DEPARTMENT OF HEALTH

DRAFT RULES GOVERNING RESIDENTIAL LEAD ABATEMENT (R-4993)
Minnesota Rules, Chapter 4761

Version date: 06/01/2026

4761.2000 DEFINITIONS.

[For text of subparts 1 to 3, see Minnesota Rules]

Subp. 4. Affected property. "Affected property" means a:

A. residence;

B. school;

C. child-occupied facility; ~~or~~

D. play area as defined in Minnesota Statutes, section 144.9501, subd. 25a~~.~~; or

E. zero-bedroom residence.

[For text of subparts 5 to 14, see Minnesota Rules]

Subp. 15. **Documented methodologies.** "Documented methodologies" means the following written protocols, standards, or methods that are generally used and accepted for conducting regulated lead work:

A. Soil Testing and Research Analytical Laboratories, Department of Soil Science, Agricultural Experiment Station, University of Minnesota, Determination of Lead in Soil (July 1990);

B. American Society for Testing and Materials, Standard Practice for Field Collection of Settled Dust Samples Using Wipe Sampling Methods for Lead Determination by Atomic Spectrometry Techniques (E 1728-~~99~~ 20) (March ~~2000~~ 2024);

C. American Society for Testing and Materials, Standard Specification for Wipe Sampling Materials for Lead in Surface Dust (E 1792-~~01~~ 20) (~~March 2002~~ April 2024);

D. American Society for Testing and Materials, Standard Practice for Collection of Floor Dust for Chemical Analysis (D 5438-00) (June 2000);

E. American Society for Testing and Materials, Standard Specification for Non-Reinforced Liquid Coating Encapsulation Products for Leaded Paint in Buildings (E 1795-00) (August 2000);

F. American Society for Testing and Materials, Standard Specification for Reinforced Liquid Coating Encapsulation Products for Leaded Paint in Buildings (E 1797-00) (August 2000);

G. American Society for Testing and Materials, Standard Guide for Selection and Use of Liquid Coating Encapsulation Products for Leaded Paint in Buildings (E 1796-97) (May 1998);

H. United States Department of Housing and Urban Development, Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (~~June 1995~~ 2012), ~~including the 1997 edition of Chapter 7~~. The guidelines are available on the Internet at: ~~www.hud.gov/offices/lead/guidelines/hudguidelines/index.cfm~~ www.hud.gov/contactus/lead-based-paint-guidelines;

I. Code of Federal Regulations, title 40, section 141.86, paragraph (b), clause (2), for water sampling methodology to determine lead content;

J. United States Environmental Protection Agency, Residential Sampling for Lead: Protocols for Dust and Soil Sampling (EPA 747-R-95-001) (March 1995); and

K. any other protocol or method referenced in the EPA regulation for lead-based paint activities, Code of Federal Regulations, title 40, section 745.227, paragraph (a), or any future documented protocol or method adopted or accepted by the EPA.

The publications listed in items A to J are incorporated by reference. The publications are not subject to frequent change and, unless otherwise noted, are available through the Minitex interlibrary loan system.

[For text of subparts 16 to 35, see Minnesota Rules]

Subp. 35a. **Reportable level. "**Reportable level" means the lowest analyte concentration (or amount) that does not contain a "less than" qualifier and that is reported with confidence for a specific method accredited through the National Lead Laboratory Program.

[For text of subparts 36 to 46, see Minnesota Rules]

4761.2100 APPLICABILITY.

Subpart 1**. Persons and property affected**. Parts 4761.2000 to 4761.2700 apply to:

A. persons, including assessing agencies, that do regulated lead work in or for an affected property; and

B. an affected property that is occupied by a child with an elevated blood lead level for which a lead risk assessment is required under Minnesota Statutes, section 144.9504, subdivision 2.

