

EPA's Proposal to Strengthen Dust-Lead Standards

The U.S. Environmental Protection Agency (EPA) is proposing more protective dust-lead hazard standards (DLHS), which identify hazardous lead in dust on floors and window sills, and dust-lead clearance levels (DLCL), the amount of lead that can remain in dust on floors, window sills and window troughs after lead removal activities, among other amendments to EPA's Lead-Based Paint Activities Program. These stronger standards are being proposed to strengthen requirements for the removal of lead-based paint hazards in pre-1978 buildings and childcare facilities, known as abatement activities, to better protect children and communities from the harmful effects of exposure to dust-lead.

View the proposal at [Regulations.gov](https://www.regulations.gov) at docket number **EPA-HQ-OPPT-2023-0231**.

	Current Standards	Proposed Changes
Dust-Lead Hazard Standards	10 µg/ft ² and 100 µg/ft ² on floors and window sills	Any level greater than zero reported by an EPA-recognized laboratory
Dust-Lead Clearance Levels	10 µg/ft ² and 100 µg/ft ² on floors and window sills	3 µg/ft² on floors, 20 µg/ft² on windows sills, and 25 µg/ft² on window troughs

How would EPA's proposal protect against childhood lead exposure?

In older homes and buildings, lead-based paint and dust can become a significant source of lead exposure. In children, lead exposure can cause irreversible and life-long health effects. These health effects include reduction in IQ, focus, and academic achievement. EPA's proposal would strengthen EPA's Lead-Based Paint Activities Program and better protect children and communities from lead by proposing to define DLHS as any reportable level of dust-lead instead of a numeric value, and by proposing to lower the DLCL to as low a level as possible, based on consideration of reliability, effectiveness and safety. The proposed DLCL will reduce dust-lead related risks to children in pre-1978 homes and childcare facilities where lead abatement activities have taken place, by requiring cleaning to lower dust-lead levels. EPA estimates that these more stringent standards, if finalized, would reduce lead exposures of up to 477,000 children under age six per year.

What are the DLHS and DLCL?

EPA's hazard standards and clearance levels are important components of the Lead-Based Paint Activities Program and apply to most homes built before 1978 and non-residential properties built before 1978 where children under the age of six spend a significant amount of time such as daycare centers and kindergartens, also known as child-occupied facilities.

The hazard standards are used by lead risk assessors to identify dust-lead hazards. The risk assessor will take samples from the building and compare the dust-lead level from the sample to the applicable hazard standards. If the sample is above the standard, then a dust-lead hazard is present. Any hazards found by the risk assessor are listed in a report prepared for the property owner. If actions are taken to remove lead from a building (called abatement) due to a risk assessor's recommendation, then once the

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work is complete, those buildings must undergo further testing to ensure that the cleaning activities successfully removed dust-lead to below the DLCL. If finalized, EPA's proposal to lower the DLHS and DLCL will further protect children by increasing the number of buildings that undergo abatement and reducing the amount of dust-lead that can remain on a surface after the abatement.

What triggers the use of the DLHS and DLCL?

DLHS are used to identify whether a dust-lead hazard is present during a risk assessment or a lead-hazard screen. A risk assessment is performed by a certified risk assessor to investigate a home or child-occupied facility built before 1978 to determine if any lead-based paint hazards are present. Lead-based paint hazards include dust-lead (at or above the DLHS), soil and paint hazards, such as deteriorated paint. The risk assessment includes an on-site investigation, followed by a report on the existence, nature, severity, and location of lead-based paint hazards. A lead hazard screen includes a visual inspection and collection of environmental samples, is an abbreviated form of evaluation compared to a risk assessment and is generally available at a lower cost. A lead hazard screen can also be a means to determine if a full risk assessment is necessary.

Under EPA's Lead-Based Paint Activities Program, dust-lead hazards or the results of a risk assessment or lead hazard screen do not compel property owners or occupants to take control actions for lead, but actions could be compelled under other laws or regulations, including the U.S. Department of Housing and Urban Development's (HUD) and possibly those of some state, local, Tribal or territorial governments. However, if a lead-based paint activity such as an abatement is performed, then EPA's regulations set requirements for doing so. DLCL are used to determine when abatement work can be considered complete.

