

**4761.2570 LEAD RISK ASSESSMENT.****Subpart 1. General requirements.**

A. A person must allow the commissioner to have access to a work site, according to Minnesota Statutes, section 144.99, subdivision 2, while the person performs a lead risk assessment.

B. An individual conducting a lead risk assessment must be licensed according to part 4761.2300 and must use the methods described in this part.

C. An assessing agency that is required by Minnesota Statutes, section 144.9504, subdivision 2, to respond to reports of elevated blood lead levels in children and pregnant women must:

- (1) use the methods in this part to conduct a lead risk assessment; and
- (2) issue lead orders to the property owner based on the agency's findings.

D. Sampling and analyzing building component paint in an affected property built after 1978 is not required during a lead risk assessment.

E. Sodium rhodizonate and sodium sulfide must not be used to inspect paint for the presence of lead.

**Subp. 2. Methodologies.**

A. A lead risk assessment must be performed according to one of the documented methodologies that corresponds to the type of sampling and analysis that will be used to determine lead concentration.

B. To the extent that the documented methodologies contain numerical standards for the lead content of paint, dust, bare soil, or drinking water that differ from the standards in part 4761.2510, the more stringent standard applies.

C. X-ray fluorescence analyzers, laboratory sample analyses, or a combination of both, may be used for on-site measurements of lead.

**Subp. 3. Lead risk assessment requirements.**

A. A lead risk assessment for an affected property must:

- (1) include background information regarding the physical characteristics of the affected property;
- (2) include background information regarding the occupant use patterns that may cause lead-based paint exposure to one or more children;
- (3) visually identify the location of any deteriorated paint, assess the extent and causes of the deterioration, and locate other potential lead-based paint hazards;

(4) test each surface with deteriorated paint and each surface that has a distinct painting history for the presence of lead. A surface with deteriorated paint must be determined using HUD's Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, chapter 5 (1995). The guidelines are incorporated by reference under part 4761.2000, subpart 15, item H. Surfaces do not need to be tested if the lead risk assessor determines the building component was replaced after 1978 or does not contain lead-based paint. In lieu of the testing under this item, the deteriorated paint may be assumed to be lead-based paint;

(5) collect and analyze at least one composite bare soil sample within three feet of the foundation for lead concentration. Separate composite samples must be collected from areas where children play, if bare soil is present. Collecting and analyzing bare soil samples may be delayed if the ground is covered by snow during the original lead risk assessment. In lieu of the collection and analyses under this subitem, bare soil may be assumed to be lead-contaminated;

(6) in a residence, collect and analyze composite or single-surface dust samples from interior window sills, window troughs, and floors for lead concentration in all living areas where one or more children are most likely to come into contact with dust. In lieu of collection and analyses under this item, the floor, window sill, and window trough surfaces may be assumed to have lead-contaminated dust on them;

(7) in a multifamily residence, collect and analyze composite or single-surface dust samples from interior window sills, window troughs, and floors for lead concentration in:

(a) common areas adjacent to the sampled residential dwelling unit; and

(b) other common areas in the building where the lead risk assessor determines that one or more children are likely to come into contact with dust. Collection and analyses under this subitem are in addition to the requirements of subitem (6). In lieu of the collection and analyses under this subitem, interior window sills, window troughs, and floors may be assumed to have lead-contaminated dust on them; and

(8) in a school or child-occupied facility, collect and analyze composite or single-surface dust samples from interior window sills, window troughs, and floors for lead concentration:

(a) in each room, hallway, or stairwell utilized by one or more children;

and

(b) in other common areas in the facility where one or more children are likely to come into contact with dust. In lieu of the collection and analyses under this subitem, interior window sills, window troughs, and floors may be assumed to have lead-contaminated dust on them.

B. Except as provided in item C, collecting and analyzing drinking water is not required but may be performed as part of a lead risk assessment.

C. If the lead risk assessment fails to identify a source of lead exposure from the paint, dust, bare soil, or other sources for an elevated blood lead level case, water sampling must confirm that the drinking water does not exceed the standard in part 4761.2510, subpart 4. Water sampling must be conducted using documented methodologies.

Subp. 4. **Reports.** Within 30 days of completing the lead risk assessment, the lead risk assessor must write a report containing the information described in part 4761.2680, subparts 1 and 2.

**Statutory Authority:** *MS s 144.9508*

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