

Title 26 DEPARTMENT OF THE ENVIRONMENT

Subtitle 16 LEAD

Chapter 05 Procedures for Performing Lead Paint Abatement Services

Authority: Environment Article, §§1-404, 6-801—6-852, 6-1001—6-1005, and 7-206—7-208, Annotated Code of Maryland

.01 Scope and Applicability.

- A. This chapter governs the performance of lead paint abatement services in Maryland.
- B. A person performing a lead inspection, lead risk assessment, or clearance inspection shall:
 - (1) Be accredited by the Department; and
 - (2) Comply with the applicable procedures in this chapter.
- C. A lead paint risk assessor shall perform an inspection for a poisoned-child investigation in accordance with the environmental investigation protocols specified in COMAR 26.16.08.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Lead-based paint inspection" means a surface-by-surface evaluation of painted surfaces to determine if the concentration of lead exceeds State standards.

(2) "Quantitation limit" has the meaning stated in COMAR 26.02.07.02B.

(3) "Risk assessment" means an inspection to determine the presence of lead hazards.

.03 Incorporation by Reference.

In this chapter, the following documents are incorporated by reference:

- A. 40 CFR §745.227, as amended;
- B. Standard Practice for Collection of Settled Dust Samples Using Wipe Sampling Methods for Subsequent Lead Determination (ASTM Standard E1728/E1728M-20, 2020 Edition); and
- C. Standard Specification for Wipe Sampling Materials for Lead in Surface Dust (ASTM Standard E1792-03, Reapproved 2016).

.10 Clearance Inspections for Abatement Projects.

A. Following a lead abatement project, performed in accordance with COMAR 26.02.07, a lead paint visual inspector, inspector technician, or risk assessor accredited by the Department shall perform a clearance inspection for lead-contaminated dust to determine if the lead content in dust is less than the levels stated in COMAR 26.16.02.02B.

B. A Department-accredited lead paint visual inspector, inspector technician, or risk assessor shall collect dust samples from each interior room where lead abatement was performed, using all of the dust sample collection procedures specified in Regulation .09 of this chapter.

C. Samples shall be taken from the following:

- (1) At least one sample from the floor;
- (2) At least one sample from a window sill; and
- (3) At least one sample from a window well.

D. Rooms containing no window in the abatement area require the collection of only one floor sample.

.12 Collection and Laboratory Analysis of Samples.

A. Determination of lead content in paint shall be in accordance with COMAR 26.16.01.03B.

B. A person that collects a paint chip, dust, or soil sample in accordance with the procedures contained in this chapter shall be accredited by the Department as a lead paint inspector technician, visual inspector, or risk assessor and employed by a Department-accredited contractor.

C. A lead paint inspector technician, visual inspector, or risk assessor shall submit a collected sample for analysis to a laboratory:

(1) Recognized by the U.S. Environmental Protection Agency under 15 U.S.C. §2685(b) as accredited under the National Lead Laboratory Accreditation Program; and

(2) That demonstrates it can achieve a quantitation limit equal to or less than:

(a) 20 percent of the lowest level of lead content in paint that constitutes a lead-containing substance, as stated in COMAR 26.16.01.02B;

(b) 20 percent of the lowest action level or regulatory limit for lead content in soil established under 40 CFR §745.65(c) or a more stringent standard published by the Department; or

(c) 50 percent of the lowest level of lead content in dust that constitutes lead-contaminated dust, as stated in COMAR 26.16.02.02B.