

NC - ARPA Frequently Asked Questions

Lead and Asbestos Inspection, Testing, Abatement, and Remediation in NC Public Schools and Licensed Child Care Facilities

GENERAL

1. **Q: Why is there a rule to address asbestos and lead-based paint in NC public schools and licensed child care facilities?**

A: NC Governor Roy Cooper and the General Assembly budgeted \$150 million dollars to address lead in water, asbestos, and lead-based paint inspections and abatement of hazards in NC public schools and licensed child care facilities. This funding was specifically budgeted in Session Law 2021-180 Section 9G.8(a)-9G(c). The Session Law directed the Commission for Public Health, Child Care Commission, and State Board of Education to adopt rules as necessary to implement the two programs.

2. **Q: Where does the funding come from?**

A: The American Rescue Plan Act (ARPA) enacted on March 11, 2021, provides one-time federal funding to states and local governments.

3. **Q: What type of school or child care facility does the funding apply to?**

A: NC public schools (including charter schools), licensed child care centers and licensed family child care homes. Private schools are not eligible for reimbursement.

4. **Q: When can a facility apply for reimbursement?**

A: NC public schools (including charter schools), licensed child care centers and licensed family child care homes will be eligible for reimbursement after the permanent rules go into effect on April 1, 2023.

5. **Q: How long will reimbursement be available to NC public schools and licensed child care facilities?**

A: Reimbursement will be available until December 31, 2026, or until the funding is depleted, whichever comes first.

6. **Q: Is the participation in the rules required?**

A: The Session Law indicates, "As part of this program, public school units shall be required to test for lead levels in drinking water at their facilities" and "As part of the program, public school units and licensed child care facilities shall be required to conduct inspections for lead paint and asbestos hazards in their facilities." Therefore, it is our interpretation that participation is mandatory for inspection and testing. Inspections for asbestos and lead-based paint are to be completed by May 1, 2024. Licensed child care facilities are already required to test for lead in water under 15A NCAC 18A.2816.

7. **Q: Are NC Public Schools and Licensed Child Care Facilities required to pay for asbestos or lead-based paint inspections?**

A: No. NCDHHS has contracted with RTI International (RTI) to coordinate the asbestos and lead-based paint inspections at no cost to NC public schools or licensed child care facilities through the [Clean Classrooms for Carolina Kids program](#).

8. Q: If a contract was executed for asbestos or lead-based paint work that was completed before reimbursement was available, can a facility still apply for reimbursement?

A: Yes, reimbursement will be available for projects that began on or after April 29, 2022.

9. Q: Will the reimbursement pay for replacement materials?

A: Yes, but the reimbursement will only pay to replace the areas where asbestos or lead-based painted materials were removed with new building materials that contain less than 1% asbestos or less than 90 parts per million of lead-based paint or coatings. Supporting documentation is required.

10. Q: What type of projects are considered capital projects?

A: S.L. 2021-180 states, "Capital projects may include HVAC, window, or other ventilation projects related to COVID 19 mitigation, or other capital, renovation, or repair projects. Asbestos and lead-based paint activities and associated replacement materials are eligible for reimbursement if approved by the NC Division of Public Health (DPH) but all public schools are required to provide matching funds in the amount of one dollar (\$1.00) of local funds for every two dollars (\$2.00) of state funds for eligible expenditures. Participation in the mitigation reimbursement program is not mandatory.

11. Q: Can the reimbursement be used to pay for a new building or new addition?

A: No, the purpose of this funding is to pay for inspections and reimbursement for capital projects and abatement or remediation of identified asbestos and lead-based paint hazards.

12. Q: What is meant by the wording "restrict access" to an asbestos or lead-based paint hazard?

A: Restrict access means to make inaccessible. When an asbestos or lead-based paint hazard has been identified it is important to prevent children from coming into direct contact with the hazard by restricting access. Therefore, NC public schools and child care facilities have many options to choose from. Examples include, but are not limited to, restricting access, covering the hazard, placing a physical barrier in front of or on top of the hazard, performing remediation or abatement of the hazard.