Subp. 2. **Exceptions.** Parts 4761.2000 to 4761.2700 do not apply to:

A. work that is performed for any purpose other than the express purpose of regulated lead work as defined in Minnesota Statutes, section 144.9501, subdivision 26a;

B. an emergency shelter home or emergency shelter service;

C. housing for the elderly or persons with disabilities unless at least one child resides or is expected to reside in the residence;

D. ~~a zero-bedroom residence, unless occupied by a child with an elevated blood lead level for which a lead risk assessment is required~~;

E. a foster home occupied by a child for 90 days or less if an individual who is related, as defined in Minnesota Statutes, section 245A.02, subdivision 13, provides the foster care;

F. a foster home occupied by a child for 30 days or less if the foster care is not provided by an individual who is related, as defined in Minnesota Statutes, section 245A.02, subdivision 13;

G. a structure that is totally vacated within 30 days of the issuance of lead orders and that remains unoccupied until the structure is totally demolished. Demolition must be completed within two years of the date of the order; or

H. chemical testing with a kit for the on-site, qualitative detection of lead.

4761.2510 STANDARDS FOR LEAD IN PAINT, DUST, BARE SOIL, DRINKING WATER.

[For text of subpart 1, see Minnesota Rules]

Subp. 2. **Dust lead reportable level.** Dust is lead-contaminated if atomic absorption spectrophotometry or quantitative chemical analyses determines a mass-per-area concentration of any reportable level of lead for floors or for interior window sills based on wipe samples analyzed by laboratory accredited by the National Lead Laboratory Accreditation Program ~~that it contains at least:~~

~~A. ten micrograms of lead per square foot on an interior hard-surfaced floor or carpet;~~

~~B. 100 micrograms of lead per square foot on an interior window sill; or~~

~~C. 400 micrograms of lead per square foot in a window trough~~.

Subp. 2a. **Dust lead clearance standard.** To complete lead abatement when dust sampling is required, values below these standards must be achieved:

A. five micrograms of lead per square foot on an interior hard-surfaced floor or carpet;

B. 40 micrograms of lead per square foot on an interior window sill; or

C. 100 micrograms of lead per square foot in a window trough.

[For text of subparts 3 - 4, see Minnesota Rules]

4761.2550 LEAD HAZARD SCREEN.

Subpart. 1. General requirements.

A. A person must allow the commissioner to have access to a work site, according to Minnesota Statutes, section 144.99, subdivision 2, while the person performs a lead hazard screen.

B. An individual conducting a lead hazard screen must be a lead risk assessor licensed under part 4761.2300 and must use the methods described in this part.

C. If a lead hazard screen identifies lead dust levels that exceed ~~20~~ 2.5 micrograms per square foot for floors or ~~125~~ 20 micrograms per square foot for window sills, the lead risk assessor must inform the property owner that a lead risk assessment is recommended by the commissioner of health.

D. Sodium rhodizonate and sodium sulfide must not be used to inspect paint for the presence of lead.

[For text of subparts 2 to 4, see Minnesota Rules]

4761.2630 METHODS FOR REMOVING INTACT BUILDING COMPONENTS

[For text of subparts 1 to 3, see Minnesota Rules]

Subp. 4. ~~**Residents**~~ **Occupants.** If ~~residents~~ occupants remain in the residence while work is ongoing, the ~~residents~~ occupants must be provided with lead-safe passage to a bathroom, at least one living area, and an entry and egress route. Unless actually performing lead hazard reduction, ~~residents~~ occupants must not be allowed in the work area until all work is completed, no visible dust or debris remains in the work area, the clearance inspection is passed, and clearance dust samples are collected.

The ~~residents~~ occupants must be informed to avoid the work area until clearance results are below the standards under part 4761.2510, subpart ~~2~~ 2a.

[For text of subparts 5 to 7, see Minnesota Rules]

4761.2640 METHODS FOR REMOVING INTERIOR BUILDING COMPONENTS AND SMALL AREAS OF DETERIORATED PAINT.

[For text of subparts 1 to 5, see Minnesota Rules]

Subp. 6. **~~Residents~~ Occupants.** If ~~residents~~ occupants remain in the residence while work is ongoing, the ~~residents~~ occupants must be provided with lead-safe passage to a bathroom, at least one living area, and an entry and egress route. Unless actually performing lead hazard reduction, ~~residents~~ occupants must not be allowed in the work area until all work is completed, no visible dust or debris remains in the work area, the clearance inspection is passed, and clearance dust samples are collected. The ~~residents~~ occupants must be informed to avoid the work area until clearance results are below the standards under part 4761.2510, subpart ~~2~~ 2a.

