

Video Series on the Amended Lead Safe Housing Rule (LSHR)

EBLL Response in Public Housing: Index Unit

Slide 1: EBLL Response in Public Housing: Index Unit

Welcome back. I'm Stephen Kidd of HUD's Office of Public and Indian Housing. In this segment, we'll walk through the steps of EBLL response for the index unit.

Slide 2: EBLL Response in Public Housing Units

EBLL response requirements start when an EBLL case is reported for a child under the age of six living in a public housing unit.

Slide 3: Immediately verify the EBLL

The first step upon receiving a report of an EBLL in a public housing unit is for the PHA to immediately verify the EBLL. A report from a health care provider or health department is already verified. But if the EBLL report came from a different source, the PHA must verify the EBLL report with a health care provider or with the health department. The verification can be verbal, as long as it comes from a health care provider or local public health department.

Slide 4: What if the child has moved?

The Lead Safe Housing Rule accounts for situations where a child may have moved from the index unit by the time the EBLL report is verified. If the child is no longer living in the unit when the PHA receives the verified report, but another household is living there or is planning to live there, the requirements of this section apply, just as they would if the child with the EBLL still lived there.

Slide 5: What if no medical verification is received?

Sometimes there are reasons why a health department does not or cannot verify the EBLL report. You may also encounter situations where a health care provider or other partner agency is unresponsive to attempts at verification. In these and all other cases, the PHA should document its attempts to verify the EBLL and notify the HUD Field Office of the unsuccessful verification attempts.

Slide 6: Information emailed to HUD

In many of the EBLL response steps to follow, the PHA may share quite a bit of information, whether with residents, health care providers, local health departments, or the HUD Field Office. However, any communication containing the child's name or blood result must be transmitted in a secure manner (for example, an encrypted email). This is considered personally identifiable information (or PII), and is also confidential medical information that must be maintained in accordance with the PHA's policy for private medical information.

Slide 7: EBLL case verified... What now?

No script.

Slide 8: Notify the HUD field office, HUD OLHCHH, and health department

After receiving a verified EBLL report, the PHA must notify three entities: the local HUD Field Office, the HUD Office of Lead Hazard Control and Healthy Homes, and the local health department.

These notifications must be completed within five business days of receiving the verified EBLL report. The notifications can be sent via regular email, but must not include the child's name or blood test results, as these constitute PII.

Slide 9: What to include in notification...

The notification emails to the HUD Field Office and to the HUD Office of Lead Hazard Control and Healthy Homes must include the following information: the PHA code and name; the date of the EBLL test result; the housing program in which the child's family participates; the address and development name of the unit where the child lives; and whether the PHA has notified or been notified by the local health department regarding the EBLL, and the date of notification.

Slide 10: Ensure that a certified lead-based paint risk assessor performs an environmental investigation

At the same time as notifying HUD and the health department, the PHA must arrange for a certified Lead-Based Paint Risk Assessor to perform an environmental investigation (or EI) in the EBLL unit and any common areas servicing that unit.

An environmental investigation is a risk assessment with additional questions and testing for other potential sources of lead exposure. The environmental investigation is explained in Chapter 16 of HUD's Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, available on HUD's web site.

The environmental investigation must take place within 15 calendar days of the verified EBLL report. You can find certified assessors by contacting your state's lead licensing agency or through the EPA's web site.

Slide 11: Risk assessors and inspectors

Under the Lead Safe Housing Rule, different levels of certification are required for different types of lead-based paint evaluations. Lead-based paint risk assessors are certified professionals who can identify lead-based paint hazards and provide recommendations to PHAs on acceptable options for controlling them. Risk assessors may perform environmental investigations, inspections, post-abatement clearances, lead hazard screens, and risk assessments. In contrast, lead-based paint inspectors have a more basic training that allows them to identify lead-based paint on a surface-by-surface basis. Inspectors cannot perform environmental investigations or risk assessments, but can perform paint testing, paint inspections, and post-abatement clearances. The environmental investigation must be conducted by a certified Lead-Based Paint Risk Assessor.

Slide 12: Can the health department do the EI?