13. Q: What is the intent of 10A NCAC 41C .1006 that allows certified risk assessors to have refresher training every 36-months instead of the 24-month requirement in North Carolina?

A: Should there not be enough NC Certified Risk Assessors to perform lead-based paint hazard assessments in NC public schools or child care facilities, this rule will allow NC to enter into a reciprocity agreement with another state, that has a 3-year training schedule, to increase the number of certified risk assessors needed to meet the rule requirement.

14. Q: Are asbestos inspections required for NC public schools built after October 12, 1988, if the school has an architect, engineer or accredited inspector to sign a statement that no asbestos was used in the construction of a building?

A: For facilities built after October 12, 1988, an inspection is not required by the rules, but a copy of the letter is required per the Asbestos Hazard Emergency Response Act (AHERA). Child care facilities must provide a tax record showing date of construction. This documentation must be submitted to the [Clean Classroom for Carolina Kids program](#) to be exempt from the required asbestos inspection. Other federal regulations may require an inspection to meet EPA 40 CFR Part 61, Subpart M, NESHAP regulations or the OSHA Asbestos Construction Standard 1926.1101 prior to conducting renovation or demolition activities.

15. Q: Are lead-based paint inspections required for NC public schools and child care facilities built after February 28, 1978, that have not used lead-based paint or coatings?

A: For facilities built after February 28, 1978, an inspection is not required by the rules, but a signed statement attesting that no lead-based paint was used is required. This documentation must be submitted to the [Clean Classroom for Carolina Kids program](#) to be exempt from the required lead-based paint inspection. Other federal regulations may require an inspection to meet the OSHA 1926.62 Lead in Construction Standard.

16. Q: I had my building inspected for asbestos and lead-based paint. The results show that no asbestos or lead-based paint is present. Can I still apply for reimbursement to complete capital improvement, renovation, or repair projects?

A: No, the reimbursement is dedicated to paying for inspections, and abatement or interim controls addressing asbestos and lead-based paint hazards.

17. Q: Can NC public schools use the existing asbestos management plan (MP) or reinspection report (RR) to document the presence of asbestos and receive reimbursement for asbestos abatement?

A: Yes, with limitations. A previous MP or RR must document the type and quantity of asbestos building material to be abated and the asbestos sample must contain greater than 1% asbestos. If the previous lab results are less than 10% asbestos and an asbestos hazard was identified, then additional sampling may be collected and analyzed. The previous MP or RR must also be submitted to the [Clean Classroom for Carolina Kids program](#) exempt from the required asbestos inspection.

Note: If additional building materials will be disturbed as part of a renovation or capital improvement, that are not addressed in the existing MP or RR, then a thorough inspection of the affected area(s) is required to meet EPA 40 CFR Part 61, Subpart M, NESHAP regulations.

18. Q: Can NC public schools or licensed child care facilities use an existing lead risk assessment report to document the presence of lead-based paint or a lead hazard and receive reimbursement for lead abatement or remediation activities?

A: Yes, with limitations. A previous lead risk assessment must document if deteriorated lead-based paint is present, if the lead content sample contains lead equal to or in excess of 1.0 milligrams per square centimeter or 0.5 percent by weight. A lead hazard is also present if the dust sampling results exceed 10 ppm on the floor, 100 ppm on the window sill and 400 ppm in the window trough. Additional lead hazards are also referenced in 130A-131.7 and 15A NCAC 18A .3105. The previous lead risk assessment must also be submitted to the [Clean Classrooms for Carolina Kids program](#) to determine if the facility can be exempt from the required lead-based paint inspection.

Note: If additional building materials will be disturbed as part of a renovation or capital improvement, that are not addressed in the previous risk assessment, then additional sampling may be necessary.

