



# State of Mississippi

**TATE REEVES**  
Governor

## MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

CHRIS WELLS, EXECUTIVE DIRECTOR

### ASBESTOS REGULATION GUIDANCE

Anyone planning to perform renovation or demolition work needs to think about asbestos. Asbestos is present in many building materials and could become dangerous during the course of renovation or demolition activity. Start on the right track and safeguard against asbestos hazards by learning and following the rules.

#### ***Is my property affected by asbestos regulations?***

Facilities regulated for the control of asbestos include buildings, structures, and installations that are to undergo a demolition and/or renovation (D/R) operation. Generally, "demolition" means wrecking or taking out load bearing structures and "renovation" means altering building components and structures.

The regulations typically do not apply when the work and property involve an individual's residence. This residential facility exemption also applies to any single apartment building with no more than 4 living units. However, a residential facility can become regulated when the D/R operation occurs as part of a larger project involving multiple buildings or is part of a "residential installation" (such as part of a Housing Authority). The regulations may also affect residential property during the burning removal (demolition) of the structure. In the few instances such burning may occur in connection with fire fighter training exercises, the structure must be free of asbestos materials.

#### ***How and when do you know that you have asbestos to deal with?***

Regulated facilities must be inspected to determine the presence of asbestos before the start of the D/R operation. This includes residential property to be burned and instances when property may be part of a larger project involving multiple buildings or part of a residential installation. The work of inspecting and assessing conditions for asbestos must be performed by someone who has certification from MDEQ as an asbestos abatement inspector. Samples from the work site must be analyzed in a laboratory to be certain of the presence, or absence of asbestos.

#### ***How must asbestos materials be handled?***

The regulations generally require asbestos materials to be abated or removed before D/R operational disturbance of the material in order to prevent asbestos air emissions. Proper asbestos abatement requires special training and knowledge of the work practice and emission control requirements of the regulations. The actual work of asbestos abatement must be performed by individuals who have certification from MDEQ for the asbestos abatement work performed. Also, property owners and others who may be in control of a D/R operation must ensure the use of MDEQ certified individuals for asbestos abatement; notice or notification of project details to MDEQ (along with information updates that may become applicable); material wetting during asbestos removal operations until waste collection; asbestos waste packaging and labeling; and disposal of asbestos waste at an acceptable site.

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***Is permit approval from MDEQ required for related D/R operations?***

No permit is required for the performance of a regulated D/R operation. Instead, necessary information about the D/R operation must be submitted to MDEQ and this notification record, which provides details of project operations, sets the approved boundaries and limitations (including schedule) for the D/R operation. In most circumstances, this notification of an impending D/R operation must be submitted to MDEQ 10 working days in advance of project activity. Also, "demolition" notification is required for any regulated facility demolition operation even when asbestos materials are not present while "renovation" operation notification is only applicable when the project involves the abatement of asbestos material in amounts of at least 160 square feet, 260 linear feet, or 35 cubic feet.

***What must happen if the notification information should change?***

The D/R operation notification on file with MDEQ should be substantially accurate for D/R project operations: -Information items that may change such as project/asbestos removal dates, types and quantity of asbestos, contractor information, and waste disposal site information should be reported to amend the notification on file with MDEQ as soon as the change to the information is realized.

- Additional information (the regulations, notification form, certified asbestos abatement individuals, waste disposal sites, and more) are available online <http://www.mdeg.ms.gov/air>. From the web site page, select the appropriate program from the right hand side of the page. A MDEQ representative is available to speak with you as well. For additional information, please call 601-961-5171 and ask for assistance from the Asbestos Program.



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## **GUIDANCE ON THE APPLICABILITY OF LEAD-BASED PAINT REGULATIONS**

The Mississippi Department of Environmental Quality's Lead-Based Paint regulations apply to lead-based paint abatement and renovation activities performed in Target Housing and Child- Occupied Facilities to protect human health and the environment from the hazards of lead-based paint. These regulations do not require the performance of lead-based paint activities but establish requirements and procedures to be followed when lead-based paint activities are performed. "Lead-based paint activities" means (in the case of target housing and child-occupied facilities) inspection, risk assessment, renovation, and abatement, as defined in the regulations.

