ penalties

# Enforcement Penalties



# Most Common Violations

- Contractor not trained or certified (company and/or individual)
- Failure to distribute Renovate Right pamphlet
- Uncontained pressure washing
- Power sanding or grinding with no HEPA\* vacuum attachment
- No containment, failure to maintain containment, or distribution of dust and debris
- Improper waste handling
- Failure to clean

\* HEPA = High Efficiency Particulate Air, a type of air filter for removing very fine particles.

# Mineral Point Complaint

- Complaint from tenant
  - Landlord scraped and power-sanded exterior of a 4-unit rental property
  - Failed to use plastic to contain dust and debris
  - Failed to conduct daily cleaning on the exterior
  - Failed to distribute the “Renovate Right” pamphlet

**Note:** Children under age 6 resided at the property.





































# Enforcement Response

- Coordinated with Iowa County Health Department to monitor cleanup of the property
- Required landlord to distribute “Renovate Right” to tenants
- Landlord cleaned up property and replaced bare soil with new soil and added gravel to the driveway/parking area

# Enforcement Response

- Forfeiture based on these violations:
  - No certified Lead-Safe Renovator
  - Uncertified company conducting renovation
  - Failure to provide Renovate Right pamphlet
  - Failure to contain dust and debris (exterior)
  - Use of prohibited work practice (pressure washing)
  - Failure to perform daily cleanup (exterior)
  - Failure to perform post-renovation visual inspection
  - Total Forfeitures: **\$ 2,187**

# La Crosse Complaint

Citizen complaint that contractor was removing painted siding without containment that also may contain asbestos









04/15/2011 10:45













04/15/2011 10:49





# Enforcement Response

- Required contractor to hire a certified asbestos abatement contractor to remove remainder of siding and dispose of material properly.

# Enforcement Response

- Forfeitures based on these violations:
  - No certified Lead-Safe Renovator
  - Uncertified company conducting renovation
  - Failure to provide Renovate Right pamphlet
  - Failure to contain dust and debris (exterior)
  - Failure to manage waste
  - Failure to perform daily cleaning (exterior)
  - Forfeitures totaled: **\$1,550**

# Additional Enforcement-Asbestos

- Forfeitures based on these violations:
  - Uncertified individuals conducting abatement
  - Uncertified company conducting abatement
  - No certified supervisor on site
  - No occupant protection plan or project log
  - Failure to notify of an asbestos project
  - Forfeitures totaled: \$800

