from which occupants have been relo-
cated; or, for an exterior hazard reduc-
tion activity, where it is easily read 20
feet (6 meters) from the edge of the
hazard reduction activity worksite.
Each warning sign shall be as described
in 29 CFR 1926.62(m), except that it
shall be posted irrespective of employ-
ees’ lead exposure and, to the extent
practicable, provided in the occupants’
primary language.

§ 35.1350 Safe work practices.
(a) Prohibited methods. Methods of
paint removal listed in § 35.140 shall not
be used.
(b) Occupant protection and worksite
preparation. Occupants and their be-
longings shall be protected, and the
worksite prepared, in accordance with
§ 35.1345. A person performing this work
shall be trained on hazards and either
be supervised or have completed suc-
cessfully one of the specified courses,
in accordance with § 35.1330(a)(4).
(c) Specialized cleaning. After hazard
reduction activities have been com-
pleted, the worksite shall be cleaned
using cleaning methods, products, and
deVICES THAT ARE SUCCESSFUL IN CLEANING
up dust-lead hazards, such as a HEPA
vacuum or other method of equivalent
efficacy, and lead-specific detergents or
equivalent.
(d) De minimis levels. Safe work prac-
tices are not required when mainte-
nance or hazard reduction activities do
not disturb painted surfaces that total
more than:
(1) 20 square feet (2 square meters) on
exterior surfaces;
(2) 2 square feet (0.2 square meters) in
any one interior room or space; or
(3) 10 percent of the total surface
area on an interior or exterior type of
component with a small surface area.
Examples include window sills, base-
boards, and trim.

§ 35.1355 Ongoing lead-based paint
maintenance and reevaluation ac-
tivities.
(a) Maintenance. Maintenance activi-
ties shall be conducted in accordance with
paragraphs (a)(2)–(6) of this sec-
tion, except as provided in paragraph
(a)(1) of this section.
(1) Maintenance activities need not
be conducted in accordance with this
section if a lead-based paint inspection
indicates that no lead-based paint is
present in the dwelling units, common
areas, and on exterior surfaces, or a
clearance report prepared in accord-
ance with § 35.1340(a) indicates that all
lead-based paint has been removed.
(2) A visual assessment for deterio-
rated paint, bare soil, and the failure of
any hazard reduction measures shall be
performed at unit turnover and every
twelve months.
(3) (i) Deteriorated paint. All deterio-
rated paint on interior and exterior
surfaces located on the residential
property shall be stabilized in accord-
ance with § 35.1330(a)(b), except for any
paint that an evaluation has found is
not lead-based paint.
(ii) Bare soil. All bare soil shall be
tried with standard treatments in
accordance with § 35.1355(d) through (g),
or interim controls in accordance with
§ 35.1330(a) and (F); except for any bare
soil that a current evaluation has
found is not a soil-lead hazard.
(4) Safe work practices, in accord-
ance with sec. 35.1350, shall be used
when performing any maintenance or
renovation work that disturbs paint
that may be lead-based paint.
(5) Any encapsulation or enclosure of
lead-based paint or lead-based paint
hazards which has failed to maintain
its effectiveness shall be repaired, or
abatement or interim controls shall be
performed in accordance with §§ 35.1325
or 35.1330, respectively.
(6) Clearance testing of the worksite
shall be performed at the conclusion of
repair, abatement or interim controls
in accordance with § 35.1340.
(7) Each dwelling unit shall be pro-
vided with written notice asking occu-
pants to report deteriorated paint and,
if applicable, failure of encapsulation
or enclosure, along with the name, ad-
dress and telephone number of the per-
son whom occupants should contact.
The language of the notice shall be in
accordance with § 35.125(c)(3). The des-
ignated party shall respond to such re-
port and stabilize the deteriorated
paint or repair the encapsulation or en-
closure within 30 days.
(b) Reevaluation. Reevaluation shall
be conducted in accordance with this
paragraph (b), and the designated party shall conduct interim controls of lead-based paint hazards found in the reevaluation.

(1) Reevaluation shall be conducted if hazard reduction has been conducted to reduce lead-based paint hazards found in a risk assessment or if standard treatments have been conducted, except that reevaluation is not required if any of the following cases are met:

(i) An initial risk assessment found no lead-based paint hazards;
(ii) A lead-based paint inspection found no lead-based paint; or
(iii) All lead-based paint was abated in accordance with §35.1325, provided that no failures of encapsulations or enclosures have been found during visual assessments conducted in accordance with §35.1355(a)(2) or during other observations by maintenance and repair workers in accordance with §35.1355(a)(5) since the encapsulations or enclosures were performed.

