

The Real Estate Advisor

By Rick Staff, WRA General Counsel

CONTROLLING LEAD PAINT HAZARDS DURING RENOVATION

What is the most important thing owners of older homes need in order to protect their family from lead-based paint (LBP) hazards in their home? Information. According to the records of the Wisconsin Department of Health and Family Services, of the 64,189 children tested for blood-lead level in 1999, 3,728 were poisoned by lead-based paint and other sources of lead in the environment. Fortunately, nearly all LBP injuries can be prevented by taking reasonable precautions. Unfortunately, parents do not yet have the information they need to eliminate this hazard from their homes. This edition of the Real Estate Advisor will discuss controlling LBP hazards during renovations.

Over the last year, the Wisconsin REALTORS® Association has sponsored dozens of LBP seminars which were attended by thousands of Wisconsin property owners and real estate professionals. At each seminar, attendees shared stories about home remodeling projects that may have exposed their children to dangerous amounts of lead dust. One participant talked about an old Victorian home she and her husband had purchased and refinished room by room over a two-year period. In each room, the hardwood floors and the painted wood trim were sanded and refinished. In many of the rooms, the plaster (covered with many layers of LBP) also needed to be repaired. At the time, no one considered the risk of LBP hazards or ways of controlling those hazards. Looking back, it was clear that the remodeling jobs likely exposed their two young children to serious health hazards. Unfortunately, the vast majority of us can recall a situation like this. Fortunately, with the right information, LBP hazards are very manageable.

The reason that LBP hazards are created during renovations is that any painted or varnished surface which is sanded, scraped, removed (or smashed to pieces) leaves behind paint chips and dust. If the paint or varnish was applied before 1978, the dust and chips may contain lead. The older the property, the more likely it is to contain LBP. The dust or chips which result from the renovation of these painted and varnished surfaces are dangerous, particularly to children under the age of six.

If a homeowner has a do-it-yourself project planned, the following steps should be taken. Find out if the paint in the house contains lead. This can be done either by the homeowner (unless tenants live or will live in the property) or by a state-certified lead paint inspector or risk assessor. If the homeowner does the testing, paint chips should be sent to a state-approved lab for analysis. An important caution- never rely upon the “swab tests” you can get at your local hardware store. Neither state nor federal law allows LBP professionals to use “swab tests” because they are not accurate enough to be considered reliable. Call 608-608/261-6876 for a list of LBP inspectors, risk assessors and approved laboratories in your area. The labs will provide you with instructions on how to do paint sampling.

An excellent guidebook for property owners planning “do-it-yourself” renovations can be downloaded from the Internet at: <http://www.hud.gov/lea/LBPguide.pdf>. Copies can also be obtained by calling the National Lead Information Center at 1-800-424-LEAD.

If outside contractors will be doing the renovations it will be important to ensure that the contractors work in a lead-safe manner. Unless the contractor uses employees certified by the Department of Health and Family Services (DHFS) it should not be assumed that the contractor works in a lead-safe manner. In fact, unless the contractor can prove otherwise, homeowners should assume that any contractor disturbing LBP surfaces will be creating a lead hazard in the home. The EPA has developed a guidebook for anyone overseeing the work of renovation and remodeling professionals. "Reducing Lead Hazards When Remodeling Your Home" can be downloaded from the Internet at <http://www.epa.gov/lead/rrpamph.pdf>. Copies can also be obtained by calling the National Lead Information Center at 1-800-424-LEAD.

If necessary, have the contractor agree in writing to follow the safe work practices discussed above. Check up on the contractor to make sure that all of the workers are working "lead-safe". A national list of certified LBP contractors may be found at <http://www.leadlisting.org> or by calling 888/LEAD-LIST. For further information about the training and certification of LBP personnel, contact the DHFS at 608/261-6876, fax 608/266-9711, or visit the DHFS Website at http://www.dhfs.state.wi.us/dph_boh/Asbestos_Lead/INDEX.HTM. For information about lead poisoning in Wisconsin, contact the Wisconsin Department of Health and Family Services Childhood Lead Poisoning Prevention Program at (608-266-5817).

The Real Estate Advisor is a regular column written by Attorney Rick Staff, General Counsel for the Wisconsin REALTORS[®] Association (WRA). The WRA is one of the largest trade associations in the state, representing over 12,000 real estate brokers, salespeople and affiliates statewide.