[For text of subparts 7 to 8, see Minnesota Rules]

4761.2645 METHODS FOR REMOVING LARGE AREAS OF INTERIOR PAINT.

[For text of subparts 1 to 4, see Minnesota Rules]

Subp. 5. **~~Residents~~ Occupants.**

A. ~~Residents~~ Occupants who are not personally performing lead hazard reduction must not be present in the residence while work is ongoing.

B. ~~Residents~~ Occupants may return to the residence for overnight occupancy when lead hazard reduction ceases for the day and cleanup is completed in the containment.

C. Returning ~~residents~~ occupants must be provided with lead-safe passage to a bathroom, at least one living area, and an entry and egress route.

D. ~~Residents~~ Occupants must be restricted from gaining access to the containment until all work is completed, the clearance inspection is conducted according to part 4761.2670, and clearance dust sample results meet the standards under part 4761.2510, subpart ~~2~~ 2a.

[For text of subparts 6 to 9, see Minnesota Rules]

4761.2670 CLEARANCE INSPECTIONS.

[For text of subparts 1 to 3, see Minnesota Rules]

Subp. 4. **Clearance results.**

A. Soil and single-surface dust sample results must be no greater than the lead levels for soil and dust under part 4761.2510, subparts ~~2~~ 2a and 3.

B. Composite dust sample results must be no greater than the dust lead level under part 4761.2510, subpart 2, which is divided by one-half of the number of subsamples that make up the composite sample.

C. If sample results do not meet the standards according to items A and B, the building components or bare soil represented by the failed sample must be recleaned or additional soil removed and retested until clearance levels are met.

4761.2680 CONTENT OF REPORTS.

[For text of subparts 1 to 2, see Minnesota Rules]

Subp. 3. **Lead hazard reduction reports.** A lead supervisor or lead project designer, or a property owner who will personally perform lead hazard reduction in or on the owner's property, must prepare a written report for each lead hazard reduction project that includes:

A. the address of the affected property;

B. the start and completion dates of the lead hazard reduction;

C. the name, address, telephone number, and Minnesota certification number of the certified lead firm that participated in the lead hazard reduction project, if applicable;

D. the name of each lead supervisor assigned to the project or the name of the property owner, or adult relative, who performed lead hazard reduction in or on the owner's property;

E. the occupant protection plan;

F. a description of the lead hazard reduction methods used;

G. the location of the rooms or building components where lead hazard reduction occurred;

H. the reasons for selecting particular lead hazard reduction methods for each building component;

I. any suggested monitoring of encapsulants or enclosures;

J. a copy of the clearance inspection report;

K. the date and the signature of the lead supervisor, lead project designer, or property owner who completed the report; ~~and~~

L. a photocopy of the lead license if a licensed lead supervisor or project designer completed the report~~.~~; and

M. when lead hazard reduction dust-lead testing results are below the dust lead clearance levels and at or above the dust lead reportable levels, a dust-lead hazard statement with the following language must be included:

Although the completed lead hazard reduction work achieved dust-lead below dust lead clearance standards, some dust-lead hazards remain because any reportable level of dust-lead is considered a dust-lead hazard by the commissioner in an affected property. In order for lead hazard reduction work to be considered complete under this chapter, dust-lead levels must be below the dust lead clearance standards, which are established based on reliability, effectiveness, and safety. To continue to reduce lead exposure from dust, the EPA pamphlet entitled "Protect Your Family From Lead in Your Home" includes recommendations such as: using a vacuum with a high-efficiency particulate air (HEPA) filter on furniture and other items returned to the work area, and regularly cleaning hard surfaces with a damp cloth or sponge and general all-purposed cleaner. For more information on how to continue to reduce lead exposure, see "Protect Your Family From Lead in Your Home", available online at https://www.epa.gov/lead/protect-your-family-lead-your-home-english.

[For text of subpart 4, see Minnesota Rules]

Subp. 5. **Report provided.** The certified lead firm or person responsible for preparing the report under subpart 3 must provide the report to the person that contracted for the lead hazard reduction work no later than 30 days after the lead hazard reduction work is completed.