Some states or local health departments, or childhood lead poisoning prevention programs, perform lead assessments themselves. For example, in some cities and counties, the local public health department will evaluate a child's home for lead-based paint hazards and other sources of lead exposure if the child is identified to have an EBLL. When the health department does the assessment, the PHA is not required to perform an additional environmental investigation. The PHA can rely on the results of the health department's evaluation.

Slide 13: Results of environmental investigation received... What now?

No script.

Slide 14: Notices of evaluation to HUD and residents must include...

Upon receiving the results of the environmental investigation, the PHA has 10 business days to notify the HUD Field Office and 15 calendar days to notify the family of the results. Additionally, if the environmental investigation identifies lead-based paint hazards, the PHA must also inform other building residents that an environmental investigation was completed, and must do so within 15 calendar days of receiving the report.

When notifying other building residents, keep in mind that the Lead Safe Housing Rule prohibits posting the notice to a centrally located common area. This is to protect the privacy of the child and the child's family. Instead, the PHA must deliver individual letters or notices to each occupied unit.

Because environmental investigations are only considered valid for one year, the notices sent to HUD, the family, and other building residents must include the date the investigation was completed.

Slide 15: Did the EI identify lead-based paint hazards?

Upon receiving the results of an environmental investigation, a key question is whether the EI identified lead-based paint hazards in the index unit. If the environmental investigation did, in fact, identify lead-based paint hazards in the index unit, then the PHA is responsible for controlling and clearing all identified hazards in the unit and the common areas servicing it. If the environmental investigation did not identify lead-based paint hazards in the index unit, then the PHA has completed the EBLL response after notifying HUD and the family of the results. The PHA should make sure to maintain records of the environmental investigation, its results, and the notifications.

Slide 16: What about non-paint hazards in the EI?

One important point about the environmental investigation is that the report will not just identify hazards from lead-based paint, but will also identify other household sources of lead if discovered as part of the investigation. The PHA is only required to control lead-based paint hazards, but families should follow the report's recommendations for controlling any other, non-paint household sources of lead, such as imported jewelry or pottery. The PHA can show the family the part of the report that talks about non-housing hazards and can let them know that it is the family's responsibility to eliminate or control these hazards in their home.

Slide 17: Environmental investigation identified lead-based paint hazards... What now?

No script.

Slide 18: Is this unit in a property with multiple federally-assisted units?

Whenever an environmental investigation of the index unit positively identifies lead-based paint hazards, the PHA must consider whether the index unit is in a property with other federally-assisted units. If the index unit is found to contain lead-based paint hazards, additional evaluation is required for other units in the property where a child under age six resides or is expected to reside. These additional requirements are covered in the next video segment. Note that a multiunit property can include multiple buildings, and that all buildings in a property are covered by the Lead Safe Housing Rule if they meet the definition of target housing.

Slide 19: Correct and clear any lead-based paint hazards...

We now move onto a very important step in responding to EBLL cases: the control and clearance of lead-based paint hazards in the index unit. The PHA must ensure that a certified lead-based paint abatement or renovation firm controls and clears any lead-based paint hazards within 30 calendar days of receiving the environmental investigation results. The certified abatement and renovation firms are the experts in lead-based paint hazard control and clearance, so PHAs should follow their direction in responding to the hazards identified in the environmental investigation.

Control work includes any necessary abatement, interim controls, and standard treatments of lead-based paint hazards. Clearance is the process that certifies that all the hazards have been controlled or removed. Beyond that simple definition, remember that the renovation and abatement firms are the experts. PHAs should communicate with them early and often, and make sure to ask questions about anything that is not clear.

Slide 20: Always use certified assessors and technicians

When discussing options for hazard control with certified renovation or abatement firms, HUD encourages PHAs to prioritize abatement over interim controls. That's because abatement reduces the need for future reevaluation and hazard control work, saving the PHA money in the long-run.

Slide 21: Ensure that families are not exposed...

