

CIVIC LEAGUE FOR NEW CASTLE COUNTY

RESOLUTION

SAND BLASTING OF SURFACES CONTAINING LEAD OR OTHER TOXIC METALS ON OUTDOOR STRUCTURES IN DELAWARE

WHEREAS, lead is a toxic metal that can cause serious impacts on human health, including permanent brain and nervous system damage, problems with kidney function, and blood and reproductive damage.

WHEREAS, children who suffer from lead poisoning will feel its permanent impacts on their health throughout their lives.

WHEREAS, there is no known level of lead exposure that is considered to be safe.

WHEREAS, lead was banned in paint for residential use in the United States in 1978 by the U.S. Consumer Product Safety Commission (16 Code of Federal Regulations CFR 1303).

WHEREAS, lead may still be found in paints used for industrial purposes, including on outdoor structures, such as bridges, transmission line towers, and water towers.

WHEREAS, outdoor structures may contain thick coatings of lead paint from repeated applications over many decades.

WHEREAS, Title 7, Natural Resources and Environmental Control of the Delaware Administrative Code (1100 Air Quality Management Section, 1102 Permits) exempts "outdoor painting and sand blasting equipment" from air quality regulations.

WHEREAS, the removal of hazardous materials, such as lead paint from outdoor structures, including bridges and water towers, that are located adjacent to homes, schools and parks, currently occurs without any State oversight.

WHEREAS, while Title IV of the Toxic Substances Control Act (TSCA), as well as other authorities in the Residential Lead-Based Paint Hazard Reduction Act of 1992, directs EPA to regulate lead-based paint hazards, EPA oversight is limited to residential and child-occupied facilities.

WHEREAS, OSHA regulates abrasive blasting for the health and welfare of workers, though this does not provide protective measures for the community.¹

WHEREAS, sandblasting of outdoor structures, including water towers and bridges, should abide by state regulatory provisions and permitting by DNREC to protect public health by ensuring compliance with air quality protocols when hazardous materials are removed from outdoor structures.

WHEREAS, regulatory agencies in other states, including Minnesota,² New Hampshire,³

¹ https://www.osha.gov/dts/osta/otm/otm_v/otm_v_3.html

² <https://www.pca.state.mn.us/sites/default/files/5-16.pdf>, <https://www.pca.state.mn.us/sites/default/files/w-hw4-23.pdf>

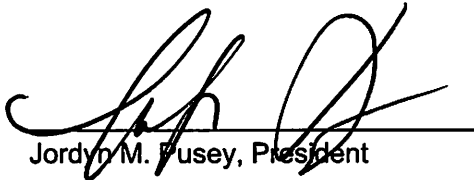
Wisconsin,⁴ Rhode Island,⁵ Ohio,⁶ and Connecticut,⁷ oversee sandblasting of lead paint on outdoor structures.

NOW, THEREFORE:

BE IT RESOLVED by the Civic League for New Castle County that the State of Delaware Department of Natural Resources and Environmental Control should act immediately to remove the current exemptions for sand blasting outdoor structures from regulatory oversight and permitting.

BE IT FURTHER RESOLVED that regulatory changes to the Delaware Administrative Code for permitting and oversight of painting and sandblasting of outdoor structures should require best practices for the protection of public health. These best practices should include:

1. Community notification requirements and public access to information.
2. Health and safety plans for sandblasting and paint removal to ensure the protection of public health.
3. Containment measures to prevent community exposure from lead paint chips, particles and dust.
4. Hazardous waste that is removed from outdoor structures shall be properly transported and disposed at a hazardous waste disposal facility.
5. Air pollution monitoring to ensure paint particles and dust do not escape containment.



Jordyn M. Pusey, President



Barry Shotwell, Corp. Secretary

³ <http://www.des.nh.gov/organization/commissioner/pip/factsheets/hw/documents/hw-22.pdf>

⁴ http://docs.legis.wisconsin.gov/code/admin_code/dhs/110/163_d.pdf

⁵ http://www.dem.ri.gov/pubs/regs/regs/air/air24_07.pdf

⁶ <http://www.epa.ohio.gov/portals/41/sb/publications/paintcontractor.pdf>

⁷ <http://www.ct.gov/deep/cwp/view.asp?A=2718&Q=325410>