Ohio Administrative Code

Rule 3701-30-10 Method of control.

Effective: June 13, 2021

(A) The owner or manager of a residential unit, child care facility, or school that receives a lead hazard control order shall choose a method of controlling each lead hazard from the methods listed in this rule that enables the residential unit, child care facility, or school to pass the clearance examination. Except as specified in paragraphs (D) and (E) of this rule, lead hazards identified in the lead hazard control order shall be controlled by a licensed lead abatement contractor as required by section 3742. of the Revised Code and Chapter 3701-32 of the Administrative Code.

(B) The following are acceptable measures of control for lead hazards and shall be applied in accordance with the United States department of housing and urban development guidelines, which are available on the internet at www.hud.gov/offices/lead/lbp/hudguidelines/index.cfm and in state libraries, and other applicable federal, state, and local laws:

(1) Deterioration of lead-based paint on a non-friction or non-impact surface shall be controlled using one or more of the following methods:

(a) Removal of the lead-based painted component and replacement with a lead-free component;

(b) Paint removal by separation of the lead-based paint from the substrate using heat guns (operated below eleven hundred degrees fahrenheit), chemicals, or certain abrasive measures either onsite or offsite;

(c) Enclosure of the lead-based painted component with durable materials. Durable materials include wallboard, drywall, paneling, siding, coil stock and the sealing or caulking of edges and joints so as to prevent or control chalking, flaking, peeling, scaling or loose lead-containing substances from becoming part of house dust or otherwise accessible to children;

(d) Encapsulation of lead-based painted component with a durable surface coating approved in rule 3701-32-13 of the Administrative Code;

(e) Any other lead safe method of permanently removing the lead hazard as approved by the director; or

(f) Paint stabilization as defined in rule 3701-32-01 of the Administrative Code and a written ongoing maintenance and monitoring schedule.

(2) Deterioration of lead-based paint on friction or impact surfaces shall be controlled using one or more of the following methods:

(a) Removal of the lead-based painted component and replacement with lead-free component;

(b) Lead-based paint removal by separation of the lead-based paint from the substrate using heat guns (operated below eleven hundred degrees fahrenheit), chemicals or certain abrasive measures either onsite or offsite;

(c) Enclosure of impact surfaces with durable materials. Durable material include wallboard, drywall, paneling, a quarter inch or thicker plywood or other underlayment for floors, coil stock and the sealing or caulking of edges and joints so as to prevent or control chalking, flaking, peeling, scaling or loose lead-containing substances from becoming part of house dust or otherwise accessible to children. The underlayment for floors must be covered with a finished, cleanable, flooring material;

(d) Any other lead safe method of permanently removing the lead hazard as approved by the director; or

(e) Immobilization of the friction points or application of a treatment that will prevent abrasion of the friction surface and a written ongoing maintenance and monitoring schedule.

(3) Deterioration of lead-based paint on a chewable surface shall be controlled using one or more of the following methods:

(a) Removal of lead-based painted component and replacement with lead-free components;

(b) Lead-based paint removal by separation of the lead-based paint from the substrate using heat guns (operated below eleven hundred degrees fahrenheit), chemicals or certain abrasive measures either onsite or offsite;

(c) Enclosure of the lead-based painted component with a material that cannot be penetrated by a child's teeth;

(d) Encapsulation of the lead-based painted component by coating and sealing of the component with a durable surface coating approved in rule 3701-32-13 of the Administrative Code; or

(e) Any other lead safe method of permanently removing the lead hazard as approved by the director.

(4) Lead-contaminated dust shall be controlled using one or more of the following methods:

(a) Elimination or control of the source creating the lead-contaminated dust using an appropriate control method listed in this rule and followed with specialized cleaning to eliminate the lead-contaminated dust. Specialized cleaning includes the use of a HEPA vacuum, wet-mopping and/or wet-scrubbing; or

(b) Elimination of the lead-contaminated dust through specialized cleaning when the source creating the lead-contaminated dust cannot be identified. Specialized cleaning includes the use of a HEPA vacuum, wet-mopping or wet-scrubbing.

