

**Report as Required by Session Law 2012-200**

**Administration and Implementation of the  
Lead-Based Paint Hazard Management Program for Renovation,  
Repair, and Painting (LHMP-RRP)**

**North Carolina Department of Health and Human Services  
Division of Public Health**

**January 2013**

## **Background**

North Carolina Session Law 2012-200 requires the Division of Public Health (DPH) in the Department of Health and Human Services (DHHS) to conduct an analysis on the administration and implementation of the Lead-Based Paint Hazard Management Program for Renovation, Repair, and Painting (LHMP-RRP). By January 31, 2013, the Division is required to report its findings to the House of Representatives Appropriations Subcommittee on Health and Human Services, the Senate Appropriations Committee on Health and Human Services, and the Fiscal Research Division. The report on the Program includes information on the following elements:

- Historical expenditures, collection, and revenues, each by category.
- The amount of the running balance carried forward each year.
- Staff classifications, job descriptions, and dates of hire.
- Workload activities and performance standards.
- Number of site visits and inspections conducted annually.
- Number and description of projects authorized under the Program.
- Number of complaints received, methods by which complaints are responded to, and the turnaround time required to respond to complaints.
- Number and description of revocations, suspensions, or denials of certification.
- Description of the educational materials and training activities provided.
- Description of outreach activities and the amount of staff time spent on outreach activities.
- Description of compliance assistance provided.

### **Historical expenditures, collection, and revenues, each by category**

Expenditures, collections and revenues are located in Appendix A.

### **Amount of the running balance carried forward each year**

The running balance carried forward each year is located in Appendix A.

### **Staff classifications, job descriptions, and dates of hire**

- **Industrial Hygiene Consultant Supervisor:** The primary purpose of this position is to supervise and manage the Health Hazard Control Unit (HHCU) consultant and trainer staff. This position also supervises two processing assistants who work with the HHCU technical staff. The HHCU technical staff is arranged into two groups: industrial hygiene consultants and inspectors. Along with the inspector supervisor, this position provides programmatic oversight for each program (asbestos & lead-based paint) within HHCU. Oversight and supervision of the consultative staff includes: review of enforcement actions; prioritizing training course audits, consultative visits and outreach activities; review of management plans and re-inspection reports for all public and private schools; and coordination of training for school asbestos designees. Along with the inspector supervisor, this position is responsible for implementing the new LHMP-RRP, which includes rulemaking, forms

development, interacting with the person conducting database computer code development, developing office procedures for processing applications, and education and outreach functions.

Date of Hire: March 1, 2012

- **Industrial Hygiene Consultant:** The primary purpose of this position is to perform industrial hygiene activities as directed by North Carolina General Statutes, Administrative Rules and federal regulations. These activities include responding to requests for assistance; conducting individual surveys; providing technical assistance to building owners, homeowners, designers, contractors, and other government agencies; and responding to lead and asbestos related emergencies. The purpose of these activities is to reduce and eliminate injury, disease and death among the public and working population affected by lead-based paint and asbestos hazards in buildings.

Date of hire: April 1, 2012

- **Administrative Assistant:** The primary purpose of this position is office management. Responsibilities include helping to develop and implement policies and procedures for the LHMP-RRP. This position assists in establishing administrative policies and procedures as well as keeping staff up to date and informed of new policies and procedures established at the division level regarding travel, leave, budgetary matters, and personnel matters. This position oversees Unit administrative activities to ensure that technical activities are supported and policies and procedures are followed. This position is required to interact with contractors, building owners, general public, other state and federal agencies, and vendors.

Date of hire: September 1, 2010 (authorized as part of the LHMP-RRP in 2009 legislation).

- **Asbestos Inspector:** The primary purpose of this position is to perform industrial hygiene activities as directed by North Carolina General Statutes, administrative rules and federal regulations. These activities include conducting inspections; responding to requests for assistance from building owners, homeowners, contractors, and other government agencies; and responding to lead and asbestos related emergencies. The purpose of these activities is to reduce and eliminate injury, disease and death among the public and working population affected by lead-based paint and asbestos hazards in buildings. The types of inspections conducted include routine compliance inspections, complaint investigations, referrals, follow-up inspections, and special emphasis assignments.