Paint in Target Housing and Child-Occupied Facilities likely contains lead and therefore must be handled as lead-based paint during any activity that disturbs the paint unless testing by a certified inspector, risk assessor or renovator demonstrates the paint to be lead-free.

In order to assure compliance, owners and operators of regulated operations should:

- use certified personnel for inspections, abatement, and renovation activities.
- submit a project notification form for lead-based paint abatement and renovation activities to the Mississippi Department of Environmental Quality no less than six (6) working days prior to commencement of the activity.

The regulations are applicable to all persons engaged in lead-based paint activities in target housing and child-occupied facilities. However, homeowners performing lead-based paint activities within their primary residence are exempt from the regulations. The exemption applies for someone who does their own work in their own home. However, this exemption does not apply if the residence is occupied by a person or persons other than the owner or the owner's immediate family, nor when there is a child who has been identified as having an elevated blood lead level as determined by the United State Department of Health and Human Services, Centers for Disease Control.

For copies of the regulations, project notification form or other information, please contact the Mississippi Department of Environmental Quality's Asbestos and Lead Branch by calling (601) 961-5171 or toll free at 1-877-671-7139.

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### COMMON QUESTIONS CONCERNING THE LEAD BASED PAINT REGULATIONS

#### ***What is the general scope and applicability of Mississippi's Regulations for "Lead-Based Paint Activities"?***

The regulations contain procedures and requirements for the accreditation of lead-based paint activities training programs, procedures and requirements for the certification of inspectors, risk assessors, project designers, supervisors, renovators, dust sampling technicians, workers and firms engaged in lead-based paint activities in target housing and child-occupied facilities and work practice standards for performing such activities.

#### ***What is "lead-based paint"?***

"Lead-based paint" means paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter or more than 0.5 percent by weight. All paint in Target Housing and Child-Occupied Facilities must be considered to contain lead unless testing by a certified inspector, risk assessor or renovator demonstrates otherwise.

#### ***What is meant by "lead-based paint activities"?***

"Lead-based paint activities" means, in the case of target housing and child-occupied facilities, the performance of a lead-based paint inspection, risk assessment, renovation, or abatement.

#### ***What is meant by "target housing"?***

"Target housing" means any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any one or more children aged 6 years or under resides or is expected to reside in such housing for the elderly or persons with disabilities) or any 0-bedroom dwelling.

#### ***What is meant by "child-occupied facility"?***

"Child-occupied facility", as the term applies to abatements means a building or portion of a building constructed prior to 1978, visited regularly by the same child, 6 years of age or under, on at least two different days within any week (Sunday through Saturday period), provided that each day's visit lasts at least 3 hours and the combined weekly visit 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 kindergarten classrooms. Child-occupied facilities may be located in target housing or in public or commercial buildings.

"Child-occupied facility", as the term applies to renovations means the same as above except that the age restriction only applies for children who are less than 6 years of age

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***What is meant by "abatement"?***

"Abatement" means any measure or set of measures designed to permanently eliminate lead-based paint hazards. Abatement includes, but is not limited to:

- a. The removal of lead-based paint and lead-contaminated dust, the permanent enclosure or encapsulation of lead-based paint, the replacement of lead-painted surfaces or fixtures, and the removal or covering of lead-contaminated soil; and
- b. All preparation, cleanup, disposal, and post-abatement clearance testing activities associated with such measures

However, abatement does not include renovation, remodeling, painting or repainting, landscaping or other activities, when such activities are not designed to permanently eliminate lead-based paint hazards, but, instead, are designed to repair, restore, or remodel a given structure or dwelling, even though these activities may incidentally result in a reduction or elimination of lead-based paint hazards. Furthermore, abatement does not include interim controls, operations and maintenance activities, or other measures and activities designed to temporarily, but not permanently, reduce lead-based paint hazards.

***What is meant by "renovation"?***

"Renovation" means the modification of any existing structure, or portion thereof, that results in the disturbance of painted surfaces, unless that activity is performed as part of an abatement. The term "renovation" includes (but is not limited to): The removal, modification, or repair of painted surfaces or painted components (e.g., modification of painted doors, surface restoration, window repair, surface preparation activity (such as sanding, scraping, or other activities that may generate paint dust)); the removal of building components (e.g., walls, ceilings, plumbing, windows); weatherization projects (e.g., cutting holes in painted surfaces to install blown-in insulation or to gain access to attics, planning thresholds to install weather-stripping), and interim controls that disturb painted surfaces. A renovation performed for the purpose of converting a building, or part of a building, into target housing or a child-occupied facility is a renovation. The term renovation does not include minor repair and maintenance activities.

