

## Lead Compliance Plan for Childcare Facilities

Responsible Administrator: Industrial Hygiene

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### 1. Program Description

The UC Irvine Childcare Facility Lead Compliance Plan is designed to identify, assess, and manage lead containing building components in UC Irvine managed Childcare facilities in order to prevent and/or minimized potential lead exposure to occupants. The Plan also contains a provision for testing drinking water for excessive lead levels with subsequent testing every 5 years after the date of the first test.

The regulatory agency requirements mentioned here are protocols for the performance of lead risk assessments and inspections in the context of lead-based paint and lead-based paint hazards. There are no state or federal regulations that require risk assessments or inspections to be performed on childcare facilities unless elevated blood lead levels have been found in a child using the facility. Nonetheless, UC Irvine EHS deemed it in the best interest of the University and the children using the facilities to proactively assess potential lead hazards.

### 2. Scope

Applies to all UC Irvine managed Childcare facilities.

### 3. Definitions

**Abatement** – Means any set of measures designed to reduce or eliminate lead hazards or lead-based paint for public and residential buildings but does not include containment or cleaning.

**Accredited Laboratory** – A laboratory that meets California Health and Safety Code - DIVISION 101 - ADMINISTRATION OF PUBLIC HEALTH PART 1 - CALIFORNIA DEPARTMENT OF HEALTH SERVICES CHAPTER 4 - Regulation of Laboratory Services ARTICLE 3 - Environmental Laboratories Section 100825

**Certified Inspector Assessor** - A certified inspector assessor, in accordance with Title 17 CCR Division 1 Chapter 8 Lead-Based Paint and Lead Hazards part 35005, is defined as an individual who has received a certificate or an interim certificate from the Department of Health Services-Childhood Lead Poisoning Prevention Branch.

**Child Occupied Facility** - A child-occupied facility, in accordance with 40 CFR part 745 (I), (B), is defined as a building, or portion of a building constructed prior to 1978, visited by the same child,

6 years of age or under, on at least 2 different days within any week, provided that each day's visit lasts at least 3 hours, the combined weekly visits lasts at least 6 hours, and the combined annual visits last at least 60 hours. Child occupied facilities may include, but are not limited to, day-care centers, preschools, and kindergartens.

Day care center - a child day care facility other than a family day care home, and includes infant centers, preschools, extended day care facilities, and school age Childcare centers and includes Childcare centers licensed pursuant to Section 1596.951 of the California Health and Safety Code.

Lead-Based Paint – Paint or other surface coatings that contain an amount of lead equal to, or in excess of, one milligram per square centimeter (1.0 mg/cm<sup>2</sup>) or more than half of one percent (0.5%) by weight.

Lead Hazard - Deteriorated lead-based paint, lead contaminated dust, lead contaminated soil, disturbing lead-based paint or presumed lead-based paint without containment, or any other nuisance which may result in persistent and quantifiable lead exposure.

Lead-Related Construction Work - Any construction, alteration, painting, demolition, salvage, renovation, repair, or maintenance of any residential or public building, including preparation and cleanup, that, by using or disturbing lead-containing material or soil, may result in significant exposure of adults or children to lead.

Paint Inspection - A Paint Inspection measures the concentration of lead in paint on a surface-by-surface basis. Inspection results enable the owner to manage all lead-based paint since the exact locations of the lead-based paint have been identified. They shall be performed by a certified inspector/assessor.

Because an inspection usually identifies only the presence of lead-based paint, it does not determine whether the paint presents an immediate hazard. Therefore, it is prudent to also conduct a risk assessment along with the paint inspection, so that a full determination of the location and nature of all lead-based paint hazards may be made.

A paint inspection is the preferred evaluation method when an owner has decided to abate all lead-based paint. Because abatement activities can be costly, it is usually cost effective to complete a paint inspection before using resources to abate assumed hazards. Inspections are also appropriate when extensive renovation that is about to occur will disturb painted surfaces.