# Asbestos In Construction



# Asbestos is a mineral that is mined

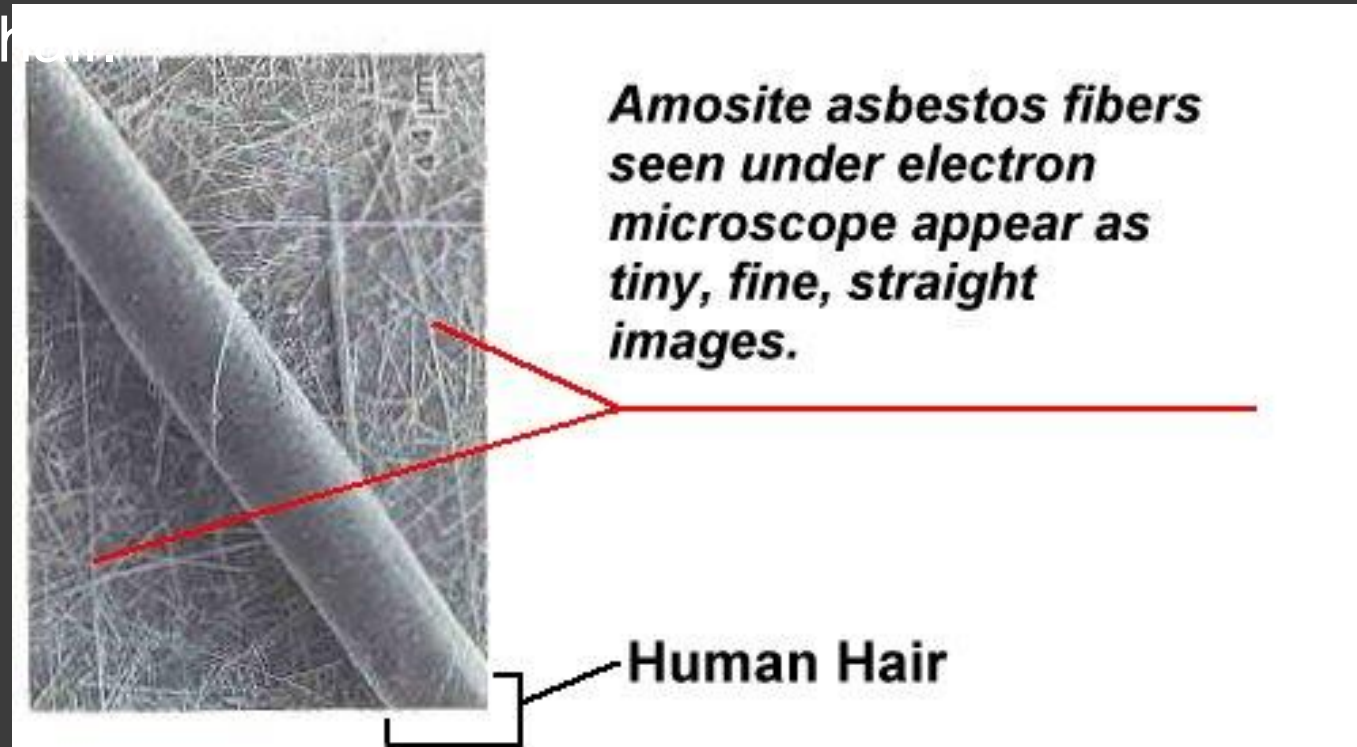


Most asbestos mines are in Quebec, Canada and the Russian Urals, accounting for  $\frac{3}{4}$  of the world production of chrysotile asbestos.

# What is asbestos?

**Asbestos is made of *fibers*.**

Asbestos fibers are 1,200 times *smaller* than a human







Over **3500** products are estimated to contain asbestos. Material is considered to be asbestos containing material, or ACM, when it contains more than 1% asbestos.

# Why use asbestos?

## Asbestos Properties:

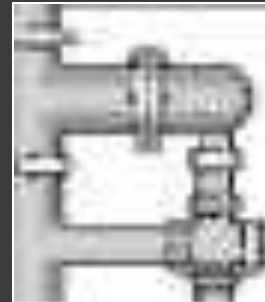
- ⦿ Tensile/mechanical strength
- ⦿ Incombustible – will not burn
- ⦿ Corrosion/chemical resistance
- ⦿ Electrical, heat & sound insulator
- ⦿ Friction resistance
- ⦿ Bacteria resistance
- ⦿ Drying characteristics



# Where is asbestos used?

Three categories of asbestos containing building material uses:

- **Thermal System Insulation**



- **Surfacing**



- **Miscellaneous**





# Types of asbestos products

## Thermal System Insulation (TSI)

### Pipe, boiler and duct insulation

- Pipe lagging or “mag”
- Cements and “muds” for pipe elbows
- Block, batt and blanket insulation
- Aircell pipe wrap
- Paper duct wrap
- Gaskets and ropes



TSI



**Boiler Breeching**

# TSI



**Pipe Elbows**

Mechanical Insulation on pipe elbows in ceiling space:

Asbestos was typically mixed with Portland Cement to form hard elbow insulation.

# TSI

## Asbestos Papers



**CORRUGATED (ABOVE)  
AND FLAT (RIGHT) ASBESTOS  
PAPER ON FURNACE DUCTS**



## Duct Insulation



**TROWELED-ON  
INSULATION ON  
KITCHEN HOOD  
EXHAUST DUCT**



# TSI

Asbestos tape



SEAM TAPE ON  
FURNACE DUCT  
(BOAT WORKS,  
HOPKINS MARINE  
STATION)

ASBESTOS CLOTH  
AT EXHAUST DUCT &  
FAN CONNECTION  
(HERRIN LAB)



ors

# Types of asbestos products

## Surfacing Materials

### *Sprayed-on applications*

- Fireproofing
- Architectural decoration



### *Trowelled-on applications*

- Acoustical plasters



# Surfacing Materials

Asbestos is often found on ceilings as a sprayed-on material. Generally, this material is friable. If it is encapsulated or has a hard coating, it does not represent a hazard unless disturbed.