***What is meant by "renovator"?***

"Renovator" means an individual who either performs or directs or supervises workers who perform renovations. A "certified renovator" is a renovator who has successfully completed a renovator course accredited by EPA or an EPA-authorized State or Tribal program and has been certified to perform renovations in the state of Mississippi.

***Does a person have to be certified in order to work as a worker on a renovation project?***

No. A worker working on a lead-based paint renovation project is trained on site by a certified renovator to perform the required lead-based paint renovation tasks. Only onsite training by the certified renovator is required. However, an individual must successfully complete the two-day accredited lead-based paint worker training course and be certified as a worker in order to work on a lead-based paint abatement project.

***What is meant by "lead-based paint hazard"?***

"Lead-based paint hazard" means any condition that causes exposure to lead from lead-contaminated dust, lead-contaminated soil, or lead-contaminated paint that is deteriorated or

present in accessible surfaces, friction surfaces, or impact surfaces that would result in adverse human health effects as identified by the Department pursuant to the federal Toxic Substances Control Act (TSCA) section 403.

***Who must be certified to perform lead-based paint activities?***

The regulation states "No person may engage in lead-based paint activities in target housing or child-occupied facilities as an inspector, risk assessor, project designer, supervisor, renovator, dust sampling technician, worker, or firm on or after the effective date of these regulations, unless applicable initial or renewed certificates to so engage in lead-based paint activities have been issued to such persons by the Commission, and are currently in effect".

***Can an individual perform lead-based paint activities in their own home?***

Persons who perform lead-based paint activities within residential dwellings they own and occupy are exempt from the regulations unless the residential dwelling is occupied by a person or persons other than the owner or owner's immediate family while these activities are being performed, or a child residing in the building has been identified as having an elevated blood lead level as determined by the United States Department of Health and Human Services; Centers for Disease Control and Prevention.

***What is meant by a "residential dwelling"?***

"Residential dwelling" means (1) a detached single family dwelling unit, including attached structures such as porches and stoops; or (2) a single family dwelling unit in a structure that contains more than one separate residential dwelling unit, which is used or occupied, or intended to be used or occupied, in whole or in part, as the home or residence of one or more persons. Note: The regulation may extend to the disturbance of paint on out buildings when such activity would pose a health risk to the occupants of the "residential dwelling".

***Are project notifications required?***

Yes, the Department's project notification form must be submitted to the Department's Lead Section, six (6) working days prior to commencement of the activity.

***Do the regulations require specific work practice standards to be followed when performing lead-based paint activities in target housing and child-occupied facilities?***

Yes, the work practice standards to be followed when performing lead-based paint activities in target housing and child-occupied facilities are located in 11 Miss. Admin. Code, Pt. 2, Ch. 9, Rule 9.5.

***What are the certification requirements in order for a person to be certified to perform lead-based paint activities?***

Certification requirements vary depending on the certificate being applied for. Each certification discipline requires successful completion of the required training course(s) specific to the discipline. Additional requirements could include education, professional and related work experience, depending on the discipline. 11 Miss. Admin. Code, Pt. 2, Ch. 9, Rule 9.4 contains the requirements for the different certification disciplines. As previously stated in the guidance, a renovation worker is not required to be certified only proper training on site by a certified renovator.

***Are the regulations applicable to lead-based paint activities performed by government agencies?***

Yes.

***When did the regulations become effective?***

August 31, 1998, for "abatement activities".

March 31, 2010, for "renovation activities".

***What are the job responsibilities of a certified inspector?***

A certified inspector conducts an inspection to determine the presence of lead-based paint and provides a report explaining the results of the investigation. This investigation is limited to the use of EPA approved test methods including the use of an XRF instrument or taking paint chip samples. A certified inspector also samples for the presence of lead in dust and soil for the purposes of clearance testing.

