

AMENDMENT TO A FISH AND WILDLIFE SERVICE MANUAL CHAPTER

Series: Pollution Control and Environmental Compliance
Part 561: Compliance Requirements
Chapter 15: Lead-Based Paint Management, published 11/4/2019, amended 8/30/2021
Amendment Number: 2
Purpose: In October 2024, the U.S. Environmental Protection Agency (EPA) revised its regulations for identifying and cleaning up lead-based paint in pre-1978 housing (see 40 CFR Part 745). This amendment will update Service Manual chapter 561 FW 15 by incorporating the regulatory changes, including: • The addition of new terms to designate hazards from lead in dust, and • A reduction in the level of lead in dust that is considered hazardous from 10 micrograms per square foot ($\mu\text{g}/\text{ft}^2$) on floors and 100 $\mu\text{g}/\text{ft}^2$ on interior window sills to any reportable level as analyzed by a laboratory recognized by EPA's National Lead Laboratory Accreditation Program. The regulation was updated in recognition of the fact that there is no level of lead in blood that has been found to be safe for children. The rule also lowered the amount of lead that can remain in dust on floors, interior window sills, and window troughs after a lead paint abatement occurs. This amendment will incorporate these regulatory changes: • Floors: Reduced from 10 $\mu\text{g}/\text{ft}^2$ to 5 $\mu\text{g}/\text{ft}^2$, • Interior window sills: Reduced from 100 $\mu\text{g}/\text{ft}^2$ to 40 $\mu\text{g}/\text{ft}^2$, and • Window troughs: Reduced from 400 $\mu\text{g}/\text{ft}^2$ to 100 $\mu\text{g}/\text{ft}^2$.

Actions:

1) Change section 15.5A from this:

A. Abatement. Abatement is any activity performed to completely and permanently eliminate LBP hazards (see section 15.5E for more information about LBP hazards).

To this:

A. Abatement. Abatement means any measure or set of measures designed to permanently eliminate lead-based paint (LBP) hazards, in the case of dust-lead hazards to below the action levels (see section 15.5B for information on dust-lead action levels). *[Link to be added after amendment approval revises section 15.5B.]*

2) Insert the following new sections 15.5B and 15.5C:

B. Dust-lead action level (DLAL). Dust-lead action levels are the values that indicate the amount of lead in dust on a surface following completion of an abatement activity. (EPA previously used the term “clearance levels” to refer to these levels.) After January 12, 2026, the action levels for lead in dust are 5 µg/ft² for floors, 40 µg/ft² for interior window sills, and 100 µg/ft² for window troughs.

C. Dust-lead reportable level (DLRL). A dust-lead reportable level is surface dust in a residential dwelling (or child-occupied facility) that contains a mass-per-area concentration of any reportable level of lead for floors or for interior window sills based on wipe samples analyzed by an EPA National Lead Laboratory Accreditation Program (NLLAP)-recognized laboratory. (Prior to January 12, 2026, EPA referred to these levels as “dust-lead hazards.”)

3) Renumber section 15.5B to 15.5D, 15.5C to 15.5E, and 15.5D to 15.5F.

4) Delete section 15.5E, LBP hazard.

5) Renumber section 15.5F to 15.5G and 15.5G to 15.5H.

6) Insert the following new sections 15.5I and 15.5J:

I. National Lead Laboratory Accreditation Program (NLLAP) is an EPA program that defines the minimum requirements and abilities that a laboratory must meet to attain EPA recognition as an accredited lead testing laboratory. Click [here](#) for a list of accredited lead testing laboratories.

J. Reportable level. A reportable level is the lowest analyte concentration (or amount) that does not contain a “less than” qualifier and that is reported with confidence for a specific method by a laboratory recognized by the EPA’s NLLAP.

7) Change and renumber section 15.5H from this:

H. Target housing. Target housing is any residential property constructed prior to 1978.

To this:

K. Target housing. Target housing is any residential property constructed prior to 1978 except housing for older adults or persons with disabilities or any 0-bedroom dwelling (unless any child who is less than 6 years of age resides or is expected to reside in such housing).

8) Change section 15.7J(2) from this:

(2) Ensuring that any identified LBP hazards are abated or encapsulated;

To this:

(2) Ensuring that any areas identified with dust-lead reportable levels are abated or encapsulated;

9) Change existing sections 15.8A through D from this:

15.8 What are the overall program requirements for LBP and target housing?

A. The Service must identify the location, condition, and risk associated with LBP in target housing.

(1) Only a certified LBP inspector may conduct LBP inspections to sample for and confirm the presence or absence of LBP.

(2) Only a certified LBP risk assessor may determine the condition of LBP and whether LBP hazards are present in target housing. LBP is a hazard if it has lead concentrations that are equal to or greater than the following:

(a) Dust: 10 micrograms per square foot for floors, and 100 micrograms per square foot for interior window sills; and

(b) Soil: 400 ppm in play areas of bare residential soil, and 1,200 ppm on average in bare soil in the remainder of the yard.

B. Based on the inspection and the results of the risk assessment, the RECC and Project Leader/Facility Manager must ensure that any LBP hazards identified are abated or encapsulated.

C. LBP generally is not designated as a hazard if it is in good condition and is not on a window, door, or other area where surfaces may rub together and create lead-contaminated dust. Intact LBP on most walls and ceilings generally is not considered a hazard, but the condition of the LBP must be monitored and maintained to ensure it does not become deteriorated. LBP may be maintained in place if a certified risk assessor determines it does not present a hazard. Chipping, peeling, cracking, or damaged LBP is a hazard that requires active control measures.

D. When LBP is abated, a certified LBP inspector must perform a follow-up inspection that includes laboratory testing to ensure that all LBP hazards have been removed.

To this:

15.8 What are the overall program requirements for LBP and target housing?

A. The Service must identify the location, condition, and risk associated with LBP in target housing.

(1) Only a certified LBP inspector may conduct LBP inspections to sample for and confirm the presence or absence of LBP.

(2) Only a certified LBP risk assessor may determine the condition of LBP and whether dust-lead reportable levels are present in target housing (see sections 15.5C and 15.5J). *[Links to be added after amendment approval revises sections 15.5C and 15.5J.]*

B. Based on the inspection and the results of the risk assessment, the RECC and Project

Leader/Facility Manager must ensure that any areas identified with dust-lead reportable levels are abated or encapsulated.

C. LBP generally is not considered a hazard if it is in good condition and is not on a window, door, or other area where surfaces may rub together and create lead-contaminated dust. Intact LBP on most walls and ceilings generally is not considered a hazard, but the condition of the LBP must be monitored and maintained to ensure it does not become deteriorated. LBP may be maintained in place if a certified risk assessor determines that dust-lead reportable levels are not present. Chipping, peeling, cracking, or damaged LBP requires active control measures.

D. When LBP is abated, a certified LBP inspector must perform a follow-up inspection that includes laboratory testing to ensure that dust-lead action levels are achieved. The dust-lead action levels are:

- (1) 5 µg/ft² for floors,
- (2) 40 µg/ft² for interior window sills, and
- (3) 100 µg/ft² for window troughs.

Brian R. Nesvik, Director, U.S. Fish and Wildlife Service, approved this document and authorized the undersigned to sign this document on August 3, 2026.

JANINE
VELASCO

Digitally signed by
JANINE VELASCO
Date: 2026.08.18
08:27:21 -04'00'

ACTING DEPUTY DIRECTOR