



# ICC CODES - PUBLIC COMMENT FORM

FOR PUBLIC COMMENTS ON THE "2008 REPORT OF THE PUBLIC HEARINGS"

PLEASE SEE BACK OF FORM FOR PROCEDURES ON SUBMITTING PUBLIC COMMENTS. ALL SUBMITTALS MUST COMPLY WITH THESE PROCEDURES.

**CLOSING DATE: All Comments Must Be Received by June 9, 2008. The 2008 Final Action Hearings will be held September 17-23, 2008 in Minneapolis, Minnesota**

1) Please type or print clearly: Public comments will be returned if they contain unreadable information.

Name:	Jane Malone				Date:	6-9-08	
Jurisdiction/Company:	Alliance for Healthy Homes						
Submitted on Behalf of:	Alliance for Healthy Homes and National Center for Healthy Housing						
Address:	50 F Street NW, Suite 300						
City:	Washington	State:	DC	Zip +4:	20001		
Phone:	202-347-7610	Ext:	12	Fax:	202-347-0058		
e-mail:	jmalone@afhh.org						

2) Copyright Release: In accordance with Council Policy #28 Code Development, all Code Change Proposals, Floor Modifications and Public Comments are required to include a copyright release. A copy of the copyright release form is included at the end of this form. Please follow the directions on the form. This form as well as an alternative release form can also be downloaded from the ICC website at [www.iccsafe.org](http://www.iccsafe.org). If you have previously executed the copyright release, please check the box below:

2007/2008 Cycle copyright release on file

3) Code Change Proposal Number:

Indicate the Code Change Proposal Number that is being addressed by this Public Comment: PM6-07/08

4) Public Comment: The Final Action requested on this Code Change Proposal is: (Check Box)

Approved as Submitted (AS):
  Approved as Modified by this Public Comment (AMPC):
  Approved as Modified by the Code Committee as Published in the ROH (AM):
  Approved as Modified by Assembly Floor Action as Published in the ROH (AMF):
  Disapproved (D):

5) Proposed Modification (AMPC only):

**305.3 Interior surfaces.** All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected. If moisture is the cause of paint deterioration or other defective surface conditions, the cause of the moisture shall be corrected.

**305.3.1 Pre-1978 Buildings.** Deteriorated paint in property built before 1978 shall be repaired in accordance with the work practice standards for renovations required at 40 CFR\_745.85(a), unless documentation exists that the paint does not contain lead.

**EXCEPTIONS to 305.3.1:**

1. Property built after 1977, when lead-based paint was banned
2. Painted surfaces proven to contain no lead-based paint

Modification Continued (Attach additional sheets as necessary)

6) Reason (State the reason and justification to support the Public Comment. Include a bibliography of any substantiating material. It is the responsibility of the commenter to make the material available at the Final Action Hearing):

See next page.

Reason Continued (Attach additional sheets as necessary)

## Reasons for Proposed Modification

The committee gave the following reasons for the disapproval: “Consistent with the committee’s action on PM4-07/08, the committee felt that the enforcement of these provisions would be difficult because other agencies already have minimum lead paint practices in place. Further, the committee indicated that some of the repair methods required definitions in order to be understood and unenforceable.”

Responses to “other agencies already have minimum lead-based paint practices in place:”

- (1) The proposed new subsection 305.3.1 has been re-titled from “lead-based paint” to “pre-1978 buildings” to clarify that the proposed provision refers to interior surfaces in pre-1978 buildings not all lead-based paint issues.
- (2) There is no overlap with or conflict between the proposed provision 305.3.1 and state programs regulating lead-based paint abatement, because abatement involves removal of paint whether or not it is deteriorated, solely because it contains lead. Safely repairing deteriorated paint is an essential maintenance function unrelated to abatement. If adopted, the proposed provision will help property owners to avoid costly abatement ordered by a health agency after a child is lead-poisoned.
- (3) The jurisdictions where the property maintenance code requires repair of deteriorated paint using safe practices will be able to conform to the proposed provision 305.3.1.

Considering the committee’s comments about definitions:

- (1) Work practices: Since the code change hearing in February, the U.S. Environmental Protection Agency published its Renovation, Repair and Painting rule. The requirements of this rule will become well-known in the coming months since they will apply to millions of property maintenance activities conducted in pre-1978 homes and child-occupied facilities effective April 22, 2010. At 42 CFR 745.85(a), the rule provides thorough instructions for work practice standards for the safe repair of deteriorated paint. In this modified proposed section 305.3.1, we propose to incorporate these standards by reference since they are understandable and enforceable. In addition, since these standards specify dangerous practices, it will not be necessary to list them in the code as previously proposed.
- (2) Lead-based paint: With the adoption of PM 19 as revised, the code will contain a definition of lead hazard that will permit understanding and enforcement of the modified proposed section 305.3.1.

The purpose of these proposed additions to Code requirements for the surfaces of the interior structure is to incorporate measures that reflect current knowledge about managing lead-based paint and excessive moisture and thereby prevent lead poisoning and mold. These changes would require the correction of underlying moisture problems in all properties, and, require, only in properties likely to contain lead-based paint, safe repair of deteriorated paint that is likely to contain lead. Multiple studies have demonstrated that lead dust, which is caused by deteriorated lead-based paint and some methods of paint repair, is the major source of lead exposure for young children. The dangers associated with exposure to lead-based paint hazards are well-known: lead is associated with a range of serious health effects on children, including detrimental effects on cognitive and behavioral development with serious personal and social consequences that may persist throughout their lifetime. More than 36 million pre-1978 US housing units contain lead-based paint.

**The proposed modification to Section 305.3 is necessary because the existing code fails to** specifically require correction of surface evidence of a moisture problem. The proposed change requires repair of underlying moisture problem. In many cases, the moisture problem is obvious. This requirement will prevent paint deterioration, which is hazardous in older property that may contain lead-based paint, as well as stop moisture problems in wall coverings and other building materials that can lead to mold, infestation, and structural problems in any property.

**The proposed addition of Section 305.3.1 is necessary because the** current Code fails to specifically require, in older properties that are likely to contain lead-based paint, the use of precautionary practices in order to prevent the dispersal of lead before, during, and after the repair work, in the course of complying with subsection 305.3’s requirement to repair peeling, chipping, flaking or abraded paint. The proposal improves the current Code by adding a health-protective requirement to perform the repair safely using work practice standards. The proposed new subsection contains two exceptions to the requirement: properties built before 1978 and where the deteriorated paint has been documented to not contain lead (such as by a lead-based paint inspection or risk assessment or through completion of another government-approved test method or ANSI standard).