

NEBRASKA DEPARTMENT OF ECONOMIC DEVELOPMENT

# NAHTF Lead-Based Paint



*Applies to program years 2021 and beyond.*

**Q.** What State of Nebraska statutes apply to my NAHTF award?

**A:** Neb. Rev. Stat. §§71-6318 to 71-6331.01 and Neb. Rev. Stat. §§71-162 to 71-162.05. These statutes govern the licensing of firms partaking in lead-based paint abatement as defined here: [https://www.nebraska.gov/rules-and-regs/regsearch/Rules/Health\\_and\\_Human\\_Services\\_System/Title-178/Chapter-23.pdf](https://www.nebraska.gov/rules-and-regs/regsearch/Rules/Health_and_Human_Services_System/Title-178/Chapter-23.pdf)

**Q.** What is lead-based paint abatement?

**A:** The Nebraska Department of Health and Human Services (DHHS) defines lead-based paint abatement as any measure or set of measures designed to permanently eliminate lead-based paint hazards. Abatement does not include renovation, remodeling, landscaping, or other activities when such activities are not designed to permanently eliminate lead-based paint hazards but instead are designed to repair, restore, or remodel a structure or dwelling even if such activities may incidentally result in a reduction or elimination of lead-based paint hazards.

**Example:** You are replacing all of the window frames in a home for the purpose of a remodel. The window frames may have contained lead-based paint. Replacing them will permanently eliminate the lead-based paint hazard. However, this elimination is incidental to the remodeling. Therefore, the activity is not abatement as defined by DHHS.

**Example:** You are replacing windows in a home after a child in the home was found to have elevated levels of lead in the child's blood. You believe deteriorating paint on the window frames may have been the source of lead. Therefore, the activity is abatement.

**Q.** Does NAHTF require abatement of lead-based paint hazards?

**A:** No, NAHTF does not require LBP abatement. However, recipients may choose to abate lead-based paint hazards. In that case, a licensed abatement contractor would need to be used.

**Q.** I am still unsure if my project involves lead-based paint abatement.

**A:** Contact DHHS: Doug Gillespie, Program Manager, Office of Environmental Health Hazards & Indoor Air. [Doug.Gillespie@nebraska.gov](mailto:Doug.Gillespie@nebraska.gov) 402-471-0548

**Q.** What do I need to do if my project includes abatement?

**A:** You must work with a licensed abatement contractor, certified by Nebraska DHHS. The contractor must follow HUD guidelines for abatement by a certified individual. See 1997 revision of Chapter 7: HUD Guidelines for the Evaluation and Control of LBP Hazards [https://dhhs.ne.gov/Lead%20Documents/ HUD%202012%20Guidelines%20complete.pdf](https://dhhs.ne.gov/Lead%20Documents/HUD%202012%20Guidelines%20complete.pdf). You can look up a firm's license from the state of Nebraska here: <https://www.nebraska.gov/LISSearch/search.cgi>

**Q.** What other lead-based paint rules and regulations apply to my NAHTF award?

**A:** The Environmental Protection Agency (EPA) Renovation, Repair, & Painting (RRP) Rule applies to all housing units constructed before 1978. Therefore, the RRP Rule applies to all NAHTF projects that involve pre-1978 housing units. This would cover many properties in owner-occupied rehab (OOR) and purchase, rehab, resale (PRR) projects as well as rental rehab. RRP does not apply to New Construction.

**Q.** What does the RRP Rule require?

**A:** The RRP Rule requires that any contractors (including general contractors and subcontractors) performing renovation, repair, and painting projects that disturb lead-based paint in homes built before 1978 must (1) be certified by EPA, (2) use certified renovators who are trained by EPA-approved training providers, and (3) follow lead-safe work practices.

**Note:** If your organization is acting as a general contractor for your NAHTF project in pre-1978 housing, your organization needs to be certified by the EPA as an RRP Renovation Firm. If you are hiring a general

contractor, EPA recommends keeping record of all contractors' up-to-date certifications on file.

**Q.** How do I know if a contractor is RRP certified?

**A:** You can check at <https://cfpub.epa.gov/flpp/pub/index.cfm?do=main.firmSearch>. Anyone who is paid to perform work that disturbs paint in housing and child-occupied facilities built before 1978 must be certified.

**Q.** Does the RRP Rule require testing for LBP before work begins?

**A:** No, the RRP Rule does not require testing for LBP hazards before work begins. Certified renovators may either (A) Test for the presence of lead-based paint or (B) Assume lead-based paint is present.

**(A) Test for the presence of lead-based paint.**

If the presence of lead-based paint is confirmed in a test, then all renovators must follow lead-safe work practices and conduct a cleaning verification at the end of the job in compliance with the RRP Rule requirements.

If lead-based paint is found not to be present by a certified renovator conducting a test, then lead-safe work practices do not need to be followed in that area of the project. For example, if a lead-based paint test of one window frame tests negative, then lead-safe work practices do not need to be followed for that window's renovation only. Subsequent windows would need to be tested and confirmed negative. Results from one window's test cannot be inferred for other windows.

**(B) Assume lead-based paint is present.**

If lead-based paint is assumed to be present, then all renovators must follow lead-safe work practices and conduct a cleaning verification at the end of the job in compliance with the RRP Rule requirements.

**Q.** Does the RRP Rule require LBP clearance testing at the end of a project?

**A:** No, the RRP Rule does not require LBP clearance testing and sampling of dust by an independent third party. The RRP Rule only requires that the certified renovator who performed the work conducts a cleaning verification at the end of the job.

**Q.** Does the HUD Lead-Safe Housing Rule apply to NAHTF projects?

**A:** The HUD Lead-Safe Housing Rule (LSHR) applies to federally assisted housing projects only. NAHTF is state-funded. If your project is only assisted by NAHTF and does not include any federal sources of funding, the LSHR does not apply. However, if you are layering NAHTF with a federal subsidy, LSHR may apply to your project.

**Q.** What if my project ends up with unused LBP funds in the NAHTF budget?

**A:** Contact your regional program representative if you are interested in initiating an amendment to your project's budget.

**Q.** I still have questions about LBP that were not answered in this FAQ document.

Contact **Doug Gillespie** at DHHS for general LBP questions.

[Doug.Gillespie@nebraska.gov](mailto:Doug.Gillespie@nebraska.gov) 402-471-0548

Contact EPA for questions specific to the RRP Rule.

**Crystal McIntyre**, Residential, Regional Coordinator; Lead-Based Paint Renovation/Repair/Painting (RRP), Compliance Assistance; Rules; License Info; Certification/Training Classes. 913-551-7261

National Lead Information Center Hotline 1-800-424-5323.

Nebraska LBP Helpful Links:

- [DHHS Lead Homepage](#)
- [Nebraska Lead Rules & Regulations](#)
- [Information on Lead Based Paint Credentials from Nebraska](#)
- [Nebraska LBP License Lookup](#)

EPA RRP Rule Helpful Links:

- [EPA RRP Homepage](#)
- [Information for RRP Contractors](#)
- [EPA RRP Resources](#)
- [Abatement vs RRP Discussion](#)
- [EPA RRP License Lookup](#)
- [EPA Lead FAQ](#)