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EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT
DEPARTMENT OF LABOR STANDARDS

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June 27, 2012

Dear **Massachusetts Lead-Safe Renovation Contractors:**

Now that summer is here, I want to take this opportunity to thank you for your efforts to reduce lead hazards through the prevention of the spreading of lead dust resulting from your work. Additionally, I want to update you with efforts DLS has made on your behalf and alert you to additional opportunities for compliance with the Massachusetts Lead Law for your clients.

Massachusetts Lead Law Deleading Compliance – Moderate Risk Option

The Massachusetts Lead Law (MGL Chapter 111 sec. 189A-199B) protects a child's right to a lead-safe home and requires that owners of residential properties must remove or cover lead paint hazards in homes built before 1978 where any children under six years of age reside. Furthermore, the Childhood Lead Poisoning Prevention Program (CLPPP) considers deleading to be any work that involves the abatement or containment of surfaces or other materials known, suspected, or assumed to contain dangerous levels of lead, when the purpose of the abatement or containment work, in whole or in part, is to achieve compliance with the Lead Law. The law applies to owner-occupied homes, as well as to rental property. In 1994, the Lead Law was amended to make it easier and less expensive for owners to delead their homes and properties. Part of these amendments includes Moderate Risk Deleading and Interim Control.

As part of these amendments, a group of select activities that could be performed by properly trained and licensed renovation contractors was identified. This category of work is named *Moderate Risk Deleading Work.* Moderate Risk Deleading Work is defined as the careful removal of certain building components by methods other than demolition, and the repair or making intact of up to two square feet of non-intact lead-painted surface per room on the interior of residences or up to ten square feet of non-intact lead-painted surface on the exterior of residences. The creation of Moderate Risk Deleading work allows an authorized Lead-safe Renovator-supervisor, who has taken the additional Moderate Risk Deleading training, and who is employed by a Lead-safe Renovation Contractor, to perform this type of work and contribute toward a unit's compliance with the Lead Law. Prior to the 1994 amendments, only licensed Deleading Contractors, Supervisors and Workers were allowed to perform any Deleading Work.

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The value of a property owner seeking a "Letter of Deleading Compliance" (proof that a property is in compliance with the Mass Lead Law) is that it provides a property owner with protections from strict liability in the case of a lead-poisoned child. Additionally, there is a tax credit available to the property owner to assist in some of the financial burdens of bringing units into compliance. These protections and financial incentives are only available if all of the lead hazards have been abated by properly trained and licensed persons. Lead-Safe Renovation Contractors and Lead-safe Renovator-supervisors who wish to bring their skills to bear in performing this type of work and contribute towards Deleading Compliance must take the additional training in "Moderate Risk Deleading" to perform this work.

In order to correct any lead hazards as Moderate Risk Deleading work, a Massachusetts Lead Inspector must first inspect the property which includes ruling out surfaces that are too deteriorated to be made intact as part of moderate risk deleading. During the half day Moderate Risk Deleading training course, you will learn to read the inspection report and know which options are available and what limitations exist in order to abate lead hazards. As noted above, all workers on site must have approved training and the supervisor must be **authorized** to perform moderate risk deleading. After your work is completed, the Lead Inspector returns to verify the lead hazard abatement in accordance with the original inspection report and conducts lead dust sampling to ensure the unit is clean. At this reinspection the inspector will collect written invoice(s) documenting appropriate license and authorization numbers to conduct moderate risk deleading work.

"Moderate Risk" work differs from "High Risk" work (which can only be performed by licensed Deleaders) in that it is whole component replacement rather than demolition, and limited amounts (fewer than two square feet/room of an interior surface, fewer than 10 square feet on an exterior surface) of making paint intact. Deleading Contractors do not have any restrictions and can perform Class 1 Deleading, Moderate Risk Deleading, and Low Risk Deleading work. During the Moderate Risk Deleading training course you will learn how to obtain regulatory compliance using these methods.

To perform Moderate Risk Deleading work:

- Contractors must be licensed as a DLS Lead-safe Renovation Contractor.
- Supervisors must have taken an 8-hour Lead-safe Renovator-supervisor course, plus an additional 4-hour Moderate Risk Deleading training course and received their training certificates. Note that this 4-hour course may also count toward your DPS CS Continuing Education Requirement.
- Moderate Risk Deleading trained supervisors will receive a DLS authorization number, which allows them to perform Moderate Risk Deleading projects.
- Workers on a Moderate Risk Deleading project must be one of the following:
    - *a certified Lead-safe Renovator-supervisor (the LSR/RRP 8-hour course)* or
    - licensed or trained as a Deleader-Supervisor or
    - licensed or trained as a Deleader-worker.

Failure to obtain the necessary training, licensure and inspections can result in violations of the Mass Lead Law and jeopardize a property owner's ability to obtain a letter of compliance and the protection from strict liability that these letters provide. If an authorized RRP supervisor performs Moderate Risk Deleading work without the additional training, that supervisor and the contractor whom employs him/her could be cited and assessed a civil penalty.

You can find more information on Deleading by reading our document, titled *Deleading-vs-Renovation, Repair, and Painting Work: What's the Difference?* located on our website (www.mass.gov/dols); and also on the Massachusetts Childhood Lead Poisoning Prevention Program's website (www.mass.gov/dph/clppp).

Department of Public Safety Construction Supervisor Continuing Education Requirement

As of July, 2011, the Department of Public Safety (DPS) is requiring licensed Construction Supervisors (CS) to have continuing education as a condition of renewing their license. The renewal cycle for CS is every 2 years. In recognition of overlapping training requirements, DLS has worked closely with DPS to make it easier for the construction supervisors to comply with training requirements. DPS will recognize the Lead-safe Renovator-Supervisor training course for continuing education credits towards the renewal of your Construction Supervisor License.

If you are seeking continuing education credits toward your CS license renewal, you must ensure that the course you take is: 1) provided by a DPS approved Course Coordinator, and 2) approved by DPS. More information is available on the DPS webpage www.mass.gov/dps, or by phone, (617) 727-3200. Be advised, unless the Lead-safe Renovator-Supervisor course meets both DPS requirements, you will not be awarded any continuing education credits.

I encourage you to take advantage of the opportunities outlined above to further reduce lead poisoning in the Commonwealth. Our inspectional team is in the field checking on training, licensure, and work practices to ensure a level playing field for your line of work. Please contact my office if we may be of assistance to you.

Sincerely,

Brian T. Wong
Chief, Investigations & Enforcement