

Lead poisoning is a serious but preventable health problem. Lead can cause permanent damage to children—especially unborn children, infants, toddlers, and children under 6 years old. It takes only a small amount of lead-based chips or dust to cause lead poisoning. Too much lead in a child’s body can slow growth, impair development and learning, and cause behavioral problems.

Adults also suffer adverse health effects from lead, including increased blood pressure, cardiovascular disease, anemia, impaired kidney function, thyroid dysfunction, reproductive system issues and cancer.

Lead is a toxic metal that was used in house paint until 1978. It is estimated that the majority of Vermont housing was built before 1978. Lead-based paint becomes a hazard when it is disturbed and turns into dust. If lead-based paint is not handled properly, lead dust can be breathed in or swallowed and cause lead poisoning.

Lead paint and dust from lead paint are the major sources of lead poisoning in children. In 1978, lead was banned in house paint. Most homes built before that year are likely to contain lead. Children, pregnant women and adults can also be exposed to lead during renovation projects or whenever lead paint is improperly sanded, scraped or burned.

Over time, painted surfaces crumble into dust, contaminating homes and soil. This dust or soil clings to toys, clothing, hands and objects that children normally put into their mouths. Young children can also be exposed to lead by eating, chewing or sucking on lead-painted objects such as windowsills, furniture or toys.

The Vermont Lead Law

Since 1996, the Vermont Lead Law ([18 V.S.A. Chapter 38](#)) has required that owners of older rental buildings and childcare owners take steps to help prevent exposure to lead hazards. If a residential rental property or childcare facility was built before 1978, lead is presumed to be present by law, and the owner and/or property management company are required to maintain their properties in compliance with the Vermont Lead Law. Since 2022, Vermont Lead Law also requires workers to be trained and licensed to use lead-safe work practices when they disturb painted surfaces in pre-1978 buildings. Vermont law also regulates lead abatement, or permanent removal of lead-based paint.

Under the Vermont Lead Law, ALL paints and coatings in pre-1978 housing and childcare facilities are presumed to contain lead-based paint. The only way to refute this is if the property owner hires a Vermont-licensed Lead Inspector or Risk Assessor to inspect the property, provide a written inspection report documenting the absence of lead-based paint, and is granted an exemption by the Department of Health. Hardware store/chemical swab lead test kits, which are often inaccurate, cannot prove the absence of lead-based paint in Vermont.

KEY POINTS

- **Lead paint and dust from lead paint are the major sources of lead poisoning in children.**
- **Paint is presumed by law to be lead-based in pre-1978 housing.**

Inspection, Repair and Cleaning (IRC) Practices

For pre-1978 rental properties and childcare facilities, the lead law requires rental housing landlords or property management companies and childcare providers to perform Inspection, Repair and Cleaning (IRC) Practices every year. These simple, ongoing maintenance practices prevent children from being exposed to lead and protect property owners from liability. IRC Practices include:

1. Visually inspecting the inside and outside of the property
2. Identifying areas where paint or coatings are in poor condition (chipping or peeling), blocking access to it until the area can be repaired, and promptly ensuring the area is fixed in a lead-safe way by a RRPM credentialed worker.
3. Verifying that all pre-1978 wooden windows have window well inserts.
4. Removing any visible paint chips on the ground outside the building.
5. Performing a specialized cleaning in common areas and inside each rental unit when the tenant vacates the unit.
6. Filing a statement with the Health Department confirming that they have completed the above activities.

THOs are encouraged to take the Inspection, Repair and Cleaning Practices class. Trainings are available online through the Vermont Department of Health and in person through the Burlington Lead Program.

Renovation, Repair, Painting and Maintenance (RRPM) Activities

The RRPM regulations apply to all pre-1978 housing (rented or owner-occupied) and child-occupied facilities, and to anyone who is a painter, carpenter, plumber, electrician, weatherization or window replacement contractor, landlord, property manager, or anyone else who disturbs painted surfaces in pre-1978 housing and child-occupied facilities.

