

TO: OWNERS/CONTRACTORS

FROM: STATE DEPARTMENT OF HEALTH
INDOOR AND RADIOLOGICAL HEALTH BRANCH
INDOOR AIR QUALITY SECTION

SUBJECT: STATE OF HAWAII, DEPARTMENT OF HEALTH
HAWAII ADMINISTRATIVE RULES, TITLE 11,
CHAPTER 41 (LEAD-BASED PAINT ACTIVITIES)



LEAD

Title 11, Hawaii Administrative Rules (HAR), Department of Health (DOH), Chapter 41, "Lead-Based Paint Activities".

NOTIFICATION

Under HAR Title 11, Chapter 41, firms and individuals conducting regulated lead abatement activities at target housing and childcare facilities must provide notification of such activities.

Notification must contain the information indicated on the attached State notification form, postmarked at least **FIVE** business days prior to the start of any abatement activities and mailed to:

**State Department of Health
Indoor and Radiological Health Branch
Indoor Air Quality Section
99-945 Halawa Valley Street
Aiea, HI 96701**

PROJECTS REQUIRING NOTIFICATION

Notifications are mandatory for all regulated lead abatement activities at the following:

- Child Care Facilities
- Target Housing Facilities
- Contract documents specifying certified abatement activities

EXCEPTIONS

The DOH does not require notifications for the following:

- Target housing and child-occupied facilities constructed on or after January 1, 1978.
- When treating paint-lead hazards of less than two square feet of deteriorated lead-based paint per room or equivalent, or twenty square feet of deteriorated paint on the exterior building, or ten percent of the total surface area of deteriorated paint on an interior or exterior type of component with a small surface area.
- Commercial and Industrial facilities
- Institutional buildings, structures or installations
- Public facilities
- Bridges or Towers

FEE SCHEDULES FOR NOTIFICATIONS:

| Quantity of LEAD to be Abated or Clean-up | Fee |
|--|------------|
| Less than or equal to 50 square feet or cubic feet | \$25 |
| Greater than or equal to 50 square feet or cubic feet, but less than 500 square or cubic feet | \$50 |
| Greater than or equal to 500 square feet or cubic feet, but less than 5,000 square or cubic feet | \$150 |
| Greater than or equal to 5,000 square feet or cubic feet | \$300 |

DEFINITIONS

- **Child-Occupied Facility** means a building, or portion of a building, constructed before 1978, visited regularly by the same child, six years of age or under on at least two different days within any week.
- **Target Housing** means any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any one or more children age six years or under resides or expected to reside).
- **Lead-Based Paint** means paint or other surface coatings that contain lead equal to or in excess of one milligram per square centimeter or more that 0.5 percent by weight.
- **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 forty micrograms per square foot on floors or two hundred fifty micrograms per square foot on interior window sills based on wipe samples.
- **Soil Lead Hazard** is bare soil on residential real property or on the property of a child-occupied facility that contains total lead equal to or exceeding four hundred parts per million in a play area or average of one thousand two hundred parts per million of bare soil in the rest of the yard based on soil samples.
- **Lead Abatement** is any measure or set of measures designed to permanently eliminate lead-based paint hazards. Abatement includes, but is not limited to:
 - Removal of paint and dust, the permanent enclosure or encapsulation of lead-based paint, the replacement of painted surfaces or fixtures, or the removal or permanent covering of soil, when lead-based paint hazards are present in such paint, dust or soil; and
 - All preparation, cleanup, disposal, and post-abatement clearance testing activities associated with such measures.

REQUIREMENTS FOR TRAINING AND DOCUMENTATION

All regulated lead-based paint activities must be conducted by state certified firms and individuals.

Each abatement activity conducted shall include an Abatement Report and shall be prepared by a certified supervisor or project designer that contains the following:

- Start and the completion dates of abatement.
- The name and address of each certified firm conducting the abatement and the name of each supervisor assigned to the abatement project.
- Occupant protection plan that is unique to the project must be developed prior to the activity.
- The name, address, and signature of each certified risk assessor or inspector conducting clearance sampling and the date of clearance testing.
- The result of clearance testing.
- A detailed written description of the abatement.

If you have any questions visit our website (<http://health.hawaii.gov/irhb/>) or call the DOH at (808) 586-5800.

