



District of Columbia

Department of the Environment's Lead and Healthy
Housing Division Compliance and Enforcement Branch

Clearance Examination and Report Requirements

November 2013

**20 DCMR § 3318 – Notice of Violation or Notice of
Infraction, and Order to Eliminate Lead-Based Paint
Hazards**

3318.5 If DDOE orders the owner to eliminate a hazard by lead-based paint hazard abatement, the owner shall: (a) Comply with the DDOE Order within thirty (30) calendar days of its receipt, in conformance with D.C. Official Code § 8-231.15(a) unless extended for good cause pursuant to § 3318.9; (b) Obtain a permit pursuant to § 3316 before beginning abatement work; (c) Ensure that each person performing an abatement activity: (1) Is certified as required by this chapter; and (2) Adheres to the lead-safe work practice requirements under § 3302 while performing the work; and (d) Submit a copy of the clearance report to DDOE and, in the case of rental housing, a copy to the tenant, that: (1) Has been prepared by a risk assessor, subject to the conditions in D.C. Official Code § 8-231.11(f)(1); (2) Is submitted to DDOE and to the tenant within seven (7) business days of its issuance by said risk assessor; and (3) Complies with the clearance report requirements established under § 3318.7.

3318.6 If DDOE allows the owner to apply interim controls because abatement is not deemed essential to eliminate a hazard given the particular circumstances, the owner shall: (a) Comply with the DDOE Order within thirty (30) calendar days of its receipt, in conformance with D.C. Official Code § 8-231.15(a), unless extended for good cause pursuant to § 3318.9; (b) Ensure that each person working to eliminate the lead-based paint hazard: (1) Is certified as required by this chapter; or (2) Has been trained in the lead-safe work practices established under § 3302; and (3) Adheres to those lead-safe work practices while performing the work; (c) Comply with the rules for application of interim controls under § 3315; and (d) Submit a clearance report to DDOE, and in the case of rental housing, to the tenant, that: (1) Has been prepared by a risk assessor, subject to the conditions in D.C. Official Code § 8-231.11(f)(1), except as otherwise provided in § 3315.5; (2) Is submitted to DDOE and to any affected tenant within seven (7) business days of its issuance by the individual who signed the report; and (3) Complies with the clearance report requirements under § 3318.7 and, if applicable, under § 3315.4.

3318.7 If DDOE has issued an Order to Eliminate Lead-Based Paint Hazards, the clearance examination shall be performed no sooner than one (1) hour after the completion of lead-based paint hazard control activities, and no later than three (3) business days after completion, and shall be performed as follows:

[] (a) The clearance examination shall include the following:

[] (1) A visual inspection of each work area to ensure paint is in an intact condition and to ensure any underlying condition contributing to paint failure that was identified in the Notice of Violation or of Infraction has been repaired;

[] (2) Photos to document that each work area where non-intact paint conditions had been identified in the Notice and Order has been made intact;

[] (3) A visual inspection of each work area to ensure there is no visible dust or debris;

[] (4) Dust sampling in each room that contains a work area, and if fewer than four (4) rooms contain a work area, in additional rooms until at least four (4) rooms are sampled, that shall include either a child's bedroom, a children's play room, a living room, the bathroom used by the child, or the kitchen, on the following surfaces in each sampled room:

[] (A) A floor sample; and

[] (B) A window sill or a window well sample from rooms that contain a window;

[] (5) A floor dust sample within two feet (2 ft.) of the unit's front door and a floor dust sample within two feet (2 ft.) of the unit's rear door;

[] (6) Whenever a work area is located on the exterior of a property, and whenever a work area involves a window or a door that opens to the exterior of a property, a dust sample on any concrete or other rough exterior horizontal surface within the work area(s);

[] (7) If in a multifamily property, additional floor dust samples in the common area outside the unit within two feet (2 ft.) of the front door and within two feet (2 ft.) of the rear door of each unit where lead-based paint hazard elimination work occurred, provided the rear door does not open up to the property exterior; and