Presumed Lead-Based Paint - Paint or surface coating affixed to a component in or on a structure, excluding paint or surface coating affixed to a component in or on a residential dwelling constructed on or after January 1, 1979, or a school constructed on or after January 1, 1993.

Risk Assessment - A Risk Assessment determines the presence or absence of potential lead hazards and suggests appropriate hazard control measures. Risk assessments not only identify lead-based paint but also lead-based paint hazards. They can be performed only by a certified inspector/assessor. Risk assessments go beyond assessing the condition of paint. Risk assessments consider both resident and owner use patterns and management and maintenance practices that will affect the paint. Risk assessments also identify other potential sources of lead hazards, such as dust, soil and water. By considering all hazards and examining resident and owner practices, a risk assessor determines appropriate ways to control hazards and to modify management practices so that the chance of hazards recurring is reduced. To provide the necessary guidance, a risk assessment must cover the following:

- Identification of existence, nature, severity, source, and locations of potential lead hazards.
- Presentation of the various options for controlling lead hazards if hazards are found, including interim controls, abatement measures, and any recommended changes to the management and maintenance systems.

#### 4. Responsibilities

EHS Lead Program Manager - Responsible to:

- Coordinate annual lead identification assessments and health hazard summary as well as follow-up actions to any identified lead hazards.
- Oversee lead contractors who conduct lead assessments and/or lead- related construction activities.
- Ensure any lead related regulatory notifications are performed.
- Notify occupants, facilities, and maintenance staff or affected personnel of known lead painted surfaces.
- Provide assessment and control report and lead assessment summary letter of all findings for each site to the Director of Childcare Services.
- Ensure lead contractors meet all regulatory training and certification requirements.
- Coordinate and oversee any lead-related construction work.

Childcare Facility Administrators (Site Director/Childcare Services Director) - Responsible for:

- Coordinating access for the lead assessments and lead-related construction activities if necessary.
- Providing updates to EHS when any facility building component has been altered and/or new equipment is acquired that will need to be assessed for potential lead content.
- Retaining lead assessment summary results for their facility on site.
- Completing the course Hazard Communication for Trades, Building, Facilities & Custodial Workers. Register online at the University of California Learning Center (UCLC).
- Retain lead assessment summary results for all UC Irvine childcare facilities.
- Coordinating water testing for lead every five years after the initial test date per California Health and Safety Code Section 1597.16.

#### 5. Program Components<sup>1</sup> Lead in Building Construction Materials

- Identification

Paint Inspection - A Paint Inspection measures the concentration of lead in paint on a surface-by-surface basis. Inspection results enable the owner to manage all lead-based paint since the exact locations of the lead-based paint have been identified. They shall be performed by a certified inspector/assessor.

Because an inspection usually identifies only the presence of lead-based paint, it does not determine whether the paint presents an immediate hazard. Therefore, it is prudent to also conduct a risk assessment along with the paint inspection so that a full determination of the location and nature of all lead- based paint hazards may be made.

A paint inspection is the preferred evaluation method when an owner has decided to abate all lead-based paint. Because abatement activities can be costly, it is usually cost effective to complete a paint inspection before using resources to abate assumed hazards. Inspections are also appropriate when extensive renovation that is about to occur will disturb painted surfaces.

Paint Identification - Two methods are commonly used to identify the presence of lead-based paint:

1. To test for lead-based paint.
    - Methods used to identify lead-based paint include x-ray fluorescence (XRF) and/or bulk sampling.
  2. Presume lead paint is present in building components.
    - Presume - Excludes paint or surface coating affixed to a component in or on a residential dwelling constructed on or after January 1, 1979, or a school constructed on or after January 1, 1993.
- Risk Assessment