REQUIREMENTS FOR GETTING REIMBURSED

- 19. Q: Are NC public schools and charter schools required to pay for asbestos or lead-based paint abatement or interim cost before being reimbursed?**
A: Yes, NC public schools and charter schools will be required to provide matching funds of one dollar (\$1.00) of local funds for every two dollars (\$2.00) of State funds reimbursed. In other words, NC public schools and charter schools will be reimbursed for 2/3 of the cost of eligible expenses.
- 20. Q: Are licensed child care facilities and family child care homes required to pay for asbestos or lead-based paint abatement or interim cost before being reimbursed?**
A: Yes, but NC licensed child care facilities and family child care homes do not have a cost match requirement for reimbursement.
- 21. Q: I have a public school that also has a childcare facility in the school building. Will I be reimbursed at 2/3 or 100% for asbestos or lead-based paint activities?**
A: Remediation of hazards in areas designated or licensed as part of the child care facility can be reimbursed at 100%. Remediation of hazards in all other areas of the school will be reimbursed in the amount of two dollars (\$2.00) of State funds for every one dollar (\$1.00) of local funds used.
- 22. Q: Can public schools use in-kind services as meeting the match requirement in Session Law 2021-180 under Section 9G.(a) (2)b?**
A: No, for public schools to meet the match requirement each public school seeking reimbursement shall provide matching funds in the amount of one dollar (\$1.00) of local funds for every two dollars (\$2.00) of State funds.
- 23. Q: Are administrative costs incurred by public schools and child care facilities related to the lead and asbestos abatement program eligible for reimbursement?**
A: No. Session Law 2021-180 does not allow for the reimbursement of administrative or indirect costs incurred by public schools or child care facilities participating in this program.
- 24. Q: What can I do if I have multiple items on a single invoice, but every item is not an allowable expense for ARPA reimbursement?** **A:** Each public school or licensed child care facility should highlight or mark each item that qualifies for ARPA reimbursement when submitting an invoice with multiple items and provide proof of payment(s) that confirms the amount of reimbursement being requested.
- 25. Q: Can a public school or licensed child care facility submit a reimbursement for multiple school projects or multiple child care facility projects in a single submission?** **A:** No, public schools and licensed child care facilities will need to submit a separate reimbursement form for each project. This will help prevent delays when reviewing complete packets submitted for reimbursement.
- 26. Q: Can a public school or licensed childcare facility be reimbursed for the replacement of materials that were removed during a renovation project? For example, an abatement reimbursement request was for the removal of 500 square feet of asbestos floor tile; however, during the same project an additional 5,000 square feet of non-asbestos floor tile was also removed. How much square footage of replacement material can a public school or licensed child care facility request reimbursement for?**

A: Reimbursement for replacement materials **is only** for asbestos-containing or lead based paint materials removed. In this example, the public school or licensed child care facility should submit a reimbursement for the 500 square feet of asbestos floor tile that was removed. Since the facility had a total of 5500 square feet of new flooring installed, the responsible individual or designated person should provide an itemized list where feasible, or pro-rate the cost for the 500 square feet of new flooring that replaced the asbestos flooring. Also, include a copy of the safety data sheet or a letter from the manufacturer or sampling data supporting that the replacement material is below the acceptable asbestos level.

27. Q: Does being on a state or federal debarment list affect reimbursement?

A: NC public schools or licensed child care facilities can be impacted if on a debarment list. DPH Staff will review the state and federal debarment lists and suspension of funding list to determine if a facility is on a debarment list and will consult with the DPH budget office for a clarification regarding reimbursement. If debarment affects a facility's ability to be reimbursed, they will be notified as such.

28. Q: Once records of lead or asbestos remediation projects are submitted to the program, will the school or child care facility receive some confirmation that the project has been approved for reimbursement?

A: DPH will review, approve, and obligate funding to a specific project. A confirmation of reimbursement will be issued once approved.