(2) Reevaluation shall be conducted to identify:

(i) Deteriorated paint surfaces with known or suspected lead-based paint;
(ii) A lead-based paint inspection found no lead-based paint; or
(iii) All lead-based paint was abated in accordance with §35.1325, provided that no failures of encapsulations or enclosures have been found during visual assessments conducted in accordance with §35.1355(a)(2) or during other observations by maintenance and repair workers in accordance with §35.1355(a)(5) since the encapsulations or enclosures were performed.

(3) Each reevaluation shall be performed by a certified risk assessor.

(4) Each reevaluation shall be conducted in accordance with the following schedule if a risk assessment or other evaluation has found deteriorated lead-based paint in the residential property, a soil-lead hazard, or a dust-lead hazard on a floor or interior window sill. (Window troughs are not sampled during reevaluation). The first reevaluation shall be conducted no later than two years from completion of hazard reduction. Subsequent reevaluation shall be conducted at intervals of two years, plus or minus 60 days. To be exempt from additional reevaluation, at least two consecutive reevaluations conducted at such two-year intervals must be conducted without finding lead-based paint hazards or a failure.

(5) Each reevaluation shall be performed as follows:

(i) Review of available information. The risk assessor shall review any available past evaluation, hazard reduction and clearance reports, and any other available information describing hazard reduction measures, ongoing maintenance activities, and relevant building operations.

(ii) Visual assessment. The risk assessor shall:

(A) Visually evaluate all lead-based paint hazard reduction treatments, any known or suspected lead-based paint, any deteriorated paint, and each exterior site, and shall identify any new areas of bare soil;

(B) Determine acceptable options for controlling the hazard; and

(C) Await the correction of any hazard reduction omission or failure and the reduction of any lead-based paint hazard before sampling any dust or soil the risk assessor determines may reasonably be associated with such hazard.

(iii) Reaction to hazard reduction omission or failure. If any hazard reduction control has not been implemented or is failing (e.g., an encapsulant is peeling away from the wall, a paint-stabilized surface is no longer intact, or gravel covering an area of bare soil has worn...
away, or deteriorated lead-based paint is present, the risk assessor shall:

(A) Determine acceptable options for controlling the hazard; and

(B) Await the correction of any hazard reduction omission or failure and the reduction of any lead-based paint hazard before sampling any dust or soil the risk assessor determines may reasonably be associated with such hazard.

(iv) **Selected paint, soil and dust evaluation.**

(A) The risk assessor shall sample deteriorated paint surfaces identified during the visual assessment and have the samples analyzed, in accordance with 40 CFR 745.227(b)(3)(4), but only if reliable information about lead content is unavailable.

(B) The risk assessor shall evaluate new areas of bare soil identified during the visual assessment. Soil samples shall be collected and analyzed in accordance with 40 CFR 745.227(d)(8)-(11), but only if the soil lead levels have not been previously measured.

(C) The risk assessor shall take selected dust samples and have them analyzed. Dust samples shall be collected and analyzed in accordance with §35.1320(b). At least two composite samples, one from floors and the other from interior window sills, shall be taken in each dwelling unit and common area selected. Each composite sample shall consist of four individual samples, each collected from a different room or area. If the dwelling unit contains both carpeted and uncarpeted living areas, separate floor samples are required from the carpeted and uncarpeted areas. Equivalent single-surface sampling may be used instead of composite sampling.

(7) The risk assessor shall provide the designated party with a written report documenting the presence or absence of lead-based paint hazards, the current status of any hazard reduction and standard treatment measures used previously and any newly-conducted evaluation and hazard reduction activities. The report shall include the information in 40 CFR 745.227(d)(11), and shall:

(i) Identify any lead-based paint hazards previously detected and discuss the effectiveness of any hazard reduction or standard treatment measures used, and list those for which no measures have been used.

(ii) Describe any new hazards found and present the owner with acceptable control options and their accompanying reevaluation schedules.

(iii) Identify when the next reevaluation, if any, must occur, in accordance with the requirements of paragraph (b)(4) of this section.

(c) **Response to the reevaluation—**

(1) **Hazard reduction omission or failure found by a reevaluation.** The designated party shall respond in accordance with paragraph (b)(6)(iii)(A) of this section to a report by the risk assessor of a hazard reduction control that has not been implemented or is failing, or that deteriorated lead-based paint is present.

(2) **Newly-identified lead-based paint hazard found by a reevaluation.** The designated party shall treat each:

(i) Dust-lead hazard or paint lead hazard by cleaning or hazard reduction measures, which are considered completed when clearance is achieved in accordance with §35.1340.

(ii) Soil-lead hazard by hazard reduction measures, which are considered completed when clearance is achieved in accordance with §35.1340.