Lead-Safe RRPM licenses or certifications are required for work done for compensation that will disturb more than:

- 1 square foot per interior room
- 20 square feet per exterior surface

For rental housing and child care facilities, Lead-Safe RRPM licenses or certifications are required for work that will disturb more than:

- 1 square foot per interior room
- 1 square foot per exterior surface

Lead-safe RRPM work practices include

- “Working wet” or misting painted surfaces with water before scraping or sanding to prevent the release of lead dust
- Using required personal protective clothing and equipment (PPE)

The RRPM regulations apply when painted surfaces are disturbed on pre-1978 housing and child-occupied facilities.

THOs and Lead Paint

- Using plastic sheets to contain paint chips and dust in the work area by:
 - Covering the floors and any furniture that cannot be moved and secure the plastic with tape.
 - Sealing off doors and heating and cooling system vents.
 - For exterior work, covering the ground. In some cases, there may need to be extra precautions to contain the work area, such as putting up vertical containment.
- Putting up warning signs that alert others to potential lead hazards.
- Cleaning and securing the work area daily.
- Cleaning up all work areas when the work is complete and before taking down the plastic sheets.
- Clearing exterior work areas of visible paint chips and debris.
- Deep cleaning interior work areas by first using a HEPA vacuum on all surfaces followed by wet wiping and wet mopping with detergent and rinse water.

Lead Abatement

If lead-based paint is to be permanently removed, repaired, encapsulated or enclosed specifically to address the hazard associated with the lead paint, then it is a regulated abatement activity. Examples of abatement activities include the renovation or demolition of large steel structures such as bridges and water towers that contain lead-based paint, where the paint is being scraped or chemically removed.

Generally, there is no statutory or regulatory requirement for property owners in Vermont to remove lead-based paint. Lead abatement is relatively rare in Vermont.

Renovation of HUD-financed residential properties may require abatement or lead-based paint removal in response to a lead-poisoned child.

Only licensed lead-based paint abatement contractors are permitted to perform abatement, and the contractor must notify the Health Department and receive a permit before starting work.

Prohibited Work Practices

These high-risk work practices are not allowed to be used on lead-based paint or coatings in Vermont:

- Open flame burning or torching
- Dry scraping or sanding
- Using powered tools (sanding, grinding, planing, needle gunning, or abrasive blasting or sandblasting) unless issued a written permit or authorization from the Asbestos and Lead Regulatory Program
- Using a heat gun at temperatures equal to or greater than 1100°F
- Hydro-blasting or high-pressure washing

- Chemical stripping

Role of the Town Health Officer

THOs may receive complaints about lead-based paint from tenants with exposure risk concerns, neighboring property owners, the general public close to a work site, construction contractors, and other state or local government entities. The Health Department may also reach out to the town health officer to conduct a preliminary site visit to a rental property or work site for fact-finding purposes.

The role of the town health officers is to document the situation, players and conditions by completing an inspection form and taking photographs. The health officer should try to identify the contractor or other individuals involved, determine who owns the property and how to contact them, determine whether the property was built before 1978 and identify what type of property it is (i.e. is it owner-occupied or a residential rental). Health officers can request to see the Vermont RRPM firm and supervisor licenses of the contractor.

The health officer should document approximately how much material was being disturbed (i.e. 1 square foot, 20 square feet, etc.) and whether any lead-safe work practices are being used, such as plastic sheeting to contain the work area, lead warning signs, workers wearing PPE, and workers misting before they scrape or sand. Health officers can look for signs of unsafe lead work practices such as dry sanding or scraping, power washing or use of powered tools, paint chips on the ground or visible dust in the air or on surfaces, and work that is occurring during rain or wind.

If there are signs of unsafe work practices or workers cannot provide Vermont licensure or certification, town health officers may seek voluntary compliance and request that work be stopped. Town health officers can contact the ALRP for further assistance and instruction, as the ALRP staff are trained and equipped to enter such areas for further assessment. Health officers should not attempt to take samples or enter work areas.

THOs may receive complaints regarding improper abatement practices. Abatement projects are permitted by the Environmental Health Division (Asbestos and Lead Regulatory Program). THOs should call 802-863-7220 or (toll-free) 800-439-8550 immediately following a complaint. In addition, the complaint should be documented in an email to ALRP@vermont.gov.

References:

More information about [IRCs](#) and [RRPM](#) is available online. The Health Department also has [a recorded training for Town Health Officers on lead-based paint](#), available online.

For questions or more information, contact the Asbestos and Lead Regulatory Program at 800-439-8550 or ALRP@vermont.gov.