

# GOVERNMENT OF THE DISTRICT OF COLUMBIA

Department of Energy and Environment

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

### Questions of Special Interest to Lead Hazard Evaluation and Control Contractors and to those Engaged in Renovation Work

#### What are the various permitting requirements I need to be aware of?

- If you are hired to conduct renovation work in a residential property or child-occupied facility built before 1978, and you will be disturbing more than 500 square feet of painted surface, you either must have documentation that the paint you will be disturbing is not lead-based paint, or you must apply for a DOEE renovation permit. **See the [DC regulations](#) at sections 3310.1(a) and 3310.3.**
- If you are hired to conduct renovation work in a residential property or child-occupied facility built before 1978, and the contract for the renovation work includes \$20,000 or more for work that will disturb painted surfaces, you either must have documentation that the paint you will be disturbing is not lead-based paint, or you must apply for a DOEE renovation permit. **See the [DC regulations](#) at sections 3310.1(b) and 3310.3.**
- If you are hired to raze a building built before 1978 that has painted surfaces either within or on the property, and the property is located within 100 feet of a child-occupied facility, you either must have documentation that the paint is not lead-based paint, or you must apply for a DOEE lead abatement permit. **See the [DC regulations](#) at section 3316.4.**
- If you are hired to conduct demolition activities involving painted surfaces in a multifamily residential property built before 1978, and some or all of the demolition activities involving painted surfaces will be occurring on a floor that contains an occupied unit, you either must have documentation that the paint is not lead-based paint, or you must apply for a DOEE lead abatement permit. **See the [DC regulations](#) at section 3316.4.**
- If you are hired to conduct a lead abatement activity in or on a residential property or a child-occupied facility, you must apply for a DOEE lead abatement permit. There are only 3 exceptions to this rule: (1) door replacement; (2) the covering of any lead-contaminated soil that contains less than 1,000 parts per million of lead; and (3) an abatement activity that involves less than 2 square feet per room of deteriorated paint on an interior surface, or less than 20 square feet of deteriorated paint on an exterior surface. **See the [DC regulations](#) at sections 3316.1 and 3316.2.**

#### What are some of the clearance examination deadlines / restrictions I need to be aware of?

- If you have been issued a DOEE lead abatement permit, you must submit a clearance report to DOEE no later than 7 business days after completion of the permit-related activities. There is 1 exception to this rule: there is no clearance examination requirement applicable to a situation where a building has been razed. **See the [DC regulations](#) at sections 3316.10 and 3316.11.**

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- If you have been issued a DOEE lead abatement permit because you were hired to conduct demolition activities and some or all of these activities will be occurring on a floor that contains an occupied unit, the clearance examination may be conducted by either a risk assessor or a lead-based paint inspector. There is 1 exception to this rule: DOEE may require in writing that the clearance examination be conducted only by a risk assessor. **See the DC regulations at section 3316.10 (b).**
- If you have been issued a DOEE lead abatement permit to conduct a lead abatement activity and there is no Order to Eliminate Lead-Based Paint Hazards related to this work, the clearance examination may be conducted by a risk assessor, a lead-based paint inspector, or a dust sampling technician, whether or not employed by the property owner. There is 1 exception to this rule: a dust sampling technician is not authorized to conduct a clearance examination that involves soil. **See the DC regulations at section 3316.11(b).**
- If you have been issued a DOEE lead abatement permit to conduct a lead abatement activity and there is an Order to Eliminate Lead-Based Paint Hazards in force related to the work, the clearance examination may only be conducted by a risk assessor, and the risk assessor may not be related to the owner or to any tenant in the property by blood or by marriage, nor may the risk assessor be an employee or owner of the abatement firm that performed the work, nor may the risk assessor be an employee or owner of an entity in which the abatement firm that performed the work has a financial interest. **See the DC regulations at sections 3318.6(d)(1) and 3318.8.**
- If you are conducting or have been hired to conduct non-abatement activities to address lead-based paint hazards in response to an Order to Eliminate Lead-Based Paint Hazards, a clearance report must be submitted to DOEE by the property owner, no later than 7 business days after its issuance. The initial clearance examination may only be conducted by a risk assessor, and the initial clearance report may only be issued by a risk assessor, but any subsequent clearance examination may be conducted, and any subsequent clearance report may be issued, by a risk assessor, a lead-based paint inspector, or a dust sampling technician. **See the DC regulations at sections 3315.4, 3315.5, 3315.8, and 3318.8.**
- If you have been issued a DOEE renovation permit, you must submit a clearance report to DOEE no later than 7 business days after the clearance examination was conducted. **See the DC regulations at section 3310.7.**
- If you have been issued a DOEE renovation permit, the clearance examination may be conducted by either a risk assessor, a lead-based paint inspector, or a dust sampling technician. **See the DC regulations at section 3310.6.**

### When does DOEE need to be given advance notice of my intent to conduct dust sampling?

- Whenever dust sampling is conducted as part of an effort to comply with a DOEE Order to Eliminate Lead-Based Paint Hazards, notice to DOEE must be provided on a DOEE-issued form, and must be provided to DOEE at least 24 hours prior to conducting the dust test or as soon as

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practicable, if there is a reasonable excuse for notice not to occur at least 24 hours prior to the dust test. See the [DC regulations](#) at sections 3315.7, 3316.10(d) and 3318.7(c).

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