



Residential Lead Paint: Massachusetts Lead Law Important Terms

The Massachusetts Lead Law

The Commonwealth of Massachusetts regulates lead paint through **105 CMR 460**, the **Massachusetts Lead Law**. The goal of the Lead Law is to prevent children from being poisoned through ingestion of lead paint or inhalation of lead dust and requires all lead paint hazards removed or covered in residences built before 1978 where children under the age of six (6) reside. Lead paint hazards include loose lead paint and lead paint on windows and other surfaces accessible to children.

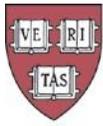
Owners are responsible for complying with the Lead Law. This includes owners of rental property as well as owners living in their own single-family homes. If a child is lead poisoned by lead hazards in their residence, the owner is legally responsible.

Harvard EH&S Fact Sheets

The Harvard University Environmental Health & Safety Department has developed several fact sheets to help residents, staff, and the broader community understand the Lead Law and how compliance can be achieved within Harvard University residences. To further aid this understanding and the use of those fact sheets, this fact sheet will provide definitions to commonly used terms throughout the Lead Law and the EH&S fact sheets.

Important Terms Regarding Residential Lead Paint Compliance

Abatement (removal)	The removal of paint, plaster or other accessible structural material containing dangerous levels of lead or the replacement of the architectural fixture or element containing paint or other accessible structural material containing dangerous levels of lead.
Authorized Person	A person who may legally perform an abatement or containment activity for which he or she has received the required training or course of instruction and, as necessary, a certificate or license.
Common Area	A hallway, stairway, passageway or other interior space between dwelling units, as well as exterior areas, that are shared by occupants of a multi-unit residential premises. Interior common areas extend from the basement, if applicable, to the floor on which the dwelling unit being inspected is located. Common areas do not include rooms or spaces to which a child has no possible access.



Containment (covering)	The encapsulation, covering or enclosing of paint, plaster or other accessible structural material containing dangerous levels of lead.
Dwelling Unit	The room or group of rooms within a residential premise used or intended for use by one individual, family or household for living, sleeping, cooking and eating. "Dwelling unit" includes a condominium.
Full Compliance	The abatement and/or containment of paint, plaster or other accessible structural material containing dangerous levels of lead.
Intact	Paint, other coating, plaster or putty on a surface that is not loose.
Interim Controls	All the temporary measures required by the risk assessment to be taken for a particular dwelling unit or residential premises to address urgent lead hazards until full compliance is achieved.
Lead Inspection	The procedure used by licensed Lead Inspectors for testing all applicable residential surfaces for dangerous levels of lead using either an x-ray fluorescence analyzer and/or a 6% to 8% solution of sodium sulfide.
Lead Inspector	A person trained and licensed to perform lead inspections and all associated responsibilities in accordance with 105 CMR 460.400.
Letter of Full Compliance	A written statement, signed, dated and issued by a Lead Inspector certifying that as long as there continues to be no loose lead-based paint, other coating, plaster or putty, and as long as coverings forming an effective barrier over lead-based paint, other coating, plaster or putty remain in place, a dwelling unit and common areas are determined upon initial inspection or through reinspection to be in full compliance.
Letter of Interim Control	A written statement, signed, dated and issued by a risk assessor, certifying that a dwelling unit and common areas are determined to be in compliance with the Lead Law, for the limited time allowed by, as long as the conditions of 105 CMR 460.105 continue to be met.
Loose	Paint, other coating, plaster or putty on a surface that is peeling, flaking, chipping, crumbling, cracking, deteriorated or damaged in any manner.
Owner	Any person who alone or jointly or severally with others: (a) has legal title to any premises; (b) has charge or control of any premises as an agent who has authority to expend money for compliance with the state sanitary code, executor, administrator, trustee or guardian of the estate of the holder of legal title; (c) an estate or trust of which such premises is a part, or the grantor or beneficiary of such an estate or trust; or



FACT SHEET

Standard: Lead Paint

Fact Sheet No. 9

	(d) is the association of unit owners of a condominium or cooperative, which shall be considered an owner solely with respect to common areas and exterior surfaces and fixtures of such condominium or cooperative. No bank, lending institution, mortgage company or mortgagee except where such mortgagee takes actual possession and acquires legal title of the residential premises pursuant to applicable law, shall be considered an owner.
Relocated	Occupants of a dwelling unit have temporarily moved out of the unit as required by and only for the duration of certain abatement activities in the unit. Relocated occupants will return to the unit upon the determination of a Lead Inspector or Risk Assessor that the unit meets the conditions for reoccupancy pursuant to 105 CMR 460.760(A).
Residence, Residential Premises, or Residential Property	Every building or shelter constructed prior to 1978, used or intended for human habitation, including exterior surfaces and all common areas thereof, and all other property, including other structures located within the same lot line whose existence causes or is likely to affect noncompliance with the provisions of 105 CMR 460.000. Residential premises are comprised of one or more dwelling units.
Risk Assessment	The procedure for determining and reporting the existence, extent and location of urgent lead hazards in residential premises or dwelling units, and prescribing required measures to be taken for proper interim control. A risk assessment shall include a lead inspection; identification of urgent lead hazards; when appropriate, dust sampling; provision of a risk assessment report detailing the results of the risk assessment, and development of measures for correcting urgent lead hazards in the unit.
Risk Assessor	Any lead inspector who has met the conditions specified in 105 CMR 460.400 and is licensed as a risk assessor to conduct risk assessments.
Surface	A wall, ceiling, floor or any architectural component or fixture on the interior or exterior of a dwelling unit or residential premises or on other structures within the lot line of a residential premises.
Urgent Lead Hazards	Loose paint, plaster or putty containing dangerous levels of lead; conditions requiring safeguards under 105 CMR 460.105(A)(3); dust with lead levels in excess of acceptable standards under 105 CMR 460.170, and structural defects.



Assistance

Harvard EH&S is available to assist and support Harvard residents, staff, and property and project managers with issues relating to Lead Law compliance.

Harvard EH&S Buildings & Facilities:

Cambridge Campus
46 Blackstone St,
Cambridge MA, 02139
617-495-2060

www.ehs.harvard.edu/buildings-facilities

Longwood Campus
107 Ave. Louis Pasteur,
Boston, MA 02115
617- 432-1720

Additional assistance concerning the Lead Law can be obtained from the Massachusetts Childhood Lead Poisoning Prevention Program (CLPPP).

CLPPP

MA Department of Public Health
250 Washington Street, Seventh Floor
Boston, MA 02108
1-800-532-9571 (toll free)

clppp@state.ma.us

www.mass.gov/dph/clppp