29. Q: What steps do I need to take to get reimbursed for eligible expenses? A: Complete and submit the following:

1. The NC ARPA Reimbursement Request form for each asbestos project or each lead-based paint project.
2. A current Substitute W-9 Form (Note: Remit address Must Match).
3. The facility Unique Entity Identifier (UEI) number through the Sam.gov web site.

An attached copy of all documents needed to confirm reimbursement of funds listed on the document checklist. A copy of the document checklist is [here](#).

30. Q: How do I submit my reimbursement information?

A: Reimbursement documents or inquiries can be emailed to ARPA-Reimbursement@dhhs.nc.gov

31. Q: Where can I find more information?

A: Visit the DHHS website at <https://www.ncdhhs.gov/divisions/public-health/asbestos-and-lead-based-paint-reimbursement-program-arpa>

You can also visit the Clean Classrooms for Carolina Kids website at www.cleanwaterforUSkids.org/carolina.

REQUIREMENTS FOR ASBESTOS INSPECTIONS & IDENTIFIED HAZARDS:

- 32. Q: What type of asbestos inspection will be performed in NC public schools and licensed child care facilities? A:** Based upon documentation submitted to the Clean Classrooms for Carolina Kids program, there may be a visual inspection conducted at each public school and any identified asbestos hazard may require samples to be collected unless there is documentation confirming the asbestos content is 10% or greater. Since public schools already have management plans in place, there is no need to conduct another AHERA inspection and create a new asbestos management plan if the previous inspection meets the rule requirements.

The Clean Classrooms for Carolina Kids program will conduct asbestos inspections at all pre-1988 facilities that enroll and do not have current documentation related to asbestos hazards. The program will also conduct asbestos inspections at any facility built after 1988 that does not submit the proper building age exemption documentation. Public schools may use these inspection reports to fulfill the reinspection report requirement under the federal AHERA program if they are past due. Licensed child care centers and family child care homes have not previously been required to conduct asbestos inspections. The new rules require licensed child care facilities to be inspected following the AHERA sampling requirements.

- 33. Q: An asbestos hazard was identified at my public school or licensed childcare facility. What must I do? A:** A NC public school or licensed child care facility must restrict access to the asbestos hazard until the hazard is abated or remediated per 10A NCAC 41C .1003. The ARPA Asbestos Hazard form must be submitted to the program within 45 days following completion of the inspection even if no hazards were identified. The Clean Classrooms for Carolina Kids program will help your facility meet the notification requirement.

REQUIREMENTS FOR ASBESTOS NOTIFICATION & CLEARANCE

- 34. Q: What are the notification requirements when performing asbestos activities? A:** When performing asbestos activities, submit the NC ARPA Asbestos Abatement notification 10 calendar days prior to commencing any activity. The notification is required when removing friable, non-friable, regulated or non-regulated asbestos exceeding a small-scale short duration activity. Send notifications to ARPA-Reimbursement@dhhs.nc.gov
- 35. Q: What are the clearance requirements when performing asbestos activities? A:** Each asbestos activity (response action of friable or regulated asbestos) will require a clearance performed by a NC Accredited Asbestos Air Monitor. Following the AHERA regulations (40 CFR 763), projects less than 160 square feet or 260 linear feet will require Phase Contrast Microscopy (PCM) for clearance. Projects exceeding 160 square feet, or 260 linear feet will require Transmission Electron Microscopy (TEM) for clearance.

36. Q: What documentation is required following the completion of an asbestos abatement activity?

A: Within 45 days following an asbestos abatement activity, submit the required information to the program. Send documentation to ARPA-Reimbursement@dhhs.nc.gov. You should also post the actions you took to address any identified hazards in the Clean Classrooms for Carolina Kids online portal and upload the clearance report.

37. Q: How long does a NC public school or licensed child care facility have to keep asbestos records for reimbursement?

A: All reimbursement records must be kept on file for a period of 5 years starting January 1, 2027, and ending January 1, 2032.

REQUIREMENTS FOR LEAD-BASED PAINT INSPECTIONS & IDENTIFIED HAZARDS

38. Q: What type of lead-based paint inspection will be performed in NC public schools and licensed child care facilities?

