

# *Anderson Lead Inspections*

45 Packard Road  
Stow, MA 01775  
(978) 875-3081

I would like to thank you for using Anderson Lead Inspections. The lead law can be confusing at first and at times a little overwhelming. Please do not hesitate to call me with any questions you may have about your inspection or the deleading process. Please read the notices that came with your inspection. They explain the deleading process and your responsibilities as the homeowner. I have also included some common questions and answers below.

## **I have my lead inspection, now what?**

To receive lead compliance the next step in the process is to have all the surfaces identified as hazards on your lead report corrected. It is crucial that you have the work done by authorized people. For an inspector to be able to perform a re-inspection, there must be documentation that the work was done by authorized people.

## **Who are authorized people?**

Authorized people refer to either licensed deleaders or lead-safe renovators\*. Home owners or somebody that does work for them (referred to as the owner's agent) can get authorization to do the work themselves. To get an authorization number, the homeowner or their agent must take a one day training course to receive an authorization number to perform moderate-risk deleading.

## **How can I find a licensed deleader or get information about getting my own authorization number?**

By visiting the Massachusetts Childhood Lead Poisoning Prevention Program (CLPPP) website at [www.mass.gov/dph/clppp](http://www.mass.gov/dph/clppp) or by calling them at (800) 532-9571. There is additional information and resources available on their website. All licensed deleaders and lead-safe renovators\* should have a current deleading contractor license available for viewing. You can always call the Division of Occupational Safety at (617) 626-6960 to check the current license status of all deleaders and lead-safe renovators\*.

## **Are there resources to help pay for deleading?**

Some cities and towns offer grants and/or low interest financing for deleading. Start by contacting your city or town to find out if they offer any services. Massachusetts currently offers a tax credit of up to \$3,000 per unit for full deleading or up to \$1,000 for Interim Controls. Mass Housing has the Get the Lead Out program which can be found at [www.masshousing.com](http://www.masshousing.com) or by calling (617) 854-1000. Another useful site is [www.massresources.org](http://www.massresources.org). Information for Lead Paint Removal Programs can be found in the Housing Programs/Homebuyer-Homeowner Programs section.

## **The deleading work is done, now what?**

Now a re-inspection must take place. A re-inspection has two parts. First, a visual assessment is performed to ensure all lead hazards have been corrected and the unit has been properly cleaned. Once the visual portion has passed, the inspector takes a set of dust wipes to be sent to a certified lab for lead dust analysis. After a passing set of dust wipes are taken, a Letter of Full Deleading Compliance is issued.

\* RRP Lead Safe Renovators must take an additional 4-hour course to do moderate risk deleading work in Massachusetts.

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## **Methods of Deleading**

### **Low-Risk Deleading:**

Low-risk deleading refers to methods of deleading that do not disturb lead paint. This includes but is not limited to covering, capping, and encapsulation. A homeowner or somebody that does work for them (referred to as their agent) can get low-risk authorization by contacting the *Massachusetts Childhood Lead Poisoning Prevention Program (CLPPP)* at their website at [www.mass.gov/dph/clppp](http://www.mass.gov/dph/clppp) or by calling **(800) 532-9571**. The requirements to receive low-risk authorization are to receive and read an informational booklet and to answer a short questionnaire and return it to CLPPP. They will then mail you your authorization. Encapsulation requires a separate training booklet as there are surface assessments and surface testing involved. Tenants do not need to be temporarily housed elsewhere for low-risk deleading, they just need to be out of the work area or out for the day during low-risk activities.

### **Moderate-Risk Deleading:**

Moderate-risk deleading refers to methods of deleading that will disturb existing lead paint. This includes but is not limited to removing, replacing, reversing, and making a surface intact. If moderate or high risk deleading takes place in the interior of the unit, tenants and their pets must be temporarily housed elsewhere, until a passing re-inspection and passing set of dust wipes are taken. A homeowner or somebody that does work for them (referred to as their agent) can get moderate-risk authorization by taking an 8 hour training course. For information about taking the moderate-risk training contact the *Massachusetts Childhood Lead Poisoning Prevention Program (CLPPP)* at [www.mass.gov/dph/clppp](http://www.mass.gov/dph/clppp) or by calling **(800) 532-9571**.