A Risk Assessment determines the presence or absence of potential lead hazards and suggests appropriate hazard control measures. It identifies lead-based paint hazards. It also considers both resident and owner use patterns and management and maintenance practices that will affect the paint. The risk assessment also identifies other potential sources of lead hazards, such as dust, soil and water. By considering all hazards and examining resident and owner practices, a risk assessor determines appropriate ways to control hazards and to modify management practices so that the chance of hazards recurring is reduced. A risk assessment must be performed by a certified inspector/assessor. It must include the following:

1. Identification of existence, nature, severity, source, and locations of potential lead hazards. Identification includes:
  - Soil sampling,
  - Dust wipe sampling,
  - Analysis of deteriorated paint, and
  - If applicable, water sampling.
2. Presentation of the various options for controlling lead hazards in the event that hazards are found, including interim controls, abatement measures, and any recommended changes to the management and maintenance systems.
  - Management
    - Lead Database – Utilize a record management system that houses all paint inspection survey results, including methods such as XRF and bulk sampling, date and location identified.
    - Maintenance - Maintain identified lead-based paint in place that includes periodic visual inspection of painted surfaces.
    - Abatement – Removal of lead-based paint by qualified personnel.
    - Project management – Coordinate abatement activities including contractor selection and oversight.
  - Training – Trades, Building, Facilities & Custodial Workers must complete the course Hazard Communication for Hazard Communication for Trades, Building, Facilities & Custodial Workers. Register online at University of California Learning Center ([UCLC](#)).
  - Notification - Notify occupants, facilities, and maintenance staff or affected personnel of known lead painted surfaces.

## 5.1 Lead in Drinking Water

- Identification
  - Pursuant to the California Health and Safety Code Section 1597.16, a licensed child day care center that is located in a building that was constructed before January 1, 2010, shall have its drinking water tested for lead contamination levels on or after January 1, 2020, and every five years after the date of the initial test.
  - The licensed child day care center shall work with EHS to coordinate the collection and submittal of drinking water samples to an accredited laboratory. A laboratory receiving a drinking water sample shall, in a timely manner, electronically submit its test results to the State Water Resources Control Board using lead data submission methods that are acceptable to the State Water Resources Control Board. If the test results show elevated lead levels, the State Water Resources Control Board shall, in a timely manner, report the results for the affected licensed child day care center to the department.
- Notification
  - After receipt of the laboratory drinking water results, the State Water Resources Control Board (SWRCB) shall:
    - Notify the department if there is a change to the recommended action level for lead in water.
    - Post all test results received pursuant to subparagraph (A) on its Internet Web site in a timely manner. The posted test results shall be readily accessible to the public.
  - After receipt of the notification from the SWRCB, of elevated lead levels, the Childcare Facility Administrator shall immediately make inoperable and cease using the fountains and faucets where elevated lead levels may exist and shall obtain a potable source of water for children and staff at that location. Any licensed child day care center that fails to take that action is subject to the temporary suspension of their license pursuant to the applicable health and safety code.
  - The Childcare Facility Administrator shall notify the parents or legal guardians of children enrolled in the day care center of the requirement to test a facility's drinking water and of the test results.
- Management
  - The Childcare Facility Administrator shall maintain the water testing records.
  - The Childcare Facility Administrator shall coordinate and execute the water testing every five years after the date of the initial test; including the procurement of the consultant or company who will perform the test.

## 6. Reporting Requirements

Department of Health Services, Lead Hazard Evaluation Report form, DHS form 8552. Summary letter to UC Irvine Director of Childcare Services

## 7. References

Lead Regulations- Title 8 CCR 1532.1; Title 29 CFR 1910.1025; Title 29 CFR 1926.62, 40 CFR part 745 (I), (B), Title 17 CCR Division 1 Chapter 8 Lead-Based Paint and Lead Hazards

California Health and Safety Code Section 1597.16

UC Irvine Managed Childcare Facilities- Children's Center, Early Childhood Education Center, Extended Day Care Center, Farm School, Infant/Toddler Center, Verano Preschool (Old Recreation Center)