

**U.S. Environmental Protection Agency
Office of Pollution Prevention and Toxics**

**INTERPRETIVE GUIDANCE FOR THE FEDERAL PROGRAM
TSCA SECTIONS 402/403**

FINAL 4/7/04

**Q/A(15) Partial Inspections
“Certification”**

Q15: EPA’s regulations at 40 CFR 745.226(a)(5) require that only certified individuals may conduct lead-based paint inspections in target housing and child-occupied facilities. Does this mean that any person using a lead test kit to determine the presence of lead-based paint in such units must be certified?

A15: No. EPA’s regulations pertaining to inspections apply to individuals that represent themselves as conducting a lead-based paint inspection. They do not prohibit paint testing short of a lead-based paint inspection by any non-certified individual. The Agency addressed this situation in the preamble to the final rule implementing TSCA sections 402 and 404 in response to comments regarding partial inspections:

The Agency recognizes that there may be a demand for lead-based paint identification services that do not involve a surface-by-surface investigation for the presence of lead-based paint throughout an entire residential dwelling or child-occupied facility. For example, a homeowner may only be interested in determining if lead is present in the paint in a child’s bedroom, not necessarily the entire residential dwelling. In this instance, it is unlikely that the homeowner will want to pay for an inspection, as defined under today’s regulations. Although not required, the Agency recommends that a certified inspector or risk assessor be used in cases, such as these, where an individual or firm believes it is only necessary to conduct a “partial inspection” of a property.

(61 FR 45791, August 29, 1996)