### **High-Risk Deleading:**

High-risk deleading refers to methods of deleading that disturbs a significant amount of lead paint. This includes but is not limited to scraping, demolition, and making large areas intact. Since high-risk deleading creates a hazardous condition, it can only be performed by licensed deleaders. A list of licensed deleaders can be found at the *Massachusetts Childhood Lead Poisoning Prevention Program (CLPPP)* at [www.mass.gov/dph/clppp](http://www.mass.gov/dph/clppp) or by calling **(800) 532-9571**.



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### **RESIDENTIAL DELEADING ADVISORY**

The process of removing or covering lead paint hazards, commonly called deleading, can be dangerous if it is not done properly. That's why the Lead Law (Massachusetts General Laws chapter 111, sections 189A through 199B), the Regulations for Lead Poisoning Prevention and Control (105 Code of Massachusetts Regulations 460 000) and the Deleading Regulations (454 CMR 22 00) have rules for how deleading is done in homes and apartments. These rules explain who can do the work, safety steps that have to be taken while the work is done, how to clean up after the work, and how the work is finally approved. These rules are enforced by the Department of Public Health's Childhood Lead Poisoning Prevention Program (CLPPP), the Department of Labor Standards (DLS), and local boards of health.

#### **Who can do deleading work**

Under these laws, only a licensed deleading contractor can do high-risk work, such as scraping or stripping lead paint, repairing large areas of chipping or peeling lead paint so it can be repainted, and demolishing lead-painted building parts. Besides deleadors, property owners and their agents who take a one-day course can do moderate-risk deleading work, such as removing windows, woodwork, and just about any other surface of a house, as well as repairing small amounts of chipping and peeling lead paint so it can be repainted. Lead-Safe Renovators *with an additional 4 hour training* and license issued by the Department of Labor Standards (DLS) beginning with the prefix **MR**, may also be hired to do moderate-risk deleading work. Finally, low-risk deleading work can be done by all the people who can do high- or moderate-risk deleading work, as well as owners and their agents, including contractors, who complete the CLPPP low-risk authorization booklet (and/or encapsulant booklet). Low-risk deleading includes covering surfaces, applying encapsulants, removing doors, cabinet doors and shutters, and applying exterior siding. Property owners and their agents may also do structural repairs and lead-dust cleaning for interim control.

#### **Staying out of the home or parts of the home during deleading**

To protect the people who live in the home or apartment being delead, the law also has rules about making sure they stay out of the home or apartment, or the area being worked on.

- All people and pets must be temporarily moved from the home or apartment for the whole time that high- or moderate-risk deleading work is taking place inside the home or apartment. The owner must provide tenants with a reasonable alternative place to live during this time. Property owners and tenants should refer to the CLPPP document, "Notice to Property Owners and Tenants' Rights, Responsibilities" for more information on alternative housing during deleading.
- People and pets must stay out of the work area while most low-risk deleading work,

structural repairs, or cleaning of lead dust is taking place. They also must stay out of the work area when deleading work of any kind is taking place in common areas outside of the home or apartment, as long as they have another regular way (not a fire escape) to go in and out of the building. In these cases, people and pets can use the area once cleanup is completed after all the work in the area is done.

- People and pets must stay out of the home or apartment for the day during deleading of common areas when they do not have another regular way to go in and out of the building. When people and pets are out of their home or apartment for the day, it means they can come back to the home or apartment after cleanup at the end of the workday, and don't have to be out overnight.

It is very important that people whose home or apartment is being delead think carefully about what they will need during the time they are away from home, and take it with them. No one can return to a home or apartment while deleading that requires them to be out is still taking place, and has not been properly cleaned up. Property owners and tenants must take deleading safety rules seriously and cooperate fully to make sure everyone is protected. No one should interfere with the work being done safely.

