

Kansas Administrative Regulations

Department of Health and Environment

Article 72.—Residential Childhood Lead Poisoning Prevention Program

28-72-17. Work practice standards; elevated blood lead level investigation risk assessments.

(a) In order to perform an elevated blood lead (EBL) level investigation risk assessment, the EBL inspector shall have a certificate from KDHE.

(b) The EBL inspector shall have the parents or guardians of the EBL child complete an approved KDHE questionnaire before sampling. Environmental testing shall be linked to the EBL child's history and may include the testing of a prior residence or other areas frequented by the EBL child.

(c) Background information regarding the physical characteristics of the residential dwelling or child-occupied facility and occupant-use patterns that could cause lead-based paint exposure to one or more children through the age of 72 months shall be collected.

(d) Each surface of the dwelling itself, furniture, or play structures frequented by the EBL child that has deteriorated surface coatings shall be tested for the presence of lead.

(e) Dust samples from areas frequented by the EBL child, including play areas, porches, kitchens, bedrooms, and living and dining rooms, shall be collected. Dust samples shall also be collected from automobiles, work shoes, and laundry rooms if occupational lead exposure is a possibility.

(f) Soil samples shall be collected from bare soil areas of play, areas near the foundation of the house, and areas from the yard. If the EBL child spends significant time at the park or other play area, samples shall be collected from these areas, unless the area has already been sampled and documented.

(g) If necessary, water samples of the first-drawn water from the tap most commonly used for drinking water, infant formula, or food preparation shall be collected. For the

purpose of this regulation, the term "first-drawn water" shall mean water that is taken from the tap after an undisturbed period of at least six hours, during which time the water has been in contact with the pipes and fixtures allowing any available lead to dissolve into the water.

(h) All paint, dust, and soil collection and testing shall be conducted using the documented methodologies in K.A.R. 28-72-13 (d)(1).

(i) No later than 20 days following the completion of the environmental investigation, the EBL investigator shall issue a report to the secretary that details the findings of the investigation and includes all the empirical data gathered during the investigation.

(j) All environmental investigation reports shall be reviewed by KDHE to determine if the exposure to lead hazards found on the property are a contributing cause of the EBL in the child.

(k) If a determination is made by KDHE that lead hazards found on the property are a contributing cause of the EBL in the child, a lead hazard control notice shall be issued by the secretary to the owner and occupants of the property. The lead hazard control notice shall include the following:

(1) Detailed, specific actions that must be taken to make the property lead-safe and suitable for habitation by the EBL child or any other children through 72 months of age;

(2) detailed strategies for both abatement and interim control of the lead hazards found;

(3) the date by which the remediation activities will be concluded; and

(4) the method of proving that the remediation activities are successfully completed.

(l) The verified findings of the environmental investigation and the lead hazard control notice shall not be used to the detriment of occupants by the owner of the property. The failure of any person to comply with the lead hazard control notice shall be considered a violation of K.S.A. 65-1,210, and amendments thereto, and the person shall be subject to the penalties provided in that statute.

(Authorized by K.S.A. 65-1,202; implementing K.S.A. 65-1,202, 65-1,208, and 65-1,210; effective, T-28-9-13-99, Sept. 13, 1999; effective Jan. 7, 2000; amended Dec. 6, 2002; amended April 9, 2010.)

***** Authenticated Kansas Administrative Regulation *****