

# LEAD-PAINT INSPECTIONS IN FLORIDA: WHO CAN PERFORM AN INSPECTION?

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In order to understand Lead-Based Paint (LBP) inspection requirements in Florida, one must start with EPA Title X regulations. Promulgated in 1992, Title X included provisions for defining and controlling lead poisoning in the United States. Since Title X was first published, the requirements have been promulgated in various Code of Federal Regulations (CFR) with specific duties assigned to the following federal entities:

**U.S. Housing and Urban Development (HUD)**

**U.S. Environmental Protection Agency (EPA)**

**Occupational Safety and Health Administration (OSHA)**

At the time of this writing, Florida has not established regulations or licensing requirements pertaining to LBP inspection or abatement. However, the federal entities listed above do have requirements, and are actively enforcing their regulator requirements pertaining to lead and lead-based paint inspections, training, construction and abatement.

**Key Definition: *Target Housing is defined as any housing built before 1978.***

Understanding the definition of Target Housing is key to understanding LBP requirements in Florida. Please notice in the definition above that target housing is not limited solely to HUD or Indian owned housing. Target housing is any housing built before 1978. As with most regulations, there are a few exceptions which are beyond the scope of this article. If you have questions regarding exceptions to Title X, please contact us for additional information. Title X and subsequent CFR (HUD, EPA and OSHA) regulations are the driving regulations currently in place in Florida.

EPA requires, by regulation, every LBP inspection be performed by:

**Certified Person (either a Lead Paint Inspector or Risk Assessor) working for a Certified Firm**

In Florida, all target housing LBP inspections must be performed by an individual with a valid EPA Certification, working for a firm which is also certified by the EPA for LBP activities in Florida. A target housing LBP inspection done without either of these Certifications would be in violation of Section 402 of the Toxic Substances Control Act. (Please note, Title X does not apply to privately owned commercial/industrial facilities, and the scope of such services is not the focus of this article. For additional information regarding private sector LBP inspection services, please contact us.)

A LBP inspection generally consists of a room-by-room, surface-by-surface, interior and exterior evaluation of all dwelling surfaces (excluding furnishings) that are painted, stained, shellacked or varnished. LBP inspections conducted in target housing must follow Guidelines established by HUD in 1995 and revised in

**1997. A typical LBP inspection of a single-family dwelling will include approximately 130 to 150 individual samples analyzed by either XRF or paint chip analyses.**

**In summary, a person conducting a Lead-Based Paint inspection in Florida must be an EPA Certified Lead Paint Inspector or Risk Assessor, and must also be working for an EPA Certified Lead Paint Activities Firm. (Note, EPA Region 4 from Atlanta, Georgia is actively auditing and enforcing these requirements, and this article does not address the requirements of when a dwelling must be inspected.)**

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