

E.P.A. Proposes Tighter Limits on Lead Dust in Homes and Child Care Facilities

By [Coral Davenport](#)

Under the proposed rules, any amount of lead dust in floors and window sills would qualify as “hazardous” and require abatement.



The E.P.A. estimates that 31 million pre-1978 houses still contain lead-based paint, and 3.8 million of them have one or more children under the age of 6 living there. Credit: Jamie Hooper/Alamy

The Biden administration on Wednesday proposed to strengthen requirements for the removal of lead-based paint dust in homes and child care facilities built before 1978, an effort to eliminate exposure to lead that could require millions of property owners to pay for abatement.

Lead is a neurotoxin and exposure can damage the brain and nervous system, particularly in babies and small children.

If finalized, the Environmental Protection Agency estimates that the regulation would reduce exposure to lead for as many as 500,000 young children per year.

“There is no safe level of lead,” said Michal Freedhoff, the Environmental Protection Agency’s assistant administrator for the office of Chemical Safety and Pollution. “Even low levels are detrimental to children’s health, and this proposal would bring us closer to eradicating lead-based paint hazards from homes and child care facilities across the U.S. once and for all.”

The proposed regulation would not require property owners or child care facilities to proactively test for lead dust. But if a young child showed symptoms of lead exposure, through a blood test or other measure, it could trigger state and local requirements for testing.

Results that confirmed the presence of any level of lead dust would require property owners to pay for clean up, E.P.A. officials said. “It dramatically increases the number of facilities that could be required to remediate lead paint hazards,” Ms. Freedhoff said.

The regulation would apply to facilities regularly used by children 6 years old or younger, including child care centers, preschools and kindergarten classrooms. Young children are at particularly high risk of exposure because of activities like crawling and hand-to-mouth play. Lead poisoning can cause behavioral problems, learning disabilities and a decline in measured intelligence levels.

The federal government banned lead-based paint for residential use in 1978. But the E.P.A. estimates that 31 million dwellings built before that year contain lead-based paint, 3.8 million of which are home to one or more children under the age of 6.

Many of the buildings that would be subject to the proposed regulation are older structures located in low-income neighborhoods.

Building and business owners who could be affected said they were worried about the potential costs of the lead dust abatement.

“I don’t want children to be in an environment with lead,” said Cindy Lehnhoff, director of the National Child Care Association. “But as an industry, we’re struggling. We only need one more thing to take us out, to make child care more unaffordable and less available.”

“The federal government is going to have to come up with the money to help implement this,” she added.

Greg Brown, a vice president for the National Apartment Association, which represents landlords, said his organization wants to cooperate with the government.

“Policymakers should work alongside the industry to help protect the most vulnerable populations from potential lead exposure and help provide the resources needed to correct any potential hazards that may arise,” Mr. Brown said in a statement.

But, he added, “The onus cannot be solely placed on apartment owners and operators to solve the problem with testing and remediation requirements.”

The rule would not require homeowners to test their homes for lead paint dust before selling but if such tests have been performed, sellers would have to disclose the results to potential buyers.

Lead dust commonly occurs when paint deteriorates or is disturbed. It can remain in a building even after lead paint is removed, such as in the wake of a renovation.

Under the proposed regulation, any amount of lead dust in floors and window sills would qualify as “hazardous” and require abatement, compared with the current “hazardous” standard of 10 micrograms per square foot for floors and 100 micrograms per square foot for window sills.

But if dust is still detected after abatement measures, building owners would not be required to completely eliminate it, the E.P.A. said. The amount that would be legally permitted to remain would be at a much lower level than is currently allowed, the agency said.

The rule change is the result of a May 2021 [opinion](#) by the United States Court of Appeals for the Ninth Circuit in response to a complaint against the E.P.A. filed by multiple environmental and health groups.

“This is a leap forward in the country’s long-delayed efforts to eliminate lead exposures in millions of residences and child care facilities that still have lead-based paint,” said Eve Gartner, director of toxics strategies at Earthjustice, which has represented some of those plaintiffs. “Our clients in these lawsuits are grateful and look forward to expedited finalization and implementation of this important rule-making.”

The proposed rule will be open to public comment for 60 days, after which the E.P.A. could alter it in response to those comments before finalizing it and implementing it in the next year.

[Coral Davenport](#) covers energy and environmental policy for the climate desk from Washington. She was part of a Times team that was a finalist for the Pulitzer Prize for distinguished public service journalism in 2020, and part of a Times team that received Columbia University’s John B. Oakes award for distinguished environmental journalism in 2018. [More about Coral Davenport](#)

A version of this article appears in print on July 13, 2023, Section A, Page 13 of the New York edition with the headline: E.P.A. Proposes Stricter Rules on the Removal of Lead-Based Paint Dust.