### **Getting ready for deleading to begin**

People who live in a home or apartment in which any kind of deleading work is going to be taking place must receive written notice at least 10 days before the start of this work. This also applies to other tenants of a building, if any deleading work will take place in common areas. Before deleading work begins, all household possessions of every type should be removed or stored in plastic bags in non-work areas. Closets and cabinets to be delead must be emptied. As a last resort, large furniture and belongings not removed from the work area should be put in plastic bags and left in the center of the room, where they will be covered with heavy plastic and sealed with duct tape by the person doing the deleading. The reason for this is to protect everything in the home or apartment from lead dust contamination. Belongings must also be protected before an owner or agent performs low-risk deleading work, or other work that may be required for interim control, but the precautions are not as extensive for this type of work. In general, it is recommended that furniture and belongings be moved outside the work area, or covered with thick plastic and sealed with duct tape, before low-risk deleading begins.

### **Cleanup after deleading and returning home**

A final cleanup will be done at least two hours after all the interior high- or moderate-risk deleading work is done. This delay is to make sure that fine lead dust will settle out of the air and be removed in the final cleanup. People and pets who were temporarily moved to alternative housing can return only after a **licensed lead inspector or risk assessor** says that the home is safe. The licensed lead inspector decides this after doing a reoccupancy reinspection, which includes an analysis of lead dust levels within the home. Tenants should leave a phone number where they can be reached so that the licensed lead inspector or risk assessor can call them and let them know when it is safe to return home. If the property owner or agent is going to be doing low-risk deleading work or other work for interim control after the tenants return home, they will be taking some safety steps for this, as described in the CLPPP low-risk authorization booklet. They will also be doing a cleanup when they are done with the low-risk work. A licensed lead inspector or risk assessor will return at the completion of all the work and do a reinspection to check the owner's or agent's work.

## **Temporary ways to protect children from lead poisoning**

Children exposed to lead paint hazards are at risk of becoming lead poisoned. This disease can affect every part of a young child's developing body, and in particular, can seriously and permanently hurt the brain, kidneys, and nervous system. Even at lower levels of exposure, lead can cause children to have learning and behavioral problems.

The best and only permanent way to protect children from lead poisoning is deleading. But even before that process begins, there are some important steps that can be taken to protect young children from lead poisoning. Your licensed lead inspector's or risk assessor's advice should be carefully followed because he or she knows your child's home.

As part of their normal behavior, young children place things in their mouths, especially toys and their own fingers. If there are lead paint chips and dust in your home, they may be picked up by your child's fingers, as well as by toys, foods, and pacifiers that fall on the floor, and end up in your child's mouth. It is especially important to wash your child's toys and to keep your child's hands clean, particularly before meals and at bedtime.

Areas of peeling or chipping lead paint and dust should be cleaned. Wet wiping with paper towels and a general household detergent is best. Do not use your household vacuum cleaner to clean up paint chips, because this will only send fine lead dust into the air. In particular, windows, window sills, and the floors under windows are often areas where children can be exposed to lead. Window sills should be cleaned regularly if paint dust or flakes collect there. If windows are in poor condition, the best thing to do may be to keep the lower sash closed and open only the upper sash for ventilation. This also protects your child from accidentally falling from the window. Contact paper may be applied to areas of peeling paint on window sills, walls, or other surfaces as a temporary measure.

Sometimes furniture can be moved to block children from deteriorating paint or plaster. If deteriorating paint or plaster is in the child's bedroom, use another room as the child's room, if possible. Think of those parts of the home where your child spends most of his or her time, and try to keep them as clean as you can before your home is delead.

Lead paint can also get into soil. If the outside of your home has chipping or peeling paint, do not let your child play in the soil closest to the house. Be careful to wipe your shoes off on a mat before walking into your house, so you don't track in soil from these areas. Follow the advice of your licensed lead inspector or risk assessor about soil on the property.

For more information about how the deleading process works, and how to protect your children from lead poisoning, call the toll-free CLPPP information line, at 1-800-532-9571.



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**NOTICE TO PROPERTY OWNERS AND TENANTS:**  
**TENANT'S RIGHTS AND RESPONSIBILITIES**

**Hazards**

Lead paint hazards under the Lead Law and the state Sanitary Code have been found in the home or apartment listed in the attached documents. These hazards may be a danger to the health of the people living in the home or apartment. Children younger than six years old are at the most risk of being lead poisoned. Lead can damage a child's growing brain and other parts of the body. Even small amounts of lead can harm a child.

