



## Compliance with Lead-Based Paint Rules In North Carolina and Virginia

### North Carolina Establishes Program

On August 28, 1997, North Carolina established a state administered lead-based paint hazard management program in lieu of having a federally administered program apply in this state (SB 516). These regulations are expected to become effective on July 1, 1998. Although managed by the state, this program follows all federal lead requirements enacted on August 29, 1996 as required by Title X of the Residential Lead-Based Paint Hazard Act of 1992 (40 CFR Part 745). *South Carolina has already adopted a state-administered program which follows federal requirements.* Specifically, these standards only address:

- *target housing* - any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any one or more children age 6 years or under resides or is expected to reside in such housing for the elderly or persons with disabilities) or any 0-bedroom dwelling, and
- *child occupied facilities* - a building or portion of a building constructed prior to 1978, visited regularly by the same child (6 years of age or under) on at least two different

days within any week, provided that each day's visit lasts at least 3 hours and the combined weekly visit lasts at least 6 hours, and the combined annual visits last at least 60 hours.

Neither federal nor North Carolina standards require lead paint removal, inspection or assessment in target housing and child-occupied facilities, but they do provide requirements regarding certain lead-based paint activities conducted here. However, *all construction work* involving commercial or public buildings where an employee may be occupationally exposed to lead *are still subject* to the requirements of OSHA's construction industry standard 29 CFR 1926.62. Key elements of both standards include:

- *contractors must be trained and certified* - includes successful completion of accredited training program, and additional experience and/or education.
- *training programs must be accredited* - involves submittal of application to EPA, and compliance with course and instructor requirements.
- *contractors must follow work practice standards* - includes requirements regarding sampling, record-keeping, reporting, and use of PPE and respiratory protection plans.
- *government enforcement* - includes civil and criminal penalties.

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## Virginia Aims to Revise Its State-Administered Lead-Based Paint Hazard Management Program

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Currently Virginia's lead-based paint management standards are *more stringent than federal requirements*. Virginia's program is based on rules federal EPA proposed in 1994, which provided regulations not only for housing, but also for any:

- *public buildings*
- *commercial buildings*
- *superstructures, and*
- *bridges.*

In 1996, EPA decided to concentrate its resources on lowering the lead exposure risk for children. Therefore, the buildings/structures listed above (with the exception of child-occupied facilities) are no longer addressed by federal regulation. Virginia intends to adopt EPA guidelines and it is expected that they will revise their standards to match federal requirements by 1998. Virginia will continue to comply with EPA's 1994 standard until actual revisions are made.

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## Is Your Facility Disposing Fluorescent Lights Properly?

Fluorescent lights pose problems for disposal because they may be classified as hazardous waste, and therefore subject to federal or state regulations. Fluorescent light systems contain at least three substances that may be regulated by federal or state laws. These are **mercury, PCBs, and Di (2-ethylhexyl) phthalate (DEHP)**.

- Mercury, used inside **lamp tubes**, is regulated as a hazardous waste under RCRA.
- PCBs, used in certain **ballasts**, are regulated under CERCLA (Superfund) and TSCA.
- DEHP, also used in certain **ballasts**, is listed as a hazardous waste under RCRA.

## Regulatory Information Concerning Disposal and Liability

The method of disposal depends on the amount of "hazardous waste" that is generated at your facility and on the presence or concentration of the above substances in the lighting waste. In order to determine if your facility is subject to these regulations; use the flowchart provided on the following page.

As shown on the flowchart, many facilities do not have to treat lighting waste as hazardous. However, these and other companies must be aware that *all generators* may incur Superfund liability for disposing mercury-containing lamps or PCB/DEHP-containing ballasts in a dumpster, local landfill, or recycling, storage, or treatment facility. Therefore, all companies should adopt responsible lighting disposal management practices.

Regarding safe disposal, many municipal solid waste facilities are not designed to handle mercury, PCB, or DEHP waste. In addition, a large number of these facilities are also no longer accepting these wastes. Federal EPA and state agencies recommend recycling (and subsequent incineration of non-recyclable parts) lighting waste as a cost-efficient way to minimize the potential for liability and conserve resources. Recycling separates re-usable components such as glass, metal, and mercury from components containing PCBs or DEHP. These latter compounds are then incinerated. This process ensures complete destruction of PCBs and DEHP and thereby eliminates potential liability associated with disposal of these materials.

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## Indoor Air Quality Update

The Occupational Safety and Health Administration (OSHA) has yet to enact its 1994 proposed Indoor Air Quality (IAQ) standards.<sup>1</sup> However, OSHA and EPA still consider IAQ as one of their top concerns and encourage companies to adopt their own IAQ programs. It is important that managers and employers follow this recommendation to address and confront IAQ in their workplace for the following reasons:

- *Facilities must meet OSHA air contaminant limits.* These Permissible Exposure Limits (PELs) are the maximum acceptable airborne contaminant concentrations. They are regulated by Time-Weighted Averages (TWA), or an employee's average exposure in any 8-hour work shift of a 40-hour work-week. PELs undergo constant revision and addition of new chemicals. The latest federal standards were amended in 1995. In addition, state regulations are sometimes more stringent than the federal requirements.
  - *North Carolina adopts more stringent PELs*
  - *South Carolina follows federal PELs*
  - *Virginia follows federal PELs*
- *Poor IAQ can result in decreased worker productivity and morale, and increased absenteeism and medical costs.* Due to poor air quality, employees have experienced minor symptoms known as "sick building syndrome" (SBS) which include headaches, fatigue, dizziness, and eye, nose, and throat irritation. Prolonged exposure to poor IAQ can result in major illnesses known as "building related illnesses" (BLI) which include allergic reactions, influenza, tuberculosis, and streptococcal pneumonia.
- Considering the consistently high ranking of IAQ on OSHA and EPA agendas, *IAQ standards may be enacted soon.* Employers and managers must be prepared to comply with these regulations.

## Managing IAQ

Experts suggest certain steps be taken to minimize present IAQ problems and help prevent future occurrences.

- *First, take all employee complaints seriously.* Managers should interview these employees and document any complaints. Often, interviewing should be done quickly (sometimes proactively) to address problems effectively. This action may enable the targeting of specific air contaminant sources. In addition, exhibiting employer concern will maintain employee confidence and may stop complaints from reaching OSHA ears.
- *Make a walk-around inspection.* Do floors, walls, ceilings, or restrooms appear dirty or stained? Are there any leaks or cracks in the roofs or walls? Is there any water damage? Are the HVACs (heating, ventilation, and air conditioning systems) functioning properly and consistently maintained? Is there excessive humidity? Are air contaminant sources such as copying machines and designated smoking rooms ventilated properly?
- *Sample air to determine if your facility is meeting appropriate PEL standards.* Facilities must comply with federal standards, unless more stringent state standards have been enacted.

<sup>1</sup>A detailed discussion of OSHA's proposed IAQ program is presented in *EI Alert* Vol. 6, No.2. For a copy of this issue please contact EI.

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