

The lead based coating 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 based coating, the accessible surface, up to the height of five (5') feet, shall be covered with an approved durable material. Repainting a surface without the complete removal of the existing lead based coating shall not be deemed to be satisfactory compliance with this section.

The methods used for the removal of lead based coating 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, state and federal agencies.

6. DISPOSAL OF LEAD BASED COATINGS

Any lead based coating offered for sale, stored or transferred for retail purposes in violation of these regulations shall be disposed of by returning unopened containers to the manufacturer and demonstrating to the Department by credit receipt the date and amount returned, or by disposal in accordance with the Pennsylvania Solid Waste Management Act, the Philadelphia Air Management Code, other applicable municipal, state, and federal codes, or by any other means acceptable to the Department.

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Section 6-103 PENALTIES *

(1) In addition to any other sanction or remedial procedure provided in the Health Code, any person who shall violate any provision of this Title, and 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 \$25.00 and not more than \$150.00 for the first violation and not less than \$50.00 and not more than \$300.00 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.

Effective date for these Regulations: February 28, 1978.

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



CITY OF PHILADELPHIA
DEPARTMENT OF PUBLIC HEALTH

REGULATIONS RELATING TO LABELING, APPLICATION AND REMOVAL OF LEAD PAINT

Approved:

BOARD OF HEALTH April 28, 1966
(Amended November 16, 1977)

LAW DEPARTMENT June 22, 1966
(Amended November 22, 1977)

RECORDS DEPARTMENT July 27, 1966
(Amended December 26, 1977)

N39129

55-A-2162

**CITY OF PHILADELPHIA
DEPARTMENT OF PUBLIC HEALTH**

**REGULATIONS RELATING TO LABELING,
APPLICATION, DISPOSAL AND REMOVAL OF
LEAD BASED COATING**

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 with this section of the Philadelphia Code as determined and certified by the Department of Public Health.

(b) **Dwelling, dwelling units, rooming house, rooming unit, and institution or similar type facility.** A building structure which is wholly or partly used or intended to be used for living, sleeping, or cooking, by human occupants.

(c) **Lead Based Coating.** Any paint, lacquer or other applied liquid surface coating, and putty or caulking or other sealing compound except those allowed by Federal Law or Regulation which contains a quantity of lead more than six-hundredths of one percent (0.06 of 1%) by weight of its nonvolatile content as determined by laboratory analysis or which in dried film has a lead content of 0.7 milligrams or more per square centimeter (0.7 mg/cm²) as determined through the use of instrumentation approved by the Department.

2. PROHIBITED USE OF LEAD BASED COATING

No person shall apply or cause to be applied any lead based coating to toys, furniture, food utensils, household products, or the interior or exterior surfaces, fixtures or appurtenances of any dwelling, rooming house, dwelling unit, rooming unit, institution or similar type facility except as allowed by Federal Law or Regulation. Such interior or exterior surfaces include all areas accessible to the height of five (5') feet and any other area where existing surface coating is not intact.

**3. PROHIBITED SALE, TRANSFER OR DELIVERY OF
TOYS, FURNITURE, FOOD UTENSILS OR HOUSE-
HOLD PRODUCTS TO WHICH LEAD BASED COAT-
ING HAS BEEN APPLIED**

No person shall sell, transfer or deliver toys, furniture, food utensils or household products to which lead based coating has been applied.

4. LABELING OF LEAD BASED COATING

No person shall store, sell or transfer for retail purposes a lead based coating unless the container used in retail trade bears a label in conformance with federal law or regulation. In the absence of a federal labeling requirement, such container shall bear a conspicuous warning statement printed in letters which are legible and in contrast with other printing appearing on the container and shall further conform in wording, type, style and size as shown herein and state as follows:

WARNING!

**CONTAINS TOXIC AMOUNTS OF LEAD - HARMFUL
IF TAKEN INTERNALLY.**

Do not apply on toys, furniture, food utensils, household products or interior or exterior surfaces of any dwelling or facility which may be occupied or used by children. Avoid prolonged contact with skin and breathing of vapors or spray mist. Close container after each use.

Use with adequate ventilation.

**KEEP OUT OF THE REACH
OF CHILDREN**

This warning shall also be required on accompanying literature including direction for use, where appropriate. Where tinting or coloring added to coating at the point of sale produces a final coating product with more than 0.06% lead, the labeling requirements of this section shall apply.

Labels on containers of lead based coating 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 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 BASED COATING

Where the Department determines that the presence of lead based coating on any toy, furniture, food utensil, household product, or the interior or exterior surfaces, fixtures or appurtenances of any dwelling, rooming house, dwelling unit, rooming unit, institution or similar type facility creates a health hazard to children, it shall issue an order to the owner, his agent or occupant to eliminate the hazard. Lead based coating shall be completely removed from any surface which can be chewed or ingested by children. Cracked, chipped, blistered or peeling lead based coating shall be completely removed.

**SPECIFICATIONS FOR THE REMOVAL
OF LEAD PAINT**

CITY OF PHILADELPHIA
DEPARTMENT OF PUBLIC HEALTH
COMMUNITY HEALTH SERVICES
CHILDHOOD LEAD POISONING CONTROL PROJECT
500 SOUTH BROAD STREET
PHILADELPHIA, PA. 19146

Lead paint creating a health hazard to children shall be eliminated in accordance with the "Regulations Relating to Labeling, Application and Removal of Lead Paint". These procedures will assist you in complying with the regulations and letter ordering removal of lead-based paint.

