

Key Points and Frequently Asked Questions About the District of Columbia Lead Laws

GENERAL QUESTIONS

When is a child lead poisoned?

There is no safe level of lead for any child to ingest or inhale. Harmful health effects and developmental delays have been known to occur at levels of blood lead levels as low as 3 micrograms of lead (μg) per deciliter of blood (dL). In 2012, the US Centers for Disease Control and Prevention, better known as the CDC, declared that the marker for an unusually high blood lead level would be determined by the blood lead level found in the 2.5% of children with the highest blood lead levels in the US. Currently, that level is 5 $\mu\text{g}/\text{dL}$. Today, therefore, any child in the US with a blood lead level of 5 $\mu\text{g}/\text{dL}$ or more is considered a lead poisoned child, in need of case management.

When do children need to get tested in the District of Columbia?

District law requires children be tested at least twice before they reach 6 years of age. The law states that children must be tested during “well-child visits” to the doctor, first when they are between the ages of 9 months and 14 months, and then a second time, between the ages of 22 months and 26 months. **See the [DC regulations](#) at section 7301.1.**

What does the District of Columbia’s Lead-Hazard Prevention and Elimination Act cover? The Act covers requirements for owners of residential properties built before 1978, the year the US Consumer Product Safety Commission banned the use of lead paint in buildings throughout the US. The Act also provides rights for tenants who live in homes built before 1978. The Act also provides for licensing/certification requirements for lead professionals, as well as accreditation requirements for their training providers, and specifies requirements for those hired to conduct painting, renovation, maintenance or lead-related work in pre-1978 homes.

When can a residential property in the District of Columbia be certified as free of lead-based paint?

Under DC law, a “lead-free property” must meet the following criteria: (1) it must not contain any lead-contaminated soil, and (2) its interior and exterior surfaces must not contain any lead-based paint or other surface coatings that contain lead equal to or in excess of one milligram per square centimeter (1.0 mg/cm^2).

When can a single-family home or an apartment in a multifamily property in the District of Columbia be certified as free of lead-based paint?

A single-family home qualifies as a “lead-free unit” under DC law, if the owner can document that “all representative interior and exterior painted surfaces have been tested by a lead-based paint inspector or risk assessor and do not contain lead-based paint” (paint containing lead equal to or in excess of one mg/cm^2). See the [DC regulations](#) at section 3314.5.

DC law says that an apartment in a multifamily property qualifies as a “lead-free unit” if all three of the following criteria are met:

- (1) “all representative interior unit painted surfaces and all representative exterior painted surfaces that can reasonably be considered as the unit’s exterior surfaces have been tested by a lead-based paint inspector or risk assessor and do not contain lead-based paint.” Examples of what “can reasonably be considered as the unit’s exterior surfaces” are: balcony and terrace components, exterior window and door components, and any accessible exterior wall surfaces that are part of the unit’s structure.

To be considered a “lead-free unit” the immediate exterior of an apartment in a multifamily property must not contain any lead-contaminated dust, as verified and documented by the following dust samples:

- (2) “any interior floor surface located outside the unit within twenty feet of the front or rear door” must be sampled for lead dust, with one dust sample per ten feet of floor surface in any direction from each door.

Finally, for an apartment in a multifamily property to be considered a “lead-free unit” there must be:

- (3) an Operations and Maintenance Plan that includes “specific reference to a specialized cleaning process that ensures approaches to lead-free units remain lead safe over time.” **See the DC regulations at section 3314.6.**

An alternative method for a multifamily unit to qualify as a “lead-free unit” is if one of the following applies:

- 1) If a lead-based paint inspection of the building was performed “in accordance with the 1997 amendments to the HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, or any more recent version thereof,” resulting in a determination that the building is a lead-based-paint-free property, then any unit in the building may be considered a “lead-free unit.”
- 2) If the only lead-based paint that is still present in a unit has been enclosed so that a lead-based paint inspection does not detect it, then that unit may still be considered a “lead-free unit,” provided the building’s Operations and Maintenance Plan “describes the process by which the owner intends to ensure that the lead-based paint remains enclosed over time.” **See the DC regulations at sections 3314.7 and 3314.8.**

What is the difference between lead-based paint and lead-based paint hazards?

Lead-based paint can be found in most housing built before 1978. The mere presence of lead-based paint does not necessarily mean there is an immediate threat of lead exposure. That is why the term “lead-based paint hazard” was created: to distinguish imminent health threats from the mere presence of lead paint in intact condition. A lead exposure threat exists if lead-contaminated dust is present, or lead-contaminated bare soil, or if paint in a pre-1978 property is in deteriorating condition. Each one of these is a lead-based paint hazard.

What is the difference between “Abatement” and “Interim Controls”?

An “abatement” is the elimination of lead-based paint hazards by means of any of the following techniques: component replacement; removal of paint by chemical stripping; enclosure of paint by mechanically fastening sheetrock or plywood over it; encapsulation of paint using a polymer product that has been proven to last at least 20 years; and the removal or covering of lead-contaminated soil. In almost all cases, abatement requires a DOEE permit. **See the [DC regulations at sections 3316.1 and 3316.2](#)**. “Interim controls” is paint repair through wet scraping and the use of lead-safe work practices. A DOEE lead abatement permit is not required for interim controls, because it is not abatement.

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