

## **SUMMARY**

### **CITY OF SALEM BOARD OF HEALTH REGULATION 23 RULES AND REGULATIONS FOR EXTERIOR PAINT REMOVAL AND ABRASIVE BLASTING**

**The Board of Health in the City of Salem Massachusetts, acting under the authority of Section 31, Chapter 111 of the Massachusetts General Laws and amendments and additions thereto, and by any other power thereto enabling, has adopted the following rules and regulations in the interest of and for the preservation of the public health. The effective date shall be upon publication of the regulation.**

**The City of Salem Board of Health Regulation #23, was designed to protect the health of Salem residents by regulating exterior paint removal. A complete copy of the regulation is available upon request at the Health Department located at 98 Washington Street, 3rd floor, Salem MA and online at Salem.com/Health. The major provisions of the regulation, which applies to the painting contractor as well as the homeowner, are summarized below.**

- 1.) A permit must be issued by the Health Department prior to the paint removal process.**
- 2.) The Health Department is responsible for notifying abutters one week prior to the commencement of abrasive blasting.**
- 3.) Electric sanding on any exterior surfaces is prohibited.**
- 4.) Abrasive blasting on exterior surfaces is prohibited unless a variance is granted by the Board of Health to allow wet or mist abrasive blasting on certain masonry and metal surfaces.**
- 5.) Lead testing by a licensed Lead Inspector is required only when a variance permitting abrasive blasting is sought. If such test reveals dangerous levels of lead, a permit will only be granted to a licensed deleader, who must conduct all work in accordance with all applicable state and local regulations.**
- 6.) When no lead testing is required, work must be performed in accordance with 454 CMR 22.11. "Safety Procedures for renovation and/or Rehabilitation" and any other applicable and local regulations.**
- 7.) If a variance for mist abrasive blasting is granted, the following precaution must be employed:**
  - a) Total containment of all particulate matter within the work area by the use of tarps and 6 mil plastic.**
  - b) Protection of adjacent garden or play areas with 6 mil. plastic.**
  - c) Restricting work to daylight hours.**
  - d) Restricting work during times of high wind velocity.**

**8.) If a variance for wet abrasive blasting is granted, ground within the work area must be covered and a plan for containment and disposal of all by-products of the operations must be approved.**

**9.) Other restrictions on abrasive blasting include:**

**a) Prohibition on reuse of abrasive material, unless such material has been recycled.**

**6) Prohibition on use of siliceous sand as abrasive material.**

**c) Requirements for operators to wear appropriate protective clothing including a powered-air purifying respirator with high efficiency filters.**

**10.) Other methods of paint removal such as dry scraping alone or with the aid of non-methylene chloride solvent or low-level heating element, wire brushing, power washing, and hand sanding are permitted as long as ground areas and vegetation within the work area are covered with 6 mil. plastic. The Department reserves the right to require extra safety precautions if site visits reveal inadequate containment of particulate matter.**

**11.) Daily clean-up of the work site is required. A high efficiency particulate air (HEPA) filtered vacuum will be required for clean up of abrasive blasting operations. Clean-up may include additional adjacent areas if deemed necessary by the Department. Operator shall assume all liability and clean-up costs resulting from failure to comply with all applicable regulations or to adequately contain and dispose of all by-products of the operation.**

**12.) Homeowners removing waste from their own homes are exempt from Massachusetts Hazardous waste Regulations and may dispose of solid and liquid wastes in an approved sanitary landfill or sewerage treatment plant. Solid and liquid waste generated by anyone other than the property owner must undergo testing to determine if it is hazardous, and if so, be disposed of in accordance with Massachusetts Hazardous Waste Regulations.**

**13.) Agents of the Health Department may conduct on-site inspections to ensure compliance and may stop work if evidence exists of violations. The permit will be revoked if work is stopped twice on the same day.**

**14.) Variances from any provision of these regulations will be considered by the board of Health on case-by-case basis.**

**15.) Violations of these regulations may be punished by a fine of not less than fifty dollars (\$50.00), nor more than one hundred dollars (\$100.00) for the first offense, and not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00) for each subsequent offense. Each day shall be construed as a separate offense.**

**16.) Any variance granted by the Board of health must be in writing with a copy available to the public at all reasonable hours in the office of the Board of Health.**

**17.) An applicant for variance shall remain subject to prosecution and in violation under the terms of this regulation unless or until a variance is granted.**

**18.) The Board of Health or its authorized Agent shall evaluate all applications for variance from the requirements of this regulation and may grant said variance subject to such terms, conditions, and requirements as it may deem reasonable to achieve maximum compliance with the provisions of these regulations.**

**19.) Each part of these regulations is construed as separate to the end that if any section, item, sentence, clause, or phrase is held invalid for any reason, the remainder of these regulations shall continue in full force and effect.**

Compiled and submitted by: Robert E. Blankhorn, C.H.O., Health Agent on March 12, 1991

Approved by the Board of Health on July 9, 1991

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