***What are the job responsibilities of a certified risk assessor?***

A certified risk assessor conducts an investigation to determine the existence, nature, severity and location of lead-based paint hazards and provides a report explaining the results of the investigation. The investigation includes the use of EPA approved test methods including the use of an XRF instrument, taking paint chip samples, taking dust wipe samples or taking soil samples. A risk assessor also samples for the presence of lead in dust and soil for the purposes of clearance testing.

***Can a certified lead-based paint inspector perform a Lead Hazard Screen or a Risk Assessment?***

No. Lead hazard screens and risk assessments can only be performed by a certified risk assessor.

***Can a certified risk assessor perform lead-based paint inspections?***

Yes, as provided for in 11 Miss. Admin. Code, Pt. 2, Ch. 9, Rule 9.5.B.1, certified risk assessors can perform the same lead-based paint inspections as those performed by a certified inspector.

***Is certification required if an individual is not taking samples of lead-based paint, but will be taking samples of dust and soil?***

Yes. Certification as a risk assessor is required to take samples of dust and soil to identify lead hazards. A certified inspector may take dust and soil samples for clearance purposes only. A certified dust sampling technician can take dust samples for renovation clearance purposes.

***Must a certified supervisor also be certified as a worker in order to perform as a worker on abatement projects?***

Yes. The regulations state "No person may engage in lead-based paint activities in target housing or child-occupied facilities as an inspector, risk assessor, project designer, supervisor, renovator, sampling technician, worker, or firm on or after the effective date of these regulations, unless applicable initial or renewed certificates to so engage in lead-based paint activities have been issued to such persons by the Commission, and are currently in effect".

***What must an individual do to maintain their lead-based paint certification in order to perform lead-based paint abatement activities?***

In order to maintain certification an individual must:

- a. Successfully complete refresher training in each discipline every three (3) years following successful completion of the initial training course. If an individual does not successfully complete the required refresher training course every three (3) years, the individual must fully retake the initial training course in order to be re-certified.
- b. Renew certificate(s) annually during the period of required training.



- c. Certified individuals must apply to and be re-certified by the Commission in the discipline every three (3) years.

***Must an occupant protection plan be prepared/or all abatement activities involving residential dwellings and child-occupied facilities even if the occupants have been moved out during the abatement activities?***

Yes, 11 Miss. Admin. Code, Pt. 2, Ch. 9, Rule 9.5.E.5. states:

A written protection plan shall be developed for all abatement projects and shall be prepared according to the following procedures:

- a. The occupant protection plan shall be unique to each residential dwelling or child occupied facility and be developed prior to the abatement. The occupant protection plan shall describe the measures and management procedures that will be taken during the abatement to protect the building occupants from exposure to any lead-based paint hazards.
- b. A certified supervisor or project designer shall prepare the occupant protection plan.

***Is playground equipment located on the playground of child-occupied facilities and multifamily dwellings subject to the Regulations for Lead-Based Paint Activities?***

Yes, since the playground equipment is considered a "common area". Common area as defined in the regulations means a portion of a building that is generally accessible to all occupants. Such an area may include, but is not limited to, hallways, stairways, laundry and recreational rooms, playgrounds, community centers, garages, and boundary fences.

***What clearance levels must be met when performing lead-based paint abatement activities that are subject to the State's lead-based paint regulations?***

The United States Environmental Protection Agency (EPA) has issued a final regulation under section 403 of the Toxic Substances Control Act (TSCA), as amended by the Residential Lead-based Paint Hazard Reduction Act of 1992, establishing new residential lead dust cleanup levels (clearance levels). The revised clearance levels for lead in dust are subject to change, but are currently (as of March 2025) as follows:

- 5 µg/ft<sup>2</sup> for floors
- 40 µg/ft<sup>2</sup> for interior windowsills
- 100 µg/ft<sup>2</sup> for window troughs.

The regulation also established the following hazard standards for bare residential soil:

- 400 ppm by weight for play areas or 400 µg/g
- an average of 1200 ppm or 1200 µg/g in the remainder of the yard.

The clearance levels have been adopted by the Mississippi Lead-Based Paint Program and must be met when performing lead-based paint abatement activities subject to the State's lead-based paint regulations.

***How can a person obtain additional information concerning the State's lead-based paint program?***

For copies of the regulations or other information, please contact the Department's Lead Section at (601) 961-5171 or toll free at 1-877-671-7139