# Surfacing Materials

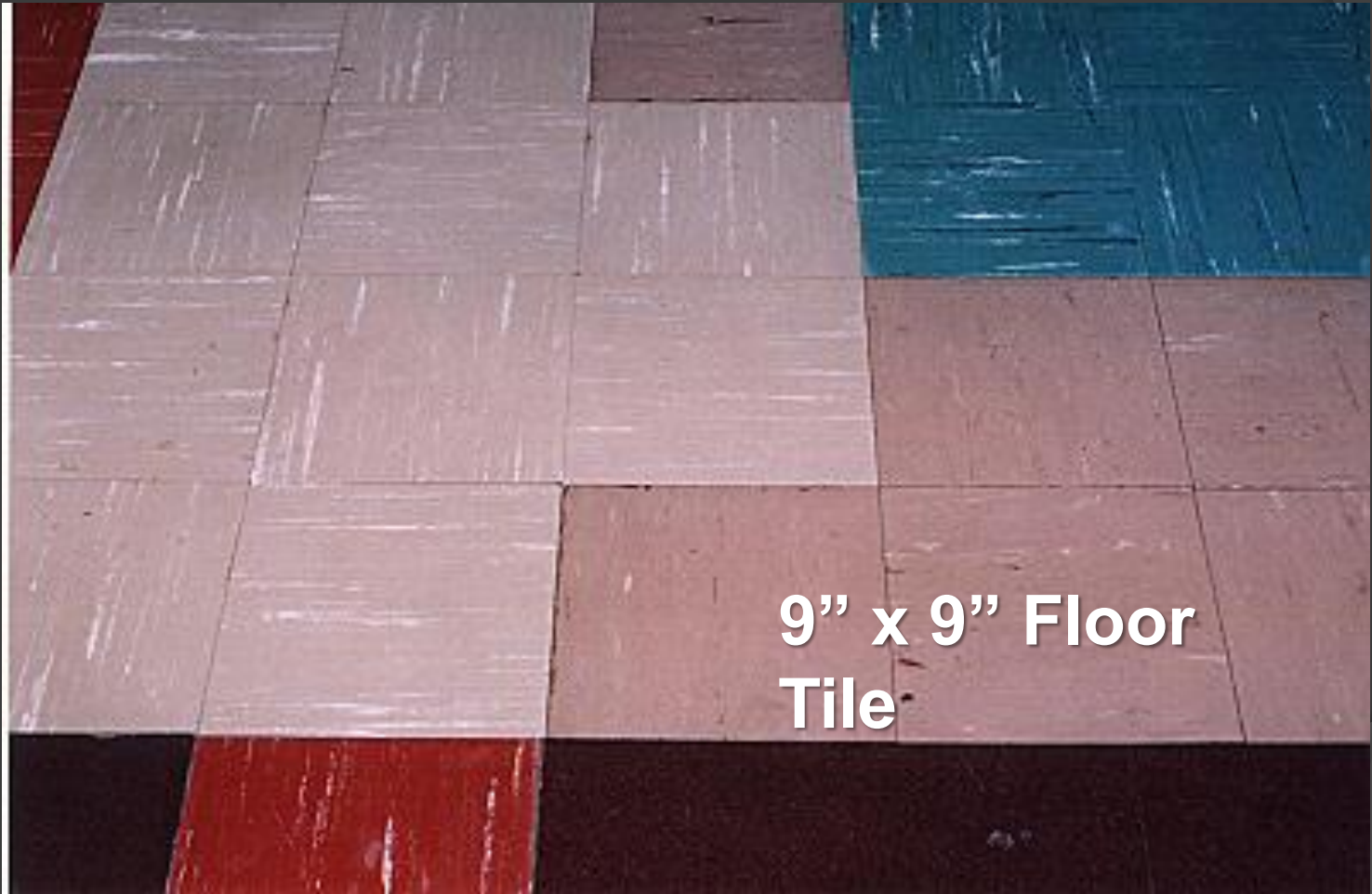


# Types of asbestos products

## Miscellaneous

- Floor tile
- Ceiling tile
- Transite siding and slate shingles
- Roofing felts
- Wallboard
- Mastics, tars, joint compounds

# Miscellaneous



**9" x 9" Floor  
Tile**



# Miscellaneous

## Ceiling tiles and mastics



**LAY-IN  
ACOUSTIC  
CEILING TILE**

**GLUE-ON  
ACOUSTIC  
CEILING TILE  
& EXPOSED  
BROWN MASTIC**



# Miscellaneous



**Asbestos cement** contains between 10 and 25% asbestos bonded into a cement matrix and is the most commonly used form of asbestos. It is found on garage roofs, soffits and gutters.

# Miscellaneous



**Linoleum** sheet flooring – asbestos is commonly found in the paper backing, containing 80-90% asbestos.



# Miscellaneous



Asbestos **transite** or 'slate' siding usually contains 20-40% asbestos.

# Miscellaneous



**Asbestos transite  
or 'slate' roof  
shingles**

# Miscellaneous



Unpainted Drywall showing **Taping Compound**. Taping compound may contain asbestos. When drywall is painted it is impossible to determine the extent of the taping compound.



# Asbestos and Home Renovations

**What you need to know...**

# Before you start

## Will the work disturb asbestos?

- If the material is not wood, metal, glass or fiberglass it may contain asbestos.
- Have a certified asbestos inspector determine if the material to be disturbed is ACM.
- If you do not have the material tested for asbestos you must assume it is ACM.

# VERMICULITE

**Special Issues**



# Vermiculite Insulation

- Vermiculite loose fill insulation was used widely as home insulation in Wisconsin attics.
- Vermiculite 'mica flakes' insulation is likely to contain asbestos contaminants mixed in with the insulation.

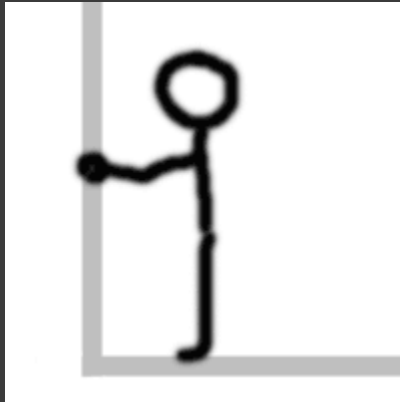


# Vermiculite Insulation

Under Wisconsin regulations, loose fill vermiculite insulation is a **Suspect Asbestos-Containing Material**, and is therefore regulated and must be treated as ACM when disturbed or removed.



# Questions?



Graphics – WDNR Laboratory Certification Program website -- <http://www.dnr.state.wi.us/org/es/science/lc>