



# MDH Regulatory Update

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# Agenda

HUD Clearance Level Changes

EPA Lead Hazard changes

New MDH standards for lead in dust

MDH Asbestos Statute changes

RRP?

Additional “Free” information

# HUD Lead Levels (Effective April 1, 2017)

## New Lead Dust Hazard Action Levels:

Floors:  $\geq 10 \mu\text{g}/\text{ft}^2$

Window Sills:  $\geq 100 \mu\text{g}/\text{ft}^2$

## New Lead Clearance Action Levels:

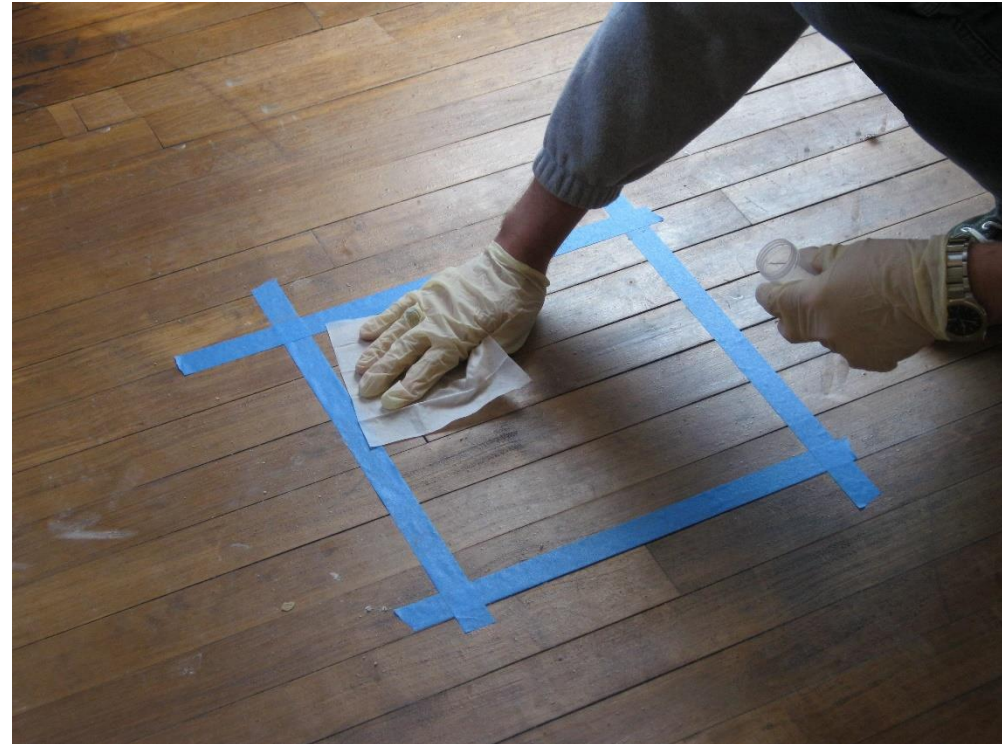
Interior Floors:  $< 10 \mu\text{g}/\text{ft}^2$

Porch Floors:  $< 40 \mu\text{g}/\text{ft}^2$

Window Sills:  $< 100 \mu\text{g}/\text{ft}^2$

Window Troughs:  $< 100 \mu\text{g}/\text{ft}^2$

\*All Lead-Based Paint Hazard Control (LBPHC) and Lead Hazard Reduction (LHRD) Demonstration Grantees



# HUD Lead Levels (Effective April 1, 2017)

Porch – No windows or screens. If it does then it is considered part of the interior floor.



# EPA Lead Levels (Effective March 8, 2021)

New Dust-Lead Hazard Standards:

Floors:  $\geq 10 \mu\text{g}/\text{ft}^2$

Window Sills:  $\geq 100 \mu\text{g}/\text{ft}^2$

New Dust-Lead Clearance Levels:

Floors:  $\geq 10 \mu\text{g}/\text{ft}^2$

Window Sills:  $\geq 100 \mu\text{g}/\text{ft}^2$



# MDH Lead Levels (Notice of intent to adopt)

4761.2510

Standards for lead in dust:

Floors:  $\geq 10 \mu\text{g}/\text{ft}^2$

Window Sills:  $\geq 100 \mu\text{g}/\text{ft}^2$

New Clearance levels?

4761.2670 – Work is successfully completed

when the standards are not exceeded after the completion of clearance sampling.



# MDH Asbestos Statute

Effective July 1, 2021

Changed the definition of asbestos-related work

The residential material exemptions were removed.



# MDH Asbestos Statute

Boilers

Piping

Furnaces; and

Wall material have always been regulated



# MDH Asbestos Statute

## Why is this a concern?

May require two separate credentials

### MN Asbestos Abatement Contractor



### Federal Certified Renovation Firm



# MDH Asbestos Statute

## **Why is this a concern?**

MDH regulates the removal of these materials if:

- 1) The materials are greater than 1% asbestos;
- 2) Are rendered friable; and
- 3) Over 6 square feet, 10 linear feet or 1 cubic foot of material\*

\*residential regulated material amounts

# MDH Asbestos Statute

## Why is this a concern?

If it is regulated, then:

- 1) Licensed contractor
- 2) Certified individuals
- 3) Notification/Permit
- 4) Applicable work practices



# Speaking of RRP

## Federal RRP

Has been around for 12 years and requires:

- 1) Information distribution requirements
- 2) Work practice standards
- 3) Post renovation cleaning verification
- 4) Recordkeeping and reporting requirements
- 5) Firm certification
- 6) Individual certification and training



# Speaking of RRP, what about MDH?

## **What is the status?**

Delayed due to COVID

Resubmitted to the revisors office.

Published for Request for Comments

Now under review by MDH legal staff.

# Other Minnesota Rules

Am I required to do an asbestos inspection?

MDH Does not have that requirement

MNOSHA and MPCA do have mandatory requirements for inspections

MR 5207.0035 – Demolition, Restoration, Remodeling Asbestos Survey

40 CFR 61.145 – Applicability, prior to the commencement of the demolition or renovation, a thorough inspection must occur

# Other Minnesota Rules

Am I required to do an inspection?

MDH does have the following requirements if an inspection is done:

- 1) Certified Asbestos Inspector
- 2) Proper sampling protocol
- 3) Analysis by an accredited laboratory
- 4) Report requirements

# Resources

- [1926.62 - Lead | Occupational Safety and Health Administration \(osha.gov\)](#)
- [1926.1101 - Asbestos | Occupational Safety and Health Administration \(osha.gov\)](#)
- [Renovation, Repair and Painting Program: Contractors | US EPA](#)
- [Asbestos National Emission Standards for Hazardous Air Pollutants \(NESHAP\) | US EPA](#)

# Questions?

- 651-201-4620
- [Health.Asbestos-Lead@state.mn.us](mailto:Health.Asbestos-Lead@state.mn.us)
- [www.health.state.mn.us](http://www.health.state.mn.us)

Type in “asbestos” in in the search box

# Thank You!

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