

Dust-Lead Hazard Standards: U.S. Environmental Protection Agency Finalizes Revisions



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

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The United States Environmental Protection Agency (“EPA”) issued a final rule addressing the Dust-Lead Hazard Standards (“DLHS”) and the definition of Lead-Based Paint (“LBP”).

The final rule is issued pursuant to the authority of Sections 401, 402, 403, and 404 of the Toxic Substances Control Act as amended by Title X of the Housing and Community Development Act of 1992.

Section 403 of the Toxic Substances Control Act requires EPA to identify LBP hazards for purposes of administering Title X and Toxic Substances Control Act Title IV. LBP hazards are described as:

... conditions of LBP and lead-contaminated dust and soil that “would result in adverse human health effects,” and lead-contaminated dust as defined as “surface dust in residential dwellings” that contain lead in excess of levels determined “to pose a threat of adverse health effects. . .”

Section 401 of the Toxic Substances Control Act defines LBP as paint or other surface coatings that contain lead in excess of 1.0 milligrams per centimeters squared or 0.5 percent by weight or (1) in the case of paint or other surface coatings on target houses, such lower level as may be established by the Housing and Urban Development, as defined in 42 U.S.C. 4822(c) or (2) in the case of any other paint or surface coatings, such other level as may be established by EPA.

The DLHS address the lead-based paint activities and disclosure programs. They apply to target housing which includes most pre-98 housing and child occupied facilities (i.e., pre-1978 non-residential properties where children under the age of 6 spend a significant amount of time, such as daycare centers and kindergartens).

EPA originally established DLHS of 40 µg/ft² for floors and 250 µg/ft² for window sills in a final rule titled “Identification of Dangerous Levels of Lead.” This was originally known as the 2001 LBP Hazards Rule.

EPA proposed in 2018 to amend the DLHS and to make no change to the definition of LBP. The rule finalizes this proposal to lower the DLHS set by the LBP Hazards Rule from 40 µg/ft² to 10 µg/ft² for floors and from 250 µg/ft² to 100 µg/ft² for window sills. It makes no change to the current definition of LBP. The agency states there is insufficient information to support such change.

A copy of the final rule and associated preamble can be found [here](#).