Why are risk assessments performed?

A risk assessment may be required by HUD under their Lead-Safe Housing Rule (LSHR), for instance for certain properties receiving Federal assistance, or as required by another law or regulation that requires dust-lead testing in response to the discovery of a child with a blood-lead level that exceeds a Federal, state, or local threshold. For example, in certain states, when a child has an elevated blood-lead level, a risk assessment is required to determine if the source of lead is from the child's home. If lead hazards are found, abatement or other lead hazard control work is conducted. After the work is completed, cleaning must be conducted so the dust-lead levels are below the DLCL. The current Centers for Disease Control and Prevention's blood-lead reference value is 3.5 micrograms per deciliter. Check with your state's health department to determine what blood-lead levels prompt lead screenings or risk assessments in your area, which would then utilize the DLHS to identify if a dust-lead hazard is present.

Why is EPA's proposing to strengthen the DLHS and DLCL?

Addressing childhood lead exposure is a priority for the EPA. Recognizing that there is no level of blood lead that has been found to be safe for children and in accordance with a U.S. Court of Appeals for the Ninth Circuit 2021 opinion, EPA has proposed to lower the DLHS considering health-only factors. Factors such as cost were not considered in the development of the proposed DLHS. EPA believes the proposed "greater than zero" approach is appropriate, as it takes into consideration the modeling data outlined in

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the support documents for this proposal as well as the current state of the science on lead exposure and children's blood lead levels (as explored in EPA's most recent Integrated Science Assessment on lead). Additionally, EPA, as well as its federal partners and non-governmental organizations, continue to recognize that even very low levels of lead in children's blood have been linked to adverse effects.

Also, in accordance with a U.S. Court of Appeals for the Ninth Circuit 2021 opinion, EPA has proposed to lower the DLCL considering factors in addition to health, such as achievability. EPA has reviewed existing data and proposed to revise the DLCL to **3 µg/ft²** on floors, **20 µg/ft²** on window sills, and **25 µg/ft²** on window troughs, which are the lowest levels EPA believes are safe, effective and reliable.

When would the proposed regulations be effective?

The proposed effective date is one year after final publication, and any authorized state, territory, or federally recognized Tribe must demonstrate that it meets the proposed requirements no later than two years after the effective date of the new requirements. EPA will accept public comment on the proposal for 60-days after publication in the Federal Register. The final rule is expected to be published in the Fall of 2024.

What other lead-based paint program activities are happening at EPA?

The EPA provides Lead-Based Paint Program financial assistance agreements (grants) to states, territories, the District of Columbia, and eligible Tribes and intertribal consortia under the authority of section 404(g) of the Toxic Substances Control Act (TSCA). Lead-Based Paint Program grants are awarded to develop and/or carry out an authorized Lead-Based Paint Activities Program, pre-renovation education program, or Renovation, Repair and Painting (RRP) Program. EPA has been offering these financial assistance agreements since 1994.

EPA has also launched the Enhancing Lead-Safe Work practices through Education and Outreach initiative which is focused on reducing childhood lead exposure in environmentally overburdened and underserved communities throughout the nation. It is designed to encourage RRP firms and contractors working on pre-1978 homes to become lead-safe certified under EPA's RRP rule and to raise awareness among community leaders and the general public about lead exposure and the importance of hiring lead-safe certified contractors. Through this initiative, EPA offers free RRP training in both English and Spanish for contractors in communities across America. Along with the RRP trainings, EPA offers both in-person and virtual Lead Awareness Curriculum sessions for community leaders and the general public. These sessions are on two topics: a "Lead Awareness Curriculum Train-the-Trainer" for community leaders and a general "Understanding Lead" session for anyone interested in learning about lead.

Separately, EPA and HUD are also planning a virtual public workshop for October to hear stakeholder perspectives on specific topics related to low levels of lead in existing paint, including the potential health effects, the relationship between lead-based paint and dust-lead, possible exposure pathways, and technologies for detection, measurement, and characterization of low levels of lead in paint. EPA and HUD are also interested in any available information on lead-based paint characteristics and medical evidence related to low levels of lead in paint. EPA and HUD will use information shared during the workshop to inform their joint effort to reconsider the federal definition of lead-based paint.

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