The owner of this home or apartment is responsible for removing or covering the lead hazards (deleading) if a child under six lives in the home.

**Legal Rights and Responsibilities**

For these lead hazards to be delead as quickly and safely as possible, it helps if both the owner and the tenant cooperate with each other. It is important that tenants and owners know their rights under state law. Because the laws are not simple, tenants may need to get legal help and/or legal advice before trying to use the rights found below.

- (1) Temporary Housing (Massachusetts General Laws chapter 111, section 197)  
Tenants and their pets **must** be temporarily moved out of the home or apartment for the whole time that high-risk or moderate-risk deleading work is taking place inside the home or apartment. They cannot return until that work is done, the unit is cleaned up and a licensed lead inspector finds that the home or apartment is safe.

The owner and tenants have to agree on a plan for temporary housing. If the tenants choose to move in with family or friends, they do not have to pay rent to their landlord while they are out of their home. If the tenants do not stay with family or friends, the owner must find the temporary housing and offer it to the tenant. The Law requires that owners pay any charges for the temporary housing the owner offers, and that tenants continue to pay their full normal rent during the time they live in the temporary housing. The temporary housing must be one that "does not cause undue economic or personal

hardship to the tenant ” If the temporary housing chosen by the owner would not cause a hardship, and the tenant still refuses to accept it, then the tenant has to find and arrange for his or her own temporary housing during deleading. In this case, the tenant doesn't have to pay rent for the days he or she is not at home, but has to pay the cost of the temporary housing he or she has chosen. In this case, the owner has to pay the tenant any amount by which the cost of the temporary housing first chosen by the owner is more than the rent for that period. No matter where the tenant stays, the owner must pay reasonable moving costs. Tenants are advised to get legal help if they cannot agree with the owner on a plan.

(2) Protection from Retaliatory Rent Increase or Eviction

A property owner may not evict a tenant, or increase the rent or refuse to renew the lease of a tenant in retaliation (getting even) for the tenant reporting a suspected lead paint violation to a code enforcement agency such as the local board of health. If the rent is raised, or tenants get an eviction notice or their lease is not renewed within **six** months after the tenants called the board of health or got their home deleaded, a court can automatically find that the owner took this action in retaliation **unless** the owner can show clear evidence that he or she had other reasons, unrelated to the violations. **An eviction based on not paying the rent is not retaliatory.** Property owners who are found to have threatened or taken actions against tenants for exercising rights under the Lead Law are liable for damages under M G L c 186, s 18 and M G L c 93A.

A tenant who believes that the owner has retaliated against him or her because of lead violations may also file a complaint with the Massachusetts Commission Against Discrimination (MCAD).

(3) Rent Withholding (Massachusetts General Laws chapter 239, section 8A)

Tenants have a basic obligation to pay rent for their home or apartment to the owner. But, if lead violations are not being deleaded, tenants may have a right to hold back their rent payments. Tenants may take this step **only** if they were up to date in their rent at the time the owner was notified of the lead paint violations, and they did not begin withholding until this point. Owners have the right to go to court to evict tenants for not paying rent. To fully protect themselves against attempted evictions, tenants withholding rent for Lead Law violations may need to place withheld rent money in an escrow (separate savings) account, or may be ordered to do so by the court. If these conditions are met, tenants may not be evicted for not paying rent or for any other violation that is not the tenants' fault.

Owners have the right to enter the tenants' home or apartment, if possible by appointment, but in any case in emergencies, to inspect for lead violations and to have them repaired. Tenants have a responsibility to cooperate with owners and allow all necessary access to their home or apartment for repairs. Tenants who do not cooperate with this right of entry may be subject to eviction. If rent was withheld, the court may

order that all or part of the withheld rent be paid to the owner after the violations are deleaded