A: Under the new rules NC public schools and licensed child care facilities are not required to have a surface by surface lead-based paint inspection. Instead, these facilities will be required to have a lead-based paint risk assessment performed.

The Clean Classrooms for Carolina Kids program will conduct lead-based paint risk assessments at all pre-1978 facilities that enroll and do not have current documentation related to lead-based paint hazards. The program will also conduct lead-based paint risk assessments at any facility built after 1978 that does not submit the proper building age exemption documentation.

39. Q: A lead-based paint hazard was identified at my public school or licensed childcare facility. What must I do?

A: A NC public school or licensed child care facility must restrict access to the lead-based paint hazard until the hazard is abated or remediated per 10A NCAC 41C .1004. Restrict access means to make inaccessible. It's intentionally left open-ended so schools (and child care centers) can describe their response. The ARPA Lead-Based Paint Hazard form must be submitted to the program within 45 days following completion of the inspection even if no hazards were identified. The Clean Classrooms for Carolina Kids program will help your facility meet the notification requirement.

40. Q: Can NC public schools and child care facilities use an existing lead-based paint inspection report to document the presence of lead-based paint and receive funding for lead remediation or abatement?

A: Yes, with limitations. Each facility is still subject to a lead-based paint risk assessment to identify hazards. **Note:** If additional building materials will be disturbed as part of a renovation or capital improvement, that are not addressed in a previous lead-based paint inspection, the affected area(s) is required to meet the OSHA 1926.62 Lead in Construction Standard.

REQUIREMENTS FOR LEAD-BASED PAINT NOTIFICATION & CLEARANCE

- 41. Q: What are the notification requirements when performing Lead-Based Paint activities?**
A: When performing lead-based paint activities, submit the NC ARPA Lead-Based Paint Abatement Notification or the NC ARPA Lead Renovation, Repair and Painting Notification 10 calendar days prior to commencing any lead paint activity exceeding the de minimis amounts. Send notifications to [ARPA- Reimbursement@dhhs.nc.gov](mailto:ARPA-Reimbursement@dhhs.nc.gov)
- 42. Q: What are the clearance requirements when performing lead abatement or lead RRP activities?**
A: Each lead abatement or lead RRP activity conducted at a facility requires a clearance be performed by a NC Certified Lead Risk Assessor. A cleaning verification is not acceptable. Follow the EPA Lead-Based Paint clearance requirements in 40 CFR 745.227. Clearance inside a facility is less than 10 micrograms/sq. ft on a floor, less than 100 micrograms/sq. ft. on a windowsill and less than 400 micrograms/sq. ft. in a window trough.
- 43. Q: What documentation is required following a lead-based paint activity?**
A: Within 45 days following a lead-based paint abatement activity, submit the required information to the program. Send documentation to ARPA-Reimbursement@dhhs.nc.gov. You should also post the actions you took to address any identified hazards in the Clean Classrooms for Carolina Kids online portal and upload the clearance report.
- 44. Q: How long does a NC Public School or Licensed Child Care Facility need to keep lead-based paint records for reimbursement?**
A: All reimbursement records must be kept on file for a period of 5 years starting from January 1, 2027, and ending January 1, 2032.

OTHER REGULATORY REQUIREMENTS

- 45. Q: Are there additional asbestos permitting requirements when performing asbestos abatement activities?**
A: Yes, according to 10A NCAC 41C .0605 an asbestos removal permit (DHHS-3768) is required 10 working days from postmark when removing friable or regulated asbestos and the amount exceeds 160 square feet or 260 linear feet of asbestos.
- 46. Q: Are there additional lead-based paint permitting requirements when performing lead abatement activities?**
A: Yes, according to 10A NCAC 41C .0808 a lead abatement permit (LHMP Permit Application) is required 10 working days from postmark when performing lead abatement activities.
- 47. Q: Are there