(5) Lead-contaminated soil shall be controlled using one or more of the following methods:

(a) Covering of the lead-contaminated bare soil with a permanent covering such as concrete or asphalt;

(b) Removal of the top six inches of lead-contaminated bare soil and replacing it with six inches of new soil having a lead concentration of less than four hundred parts per million;

(c) Covering of the lead-contaminated soil with an impermanent covering and a written ongoing maintenance and monitoring schedule. Impermanent covering includes sod and artificial turf. Gravel

and mulch may be used as an impermanent covering if applied at a minimum of six inches in depth; or

(d) Any other lead safe method of permanently removing the lead hazard as approved by the director.

(6) Lead-contaminated water pipes shall be controlled using one or more of the following methods:

(a) Removal of plumbing fixtures and replacement with lead-free fixtures;

(b) Any other lead safe method of permanently removing the lead hazard as approved by the director; or

(c) Flushing of water lines that are used for drinking or cooking for a minimum of one minute when water has not been used in the last six hours.

(C) The following practices are prohibited to be used as a method of control:

(1) Open flame burning or torching;

(2) Machine sanding or grinding without a HEPA local vacuum exhaust tool;

(3) Abrasive blasting or sandblasting without a HEPA local vacuum exhaust tool;

(4) Use of a heat gun operating above one thousand one hundred degrees fahrenheit;

(5) Charring paint;

(6) Dry sanding;

(7) Dry scraping, except when done as follows:

(a) In conjunction with a heat gun operating at not more than one thousand one hundred degrees fahrenheit;

(b) Within one foot of an electrical outlet;

(c) To treat defective paint spots totaling not more than two square feet in an interior room or space or twenty square feet on an exterior surface.

(8) Uncontained hydroblasting or high-pressure washing; and

(9) Paint stripping in a poorly ventilated space using a volatile stripper that is considered a hazardous substance under 16 C.F.R. 1500.3 (effective February 14, 2014) or a hazardous chemical under 29 C.F.R. 1910.1200 (effective February 8, 2013) or 29 C.F.R. 1926.59 (effective June 20, 1996) in the type of work being performed.

(D) In addition to or in lieu of the accepted measures of control for lead hazards identified in paragraph (B) of this rule, a property owner or manager may implement reasonable controls of lead hazards through the demolition of a building containing lead hazards. In order to be considered a reasonable control of lead hazards, all demolition efforts must be conducted in a manner that is protective of human health, the environment and is compliant with all applicable federal, state, and local laws.

(E) A property owner or manager is not required to use a licensed lead abatement contractor when doing the following:

(1) Removal of mini blinds;

(2) Flushing of water lines that are used for drinking or cooking; and/or

(3) Specialized cleaning not associated with lead abatement.

(4) Covering of lead-contaminated bare soil with an impermanent surface coverings, such as sod, artificial turf, or six inches of gravel or mulch.

(F) The owner or manager of a property subject to a lead hazard control order shall inform the director in writing on a form prescribed by the director as to which lead hazard control method has

been chosen for each lead hazard. The director may provide written comments to the owner or manager within ten calendar days of receipt of the proposed methods of control.

(G) After each lead hazard has been sufficiently controlled by a licensed lead abatement contractor or lead abatement worker, the property owner or manager shall ensure the successful completion of a clearance examination by a licensed lead risk assessor or lead inspector in accordance with rule 3701-32-12 of the Administrative Code. The property owner or manager shall submit a copy of the clearance examination report to the director.

(H) Upon a determination by the director that all lead hazards have been sufficiently controlled, an ongoing maintenance and monitoring plan is in place, when applicable, and a clearance examination has been passed, the director shall issue a notice to the property owner or manager that lifts the lead hazard control order.