

L.H. - Board of Health - Philadelphia



CITY OF PHILADELPHIA

DEPARTMENT OF PUBLIC HEALTH

**Regulations Relating to
Labeling, Application and Removal
of Lead Paint**

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**CITY OF PHILADELPHIA
DEPARTMENT OF PUBLIC HEALTH**

**REGULATIONS RELATING TO LABELING, APPLICATION
AND REMOVAL OF LEAD PAINT**

THE PHILADELPHIA CODE

TITLE 6—HEALTH CODE

Section 6-403—Residential and Occupancy Hygiene.

1. Definition.

- (a) **Lead Paint.** Any pigmented, liquid substance applied to surfaces by brush, roller or spray in which the total non-volatile ingredients contain more than one per cent (1%) of lead, by weight, calculated as metallic lead.

2. Prohibited Conduct.

- (a) No person shall apply lead paint to toys, furniture or the interior surfaces of any dwelling, rooming house, dwelling unit, rooming unit or facility occupied or used by children.
- (b) No person shall sell, transfer or deliver toys or furniture to which lead paint has been applied.

3. Labeling.

- (a) Containers in which lead paint is stored, sold, or transferred for retail purposes shall be labeled in accordance with regulations adopted by the Department.

4. Hazardous Conditions.

- (a) Where the Department determines that the presence of lead paint upon any premises creates a health hazard to children, it shall issue an order to the owner or occupant to eliminate the hazard in accordance with methods prescribed by regulations issued by the Department.

Pursuant to Section 5-301(b) of the Home Rule Charter and Section 6-403 of the Philadelphia Code, the following regulations are promulgated by the Board of Health and issued by the Department of Public Health.

1. DEFINITIONS

In these regulations, the following definitions apply:

- (a) **Approved.** Satisfactory compliance as determined and recorded by the Department of Public Health.
- (b) **Dwelling, Dwelling Unit, Rooming House, and Rooming Unit.** A building or structure which is wholly or partly used or intended to be used for living, sleeping, or cooking, by human occupants.

- (c) Facility. Any building or structure and equipment therein.
- (d) Lead Paint. Any pigmented, liquid substance applied to surfaces by brush, roller or spray in which the total non-volatile ingredients contain more than one per cent (1%) of lead, by weight, calculated as metallic lead.
- (e) Premises. A lot, plot or parcel of land including all facilities thereon.

2. PROHIBITED USE OF LEAD PAINT

No person shall apply lead paint to toys, furniture or the interior surfaces of any dwelling, dwelling unit, rooming house, rooming unit or facility occupied or used by children. Such interior surfaces include but are not limited to window sills, window frames, doors, door frames, walls, ceilings, stair rails and spindles, or other appurtenances.

3. PROHIBITED HANDLING OF TOYS OR FURNITURE TO WHICH LEAD PAINT HAS BEEN APPLIED

No person shall sell, transfer or deliver toys or furniture to which lead paint has been applied.

4. LABELING OF LEAD PAINT

No person shall store, sell or transfer for retail purposes a lead paint unless the container used in retail trade bears a warning statement which shall be an integral part of the label and shall be placed in a conspicuous place on the immediate container of such paint and shall be printed in letters which are legible and in conspicuous contrast with other printing appearing on the container. The statement shall be in substantial conformance with state and federal laws and regulations and recommended standards of the Federal Hazardous Substances Labeling Act and shall further conform in wording and type style and size as follows or shall be an approved equivalent:

(Type size & style)

WARNING ! (10 pt. caps)

CONTAINS LEAD. HARMFUL (10 pt. caps)

IF EATEN

Do not apply on toys, furniture, window sills or other interior surfaces of any dwelling or facility which may be occupied or used by children. Keep away from heat and open flame. Avoid prolonged contact with skin and breathing of vapor or spray mist. Close container after each use. (10 pt. type)

Use with adequate ventilation. (12 pt. type)

KEEP OUT OF THE REACH OF CHILDREN (10 pt. caps)

This warning statement shall also be required on accompanying literature including directions for use. Where tinting or coloring added to paint at the point of sale produces a final paint product with more than 1% lead, the labeling requirements of this section shall apply.

Labels on containers of lead paint manufactured prior to the effective date of this regulation shall be made to conform with the above labeling requirements by the application of a separate warning label which shall be affixed directly upon the existing label. Provided, however, that after one year from the effective date of these regulations the warning shall be an integral part of the label on the container.

5. REMOVAL OF LEAD PAINT

Where the Department determines that the presence of lead paint upon any premises creates a health hazard to children, it shall issue an order to the owner or occupant to eliminate the hazard. Lead paint shall be completely removed from any surface which can be chewed or eaten by children. Cracked, chipped, blistered or peeling lead paint shall be completely removed. *The lead paint ordered to be removed shall be completely removed to the base surface under such safety conditions as may be approved by the Department.* In lieu of removal of the lead paint, the accessible surface shall be covered with an approved durable material. *Repainting a surface with a non-lead paint without the complete removal of the existing lead paint shall not be deemed to be satisfactory compliance with this section.*

The methods used for the removal of lead paint shall not present a hazard to health from fumes, dust or vapors by inhalation or absorption through the skin and mucous membranes and shall be in accordance with all applicable laws, ordinances, regulations and safety standards and practices of the City of Philadelphia, state and federal agencies.

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Section 6-103 PENALTIES*

(1) In addition to any other sanction or remedial procedure provided, any person who shall violate any provision of this Title, any Regulation adopted under it, any order of the Department issued thereunder, or any condition of any license required thereunder and any person who knowingly participates in any such violation by any other person or who has reason to know that his participation will materially contribute to any such violation by another person, shall be subject to a fine of not less than \$25, and not more than \$150, for the first violation and not less than \$50, and not more than \$300, for the second and each subsequent violation together with imprisonment not exceeding 90 days if the fine and costs are not paid within 10 days. Continuous violation of the same provisions shall be a separate violation for each day.

NOTE: *The provisions of Section 6-103 apply to all violations of the Health Code. They are printed here, in part, for information only.