The PHA has a responsibility to ensure that families are not exposed to further lead hazards throughout the control and clearance process. The PHA should rely on the certified lead-based paint risk assessor's determinations as to what types of safety measures are required to protect the family. The risk assessor or certified contractor will recommend requirements for relocation, isolation of work areas, and other worksite preparation measures based on the type and extent of the work and the amount of dust that will be generated. Some types of work require complete isolation, or containment, of the work area or full evacuation of residents and their belongings. Other jobs require much less site preparation and containment.

In navigating these requirements, the PHA will rely on the certified risk assessor's or certified contractor's expertise. However, keep in mind that temporary relocation is necessary if residents do not have safe access to kitchens and bathrooms during non-work hours.

Slide 22: When is control work complete?

Control work is not complete until the unit passes the clearance examination, at which point the certified renovation or abatement firm provides the PHA with a clearance examination report. Failure to achieve clearance is usually caused by inadequate cleaning or happens when surfaces have not been made smooth and cleanable. Sometimes additional hazard control work is necessary.

Slide 23: What is a clearance examination?

We've discussed the clearance examination report, but what does the clearance examination itself entail? Clearance refers generally to combined visual and quantitative environmental evaluation procedures used to determine that no lead-based paint hazards remain in the unit. This normally includes a visual assessment and analysis of dust samples. The specific procedures used depend on what the client wants to know and which regulations and standards apply. A certified firm, assessor, or inspector will be able to inform you about these requirements. In addition, HUD's [Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing](#) provides a "Clearance Report Review Worksheet" with the required fields.

Slide 24: Who conducts a clearance examination?

Under the Lead Safe Housing Rule, clearance must be performed by a certified risk assessor or a certified lead-based paint inspector if the work involved abatement. For non-abatement work, clearance may also be done by a certified sampling technician.

Note that states and localities may have different requirements for who conducts the clearance examination. If local standards are higher than the Lead Safe Housing Rule's standard, PHAs are required to follow the higher standard.

Slide 25: Notify all building residents that work is complete...

Upon the receiving the clearance examination report, the PHA has 15 calendar days to notify building residents that work is complete and of the hazard reduction activities undertaken. Within 10 days business days of passing clearance, the PHA must also notify the HUD Field Office of the results of the report and that the lead hazard control work was completed.

Slide 26: All necessary environmental investigations, risk assessments, and control work are completed... What now?

No script.

Slide 27: Maintain the unit and common areas lead safe...

The PHA's responsibilities do not end once the unit is cleared. The PHA must maintain the unit and common areas as lead-safe for continued occupancy. Lead-safe means no deteriorated paint or failed hazard control methods. The PHA must ensure that a certified assessor conducts a visual assessment at unit turnover and every twelve months.

Slide 28: If lead-based paint has been controlled but not completely removed

Unless all lead-based paint has been removed, the unit must have a visual assessment for deteriorated paint, bare soil, and the failure of any hazard reduction measures at unit turnover and every twelve months. The PHA must then respond to and clear any deteriorated or new lead-based paint hazards identified in the assessments. In addition, the PHA must provide residents written notice asking them to report deteriorated paint and any failure of encapsulation or enclosure. This notice must also include the name, address, and telephone number of the person whom occupants should contact.

If all lead-based paint has been completely removed from the unit, the PHA has no additional requirements with respect to ongoing lead-based paint assessment and maintenance.

Slide 29: Reevaluation requirements...

The next step is reevaluation. Reevaluations are completed by a certified lead risk assessor, and cover: deteriorated paint surfaces unless they are known not to be lead-based paint; deteriorated or failed interim controls of lead-based paint hazards or encapsulation or enclosure treatments; dust-lead hazards; and soil-lead hazards in newly-bare soil.

The first reevaluation must be conducted within two years of completion of hazard reduction activities. Subsequent reevaluations must be conducted at intervals of two years, plus or minus 60 days. These reevaluation requirements end after two consecutive reevaluations without finding lead-based paint hazards or failure of an encapsulation or enclosure.

Slide 30: End of EBLL Response in Public Housing Segment 2

This concludes the second segment of EBLL Response in Public Housing. Thank you for watching. Please continue to the next segment on EBLL Response in Other Covered Units.