[] (8) Soil sampling if lead-contaminated bare soil was identified, or if exterior work to eliminate a lead-based paint hazard was performed within ten feet (10 ft.) of a bare soil area, provided such sampling occurs on the same property;

[] (b) Before proceeding with the clearance examination, the risk assessor performing the clearance examination shall review the following documents to establish the extent and scope of the lead hazard elimination work, and any other pertinent requirements:

[] (1) Abatement Permit;

[] (2) Lead-based Paint Inspection Survey or Risk Assessment Report;

[] (3) Project Scope of Work; and

[] (4) Notice of Violation or of Infraction, and Order to Eliminate Lead-Based Paint Hazards;

[] (c) Notice to DDOE that a dust test will be performed as part of a clearance examination pursuant to § 3318.5 shall be provided by fax, in person, or via the DDOE website, on a DDOE-specified form, submitted to DDOE at least twenty-four hours (24) prior to conducting the dust test, or as soon as practicable, whichever is sooner;

[] (d) The results of each clearance examination shall be transmitted to the property owner by the individual reporting these results as soon as practicable, and no later than seven (7) business days after completion of the clearance examination;

[] (e) If the property does not pass the clearance examination, the owner shall address the condition causing the failure until the property successfully passes clearance;

[] (f) All environmental samples taken during a clearance examination shall be analyzed by an appropriately accredited lab and shall include as a



quality assurance measure one (1) blank sample for lab analysis for each unit or property subject to a clearance examination; and

(g) Each clearance report shall include:

(1) A list of the documents reviewed pursuant to § 3318.7(b);

(2) A room by room narrative that provides details about what specific steps were taken during the clearance examination, and the result of each such step;

(3) Photos taken pursuant to § 3318.7(a)(2), with a caption for each photo, describing the location depicted;

(4) Analytical result for each environmental sample submitted for lab analysis, including any blank or spike sample submitted, including the lead concentration in the prepared spike;

(5) A chain of custody sheet that lists each environmental sample submitted to a lab for analysis, along with the date and time of day the samples were taken;

(6) A floor plan of the unit or property that displays where each environmental sample was taken, including the specific location of any soil sampling;

(7) The reason or reasons why the unit or property did not pass a previous clearance examination, if applicable;

(8) The date of the clearance examination and the time it was performed;

(9) The signature of the individual who performed the clearance examination, along with a copy of his or her current DDOE-issued certification card; and

(10) The date the clearance report was sent or provided to the property owner.

3318.8 A clearance examination following elimination of a lead-based paint hazard ordered by the District, or after such work is performed in response to a child with an elevated blood lead level, shall not be conducted by:

(a) A risk assessor or lead-based paint inspector who is related to the owner or any tenant by blood or marriage;

(b) A risk assessor or lead-based paint inspector who is an employee or owner of the abatement firm performing the work;

(c) A risk assessor or lead-based paint inspector who is an employee or owner of an entity in which the abatement firm has a financial interest; or

(d) A dust sampling technician, except as provided for under § 3315.5.

Make sure that your clearance report includes the following:

1. Property address and specific units or areas identified
2. Name, address, signature and District of Columbia certification number of each person involved in the clearance examination
3. Name and identification number of each laboratory conducting the analysis
4. Date of Clearance examination
5. Results of the visual assessment for the presence of deteriorated paint and visible dust, debris, residue or paint chips
6. Result of the analysis of dust samples in the micrograms square feet ($\mu\text{g}/\text{ft}^2$) by location of samples
7. Name and address of each firm and supervisor involved in lead-hazard reduction activity
8. Start and completion date of the lead hazard reduction activity
9. Detailed written description of the lead hazard reduction activity including the methods used
10. Location of exterior surfaces, interior rooms, common areas and/or component where the hazard reduction occurred
11. Indicate if the unit passed or failed
12. Any recommended monitoring requirement