NOTE: Repainting a surface with a non-lead paint without complete removal of the existing lead paint shall not be deemed to be satisfactory compliance.

HOW TO USE THIS SPECIFICATION SHEET:

Step A - Refer to the Order for the room or location where lead paint must be removed, and

Step B - Find the specific areas at such locations on the list below, and

Step C - Remove all layers of lead paint to the length, width and height as indicated:

Cracked, chipped, blistered, peeling or other loose lead paint shall be completely removed wherever found; holes and cracks in walls must be repaired.

Windows, sills and frames below 5 foot level - completely remove.

Doors and frames below 5 foot level - remove 4 inches back on hinge and latch edges of door; completely remove from frame.

Handrails - completely remove.

Spindles/Balusters - remove on surfaces adjacent to walking areas.

Stair treads - remove 4 inches back from lip on top of tread and from lip to riser on bottom side.

All other chewable surfaces below 5 foot level - remove 4 inches back from edge.

TIGHT LEAD PAINT surfaces which do not require removal include: walls in good condition without broken areas, baseboards, skirtboards on stairways, step risers, and any other surface below the 5 foot level not presenting a chewable surface.

IN LIEU OF REMOVAL of the lead paint as specified above, the surface may be covered with an approved durable material, such as metal, hard fiber board, tile, plastic board, or any other material approved by this Department.

IF YOU INTEND TO REPAINT, do not apply fresh paint until the areas from which the lead-based paint was removed are re-inspected and approved in writing. After written consent is received, any paint safe for interior use may be applied.

N39129.01

SAFETY STANDARDS FOR REMOVAL OF LEAD PAINT

Lead paint is usually removed by the following methods: (1) BURNING, (2) SCRAPING AND SANDING, (3) applying PAINT REMOVERS. The method of removal shall not present a hazard to health from fumes, dust, vapors, or liquids by inhalation or absorption through the skin and mucous membranes. When lead paint is removed from surfaces, hazardous conditions may develop, particularly in poorly ventilated areas.

1. BURNING: A gas torch or high-intensity lamp may be utilized by an experienced operator, aware of the potential fire hazards. Burning will produce lead fumes which are toxic when inhaled in concentrated amounts. This hazard can be minimized by merely softening the painted surface; do not allow the softened paint to burn or flame.

Safety Precautions – A respirator approved by National Institute of Occupational Safety and Health (NIOSH) for fumes should be worn to prevent inhalation of lead fumes.

Warning – Although in Philadelphia burning is the most frequently used method, it is regarded as the most hazardous because of the dangers of fire and poisoning from lead fumes. Be sure to strictly follow the Safety Precautions when using this method.

2. SCRAPING AND SANDING: This procedure results in a considerable amount of lead dust and particles in the air which may be breathed, swallowed, or rubbed into the eyes. Inhalation of lead dust in sufficiently high concentrations over a period of time can result in lead poisoning.

Safety Precautions – A respirator approved by NIOSH for toxic dusts should be worn for protection while scraping and sanding. Safety goggles should also be worn to protect the eyes from chips and flakes of paint.

3. PAINT REMOVERS: Solvents and paint removers evaporate easily and can be inhaled; they are also absorbed through the skin.

Safety Precautions – A respirator approved by NIOSH for organic vapors should be worn for protection with liquid or paste paint removers. Provide adequate ventilation by opening windows and utilizing fans; wear protective gloves.

GENERAL SAFETY PRECAUTIONS: When utilizing any of the above methods, you should take these additional precautions to protect your health:

- a. Never eat or drink in the area where lead paint is being removed. Wash hands and face with soap and warm water before you eat. Rinse mouth thoroughly.
- b. Do not smoke or eat while working.
- c. Wash thoroughly before you leave the work area. Bathe at the end of the day.
- d. If you are not feeling well, consult a physician and request a physical examination. Indicate your work status and report any or all of the following symptoms: persistent headache, dizziness, cramps, constipation, loss of weight, poor appetite, nausea, vomiting, or visual disturbances.

N39129.02



CITY OF PHILADELPHIA

DEPARTMENT OF PUBLIC HEALTH

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

Approvals

BOARD OF HEALTH	April 22, 1946
LAW DEPARTMENT	June 22, 1946
RECORDS DEPARTMENT	July 27, 1946

N39129.03

**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 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) When 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 awarded by the Department of Public Health.
- (b) **Dwelling, Dwelling Unit, Rooming House, and Rooming Unit.** A building or structure which wholly or partly used or intended to be used for sleeping, sleeping, or cooking, by human occupancy.

- (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 upper trimmings.

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 within the container used in retail trade unless 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 contain 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 flames. Avoid prolonged contact with skin and breathing of vapor or spray mist. Close container after each use. (10 pt. caps)

Use with adequate ventilation. (12 pt. type)

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

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.

3. 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 bare surface under each layer, including as may be approved by the Department. In lieu of removal of the lead paint, the removable 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 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 this same provision 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.