Anticipated dates of hire: January 30, 2013 (two positions)

### **Workload activities and performance standards**

North Carolina has operated an authorized Lead-Based Paint Hazard Management Program (e.g., lead abatement program) since 1998. Since 2000, the NC DHHS, DPH, Health Hazards Control Unit (HHCU) has had an Environmental Protection Agency (EPA) Lead Program Grant Cooperative Agreement (EPA Grant). This existing grant has historically provided the foundation for establishing and subsequently maintaining the state-run lead abatement program.

Through this existing lead grant, the HHCU initially began working on various preliminary LHMP-RRP related activities as part of the EPA Grant. EPA began to encourage states to add limited RRP work activities and to consider establishing an authorized the Renovation, Repair and Painting (RRP) Program. The HHCU committed to the following LHMP-RRP work plan activities as added to the existing 2008-2010 lead grant:

- Initiate educational and outreach programs and compliance assistance activities throughout the grant cycle.
- Review the steps necessary to implement a RRP Program, as it applies to North Carolina.

Listed below are some of the significant workload activities conducted by the HHCU under the authorized NC LHMP-RRP program since January 2010:

- Reviewed and commented on EPA's RRP Program Authorization Transition Plan.
- Commented on the EPA's proposed amendment to the Lead; Clearance and Clearance testing Requirements for the Renovation, Repair and Painting Program, Document ID number EPA-HQ-OPPT-2005-0049.
- Developed a "draft" policy addressing NC E-Learning Course Requirements for Renovator and Dust Sampling Technician Courses and developed an addendum for the NC RRP training course accreditation application.
- Received LHMP-RRP permanent rules approval from the North Carolina Rules Review Commission (RCC) on October 21, 2010 with an effective date of November 1, 2011.
- Provided a consultant and technical trainer to participate in a South Eastern Lead Consortium (SELCO) subcommittee to address RRP training, course auditing, e-learning and reciprocity issues.
- Reviewed and commented on the EPA's draft Federal Register Notice regarding program authorization for the NC LHMP-RRP, as requested by EPA.
- Worked with the NC Attorney General's Office to:
  - Assess LHMP-RRP rules and NC statutes for compliance with 40 CFR Part 745, dated August 5, 2011. Drafted legislative proposal that addresses penalty assessments.
  - Assess, develop, and revise existing documents (forms, policy, procedures, etc.) for programmatic consideration.

The following performance standards are required by the EPA in order to maintain a state authorized RRP program and to fulfill existing lead grant work plan commitments:

- Modifying enacted legislation, as needed.
- Developing work practice standards for lead-based paint RRP activities.
- Developing the infrastructure to administer and enforce a program to ensure renovation contractors provide lead-hazard information to building owners and residents.
- Developing and maintaining a system to document: certification of firms, renovators, and dust sampling technicians; training provider accreditation; course accreditation; course notification; training course auditing and instructor approvals.
- Monitoring compliance and facilitating the training of certified firms, renovators, and dust sampling technicians engaged in regulated RRP activities.
- Implementing lead-based paint compliance and consultative assistance program activities and enforcement inspection techniques.

- Developing/revising, a lead-based paint program's authority to enter, for purposes of inspection, and other relevant enforcement remedies.
- Developing and modifying forms, applications, certification processing, field inspection procedures, education and outreach materials; and supporting database modifications for inspections, certifications, tip input, complaint management, training accreditations and training course auditing.
- Improving timeliness of the processing and follow-up of inspection reports and other information generated through enforcement related activities associated with a lead-based paint program.
- Enhancing capacity to improve compliance with lead-based paint program laws, and effectively develop and issue enforcement remedies/responses to violations.
- Modifying, updating and maintaining the HHCU lead website information to include current RRP information, guidance documents, links to EPA website, and search feature to locate certified renovation firms by city, county or name.
- Providing daily consultative services (fielding telephone calls, providing informational and/or educational mailings per request, compliance assistance, etc.) to the regulated community and the general public.
- Continuing staff training and development on program statutes, rules, federal regulations, for compliance assistance and enforcement purposes for ongoing program implementation.