- (4) Abatement of Rent or Damages Even when the rent withholding statute does not apply, tenants may be able to have their rent reduced or get back rent they have already paid, if their home or apartment has Lead Law violations. The landlord always has a duty to provide housing that meets basic housing standards. A tenant can bring a court action for breach of this “implied warranty”
- (5) “Rent Receivership” (Massachusetts General Laws, chapter 111, sections 127C - 127J) This law allows tenants, the state Childhood Lead Poisoning Prevention Program or the local board of health to ask the court to find that Lead Law violations exist, and to allow rent to be paid into court rather than to the owner, to pay for necessary repairs
- (6) Owner Liability Compensatory and Punitive Damages (Massachusetts General Laws chapter 111, section 199)  
The owner of a home or apartment built before 1978 is liable for damages to a child under age six who becomes lead poisoned as a result of the owner’s failure to comply with the Lead Law and regulations. The owner of such home or apartment who is notified through an Order to Correct Violations or Order to Restore Interim Control Measures of lead violations, and who willfully fails to correct the violations, in accordance with the Lead Law and Regulations, is also subject to punitive damages, which are triple the actual damages found

**NOTE** All the information presented above is only a summary of the law. Before you decide to withhold your rent or take any other legal action, it is advisable that you consult an attorney. If you cannot afford to consult an attorney, you should contact the nearest Legal Services office.

## **Repainting**

Violations of the Lead Law are also violations of the state Sanitary Code. Surfaces from which lead paint or other coatings have been removed have to be repainted under 105 CMR 410.020 of the state Sanitary Code. Deleaded surfaces have to be sealed and made easy to clean. Deleaded surfaces can only be repainted **after** the surfaces have been reinspected while bare and approved by a licensed lead inspector.

Tenants may want to contact the owner if the required repainting is not done. If the owner does not respond, tenants should call the local board of health.





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**NOTICE TO TENANTS OF LEAD PAINT HAZARDS**

Lead hazards have been found in apartment \_\_\_\_\_, in this building. Children exposed to lead hazards are at risk of becoming lead poisoned. This disease can affect all parts of a young child's developing body, and in particular, can seriously and permanently hurt the brain, kidneys, and nervous system. Even at lower levels of exposure, lead can cause children to have learning and behavioral problems.

If you have a child less than six years old, it is important that he or she be regularly tested for lead poisoning, as the law requires. If your child has not been tested recently, you should ask your child's doctor or health care provider to test him or her. If you don't have a regular health care provider, you can call your local board of health, or the state Childhood Lead Poisoning Prevention Program (CLPPP) at 1-800-532-9571, to find out where you can get your child tested for lead for free. Lead poisoning can only be detected by such testing.

Since lead hazards have been found in an apartment in this building, it is quite possible that your unit may have lead hazards too. If you have a child less than six years old, you should ask the owner of your building about having your apartment inspected for lead paint. You can call your local board of health to check for lead (ask for a lead determination), or call CLPPP at 1-800-532-9571 for further advice. It is against state law for property owners to discriminate against tenants with children because of lead paint hazards in their apartment.

If deleading of apartment \_\_\_\_\_ will also include deleading of common hallways, common areas, staircases, porches, and/or the exterior of your building, you will get a written notice 10 days before any deleading will begin. While the deleading is being done, everyone must keep out of the areas being worked on. You may have to use another way to go in and out of your building during this time. If your apartment is on the same floor and is in the work area as a common area in which deleading is being done, the person or persons doing the deleading work will protect your apartment. They will be temporarily covering your doorway with thick plastic sheeting and taping it down with masking tape, so that fine lead dust can't be blown in, around, or under your door. If they have not properly covered areas to protect them from lead dust and debris from the deleading work, tell the owner of your building or call the state Department of Labor Standards (DLS) at 1-617-626-6975, or CLPPP at 1-800-532-9571. If you

don't have an alternative way of getting in and out of your building, talk to the owner of your building, or the person or people doing the deleading, and coordinate the work

Check your window sills and doorways for any visible dust after deleading. Lead dust can be cleaned up with paper towels and a mixture of regular household detergent and water. If you notice lead dust from deleading in your apartment, tell the person doing the deleading, and the owner of your building.

Deleading work that is done the right way should not result in lead contamination of your building. However, if you notice any lead paint dust or debris that has not been properly cleaned up at the end of the workday, tell the owner of your building. You can also call DLS at 1-617-626-6975 or CLPPP at 1-800-532-9571 or the local health department.