#### **Number of site visits and inspections conducted annually**

CY 2010 – \*19

CY 2011 – \*22

CY 2012 – \*64

Site visits varying in length of time and required traveled distances; as well as the actual scope of work. Visits include equipment, forms and material preparation; travels, documentation on sight, interfacing with impacted parties, follow up activities (additional investigative research), report compilation and written documentation.

\*Includes training course audits and complaint visits when a complaint is addressed by an inspection.

#### **Number and description of projects authorized under the program**

Unlike the lead abatement program, the HHCU does not authorize projects (i.e. permit renovations) under the LHMP-RRP. The HHCU certifies renovation firms, renovators, and/or dust sampling technicians as well as accredits training providers and training courses under this program. The current number of certified renovation firms is 1,372. The current number of certified renovators is 3,462. There are currently 19 RRP training providers accredited by the program with a total of 92 approved instructors available to provide training statewide.

## **Number of complaints received, methods by which complaints are responded to, and the turnaround time required to respond to complaints**

CY 2010 – 16

CY 2011 – 22

CY 2012 – 31

An assignment form is generated for each complaint and the complaint is assigned to a staff member to address. Complaints are responded to consultatively and/or by site inspection depending on the nature of the complaint. Some complaints can be addressed by telephone; however others may require site visits/inspection. The HHCU typically responds to viable complaints within 24-48 hours.

## **Number and description of revocations, suspensions, or denials of certification**

There have been no revocations, suspensions, or denials of certification at the time of this report.

Since the authorization of the LHMP-RRP Program in January 1, 2010, the HHCU has focused its efforts on development of educational materials, training events, and outreach endeavors to inform constituents, stakeholders, regulated community, and the general public of program requirements. As the Program matures and becomes fully staffed, the HHCU builds the capacity to sustain consultative and educational services.

## **Description of educational materials and training activities provided**

Educational activities are ongoing and required in order to maintain a state authorized RRP program and to fulfill existing lead grant work plan commitments. Development of educational materials (e.g., written articles, pamphlets, letters, brochures, booklets) and offering of training activities (e.g., presentations, briefings, meetings) has been accomplished through collaboration with affected stakeholders and constituents. Primary stakeholders include North Carolina Home Builder's Association (NCHBA), North Carolina General Contractors Licensing Board, North Carolina Remodelers Association, North Carolina Property Managers Association, and North Carolina Department of Commerce Community Development Block Grant (CDBG) Program staff.

Highlighted educational materials and training activities conducted by the HHCU under the authorized NC LHMP-RRP program since January 2010 include:

- Developed and mailed an estimated 3,665 notices regarding the finalization of the NC temporary rules for the LHMP-RRP. Mailed announcements of effective date of permanent rules to approximately 2,030 potentially regulated entities.
- Provided 98 presentations on the LHMP-RRP rule to various entities.
- Distributed approximately 8,013 RRP related brochures/guides to potentially regulated entities and the general public.
- Updated education and training documents for homeowners/occupants or presumed renovation sites evaluated by LHMP-RRP representatives.

- Modified existing EPA documents to contain information regarding the NC LHMP-RRP and created a NC specific pamphlet titled "North Carolina Remodelers, Contractors and Painters."
- Collaborated with various agencies (i.e. NC Child Care Health and Safety Resource Center, NC Cooperative Extension Program) to distribute a one-page document titled "North Carolina Requirements for Renovation, Repair and Painting."
- Reproduced bulk copies of various pamphlets, brochures, and booklets for inspections departments and for distribution at presentations.
- Modified the Lead-Based Paint Hazard Management Program website to include Renovation, Repair and Painting information forms and applications, common questions, guidance documents, regulatory information, and a search feature for the general public to find certified renovation firms by name, city or county.

**Description of outreach activities and the amount of staff time spent on outreach activities.**

The HHCU identifies first-time contractors conducting lead abatement, city/county governments hiring contractors and conducting clearances, other specialized contractors, regional and local health departments, non-profit groups, the general public, etc. for outreach activities. These activities assist in meeting the goal of safe reduction of lead-based paint hazards in our homes and communities, thereby reducing the potential for childhood lead-poisoning, and protecting public health and the environment.

Staff time spent collectively on outreach is estimated to range from 1.0 Full Time Equivalent (FTE) to 1.75 FTEs based on the outreach work activities conducted to initiate an effective outreach program.

Outreach activities conducted by the HHCU under the authorized NC LHMP-RRP program since January 2010 include:

- In January 2010, provided a memorandum regarding the finalization of the NC temporary rules for the LHMP-RRP Program to 130 EPA accredited training providers, employers, and contractors in the regulated community (more than 1,300 recipients).
- In March 2010, disseminated a press release regarding NC RRP program authorization to approximately 214 media outlets throughout the State.
- Emailed final program rules to approximately 1,000 recipients.
- Developed and mailed a one page information sheet "ASHERA Update 2010" to 482 North Carolina accredited asbestos inspectors and management planners, 13 training providers, and 946 schools.
- Collaborated with the NC General Contractors Licensing Board to add the HHCU LHMP-RRP website links to their website.
- Developed and disseminated a LHMP-RRP requirements mailing to more than 600 NC Accredited Asbestos Professionals.
- Conducted bulk direct mailings to 69,614 targeted business entities potentially affected by the LHMP-RRP and to 880,179 current occupants of Pre-1978 single family homes.

- Distributed approximately 2,490 RRP related brochures/guides to potentially regulated entities and the general public through a variety of displays, meetings, presentations and information requests.
- Completed a mass electronic mailing in October 2011, to approximately 467 contacts representing various state agencies, public housing authorities, trade organizations, training providers, contractor associations, etc. regarding the EPA amendment to the RRP rule.
- Provided NC certified Training Providers updated LHMP-RRP application forms for renovation firm and renovator certification in July 2011.
- Wrote and distributed articles regarding the NC LHMP-RRP for various magazines, newsletters, and list serve distributions for 8 agencies, organizations, or associations including the North Carolina Child Care Health & Safety Resource Center, NC DHHS, Division of Child Development and Early Education and the NC Licensing Board for General Contractors.
- Updated the lead programs website, including adding a link to the DPH main page, adding LHMP-RRP common questions, and Spanish application forms.
- Developed and distributed to 19 NC accredited training providers a common question document for the LHMP-RRP program.
- Completed a two-phase direct mailer campaign to 26,000 residential building and specialty contractors licensed by the NC Licensed General Contractors Board.
- Conducted a statewide newspaper advertisement campaign to explain the basic requirements of the LHMP-RRP (placed in 9 Major NC English language newspapers and 9 Spanish language papers with a total estimated readership of 970,743).
- Provided LHMP-RRP requirements information to a NC Child Care Health & Safety Resource Center, reaching 4,949 regulated Child Day Care Facilities and 3,565 Family Child Care Homes.
- Mailed memorandum to 115 Public, 505 Non-Public and 99 Charter Schools in NC regarding the basic requirements for the LHMP-RRP Program.
- Conducted approximately 130 on-site presentations around the State to various organizations.

Outreach activities are ongoing and required in order to maintain a state authorized RRP program and to fulfill existing lead grant work plan commitments.

### **Description of compliance assistance provided**

Compliance assistance activities conducted by the HHCU under the authorized NC LHMP-RRP program since January 2010 include:

- Developed and distributed to 35 training providers a memorandum outlining the requirements for NC accreditation for those wishing to teach RRP related courses in NC.
- Answered a combined average of approximately 45 lead renovation related consultative calls per week.
- Worked with the NC Department of Insurance (DOI) to distribute a newsletter article on NC LHMP-RRP, reaching 3,290 code enforcement subscribers.
- Assisted the NC Housing and Urban Development office in developing and distributing information about NC LHMP-RRP to 98 counties.



- Lead-Based Paint Training Providers were mailed reminder notices addressing the requirements for course and training provider renewals.
- Mailed reminder memoranda to 471 NC certified lead renovation firms regarding requirement for NC certified lead renovation firms to certify on an annual basis.
- Developed and mailed a "News Alert" that included information regarding the revisions to EPA rules to reach 1,420 North Carolina certified renovation firms and 18 LHMP-RRP accredited training providers. Information on these rule revisions was also emailed to 120 Public Housing authorities and 60 local and state level home builders' association contacts.
- Completed a mass mailing via electronic mail to approximately 467 contacts representing various state agencies, public housing authorities, trade organizations, training providers, contractor associations, etc. regarding the EPA amendment to the RRP rule.
- Developed a field data collection checklist for compliance and a LHMP-RRP recordkeeping review checklist for use in determining adequacy of records kept by contractors.
- Conducted mailings to 23 NC accredited training providers to inform them of recent revisions in the EPA Renovator courses materials, renewal requirements in order to maintain NC course accreditation, and changes in approval for lead testing kits.
- Distributed approximately 907 RRP related brochures and guides to potentially regulated entities and the general public through a variety of information requests, displays, meetings and presentations.
- Sent quarterly certification reminder letters to NC Certified Renovation Firms.
- Mailed compliance informational letters to approximately 69,614 business entities.
- Received and addressed approximately 6,905 telephone calls and requests for information regarding LHMP-RRP from the regulated community and public at large.
- Provided quarterly renewal reminders to NC Certified Renovation firms.

As noted previously, educational activities, outreach activities and compliance assistance activities are ongoing and required in order to maintain a state authorized RRP program and to fulfill existing lead grant work plan commitments.

## **Appendix A**

### **Historical Expenditures, Collections, Revenues and Annual Carry Forward**

### Lead-Based Paint Hazard Management Program for Renovation, Repair and Painting

RRP Lead Fees		SFY 09-10	SFY 10-11	SFY 11-12	SFY 12-13		
	Fee	Actual \$ Revenue Received	Actual \$ Revenue Received	Actual \$ Revenue Received	Estimated # Collections	Estimated \$ Revenue	Actual \$ Revenue Received as of 11-30-12
Certification/Recertification Renovation Firm	\$ 300	\$ 279,900	\$ 443,700	\$ 388,500	1,400	\$ 420,000	\$ -
Certification/Recertification Dust Sampling Technician	\$ 150	\$ -	\$ 1,050	\$ -	0	\$ -	\$ -
Returned Check Fee	\$ 25	\$ 25	\$ 125	\$ 75	0	\$ -	\$ -
<b>Total Amount Collected in 24432</b>		<b>\$ 279,925</b>	<b>\$ 444,875</b>	<b>\$ 388,575</b>			<b>\$ 144,000</b>

<b>Total Amount Expended</b>	<b>\$ 293</b>	<b>\$ 202,825</b>	<b>\$ 477,606</b>			<b>\$ -</b>
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<b>Total Carry-forward Amount</b>		<b>\$ 279,632</b>	<b>\$ 521,681</b>	<b>\$ 432,651</b>			<b>\$ 576,650</b>
* Accreditation/Reaccreditation of Training Provider	\$ 150	\$ 600	\$ 900	\$ 450	7	\$ 1,050	\$ -
* Accreditation/Reaccreditation of Initial Training Course	\$ 2,000	\$ 8,000	\$ 6,000	\$ 6,000	7	\$ 14,000	\$ -
* Accreditation/Reaccreditation of Refresher Training Course	\$ 2,000	\$ -	\$ -	\$ -	0	\$ -	\$ -

**\*Total Training Fees Collected 14430**      **\$ 8,600**    **\$ 6,900**    **\$ 6,450**

\*This information was obtained from the Health Hazards Control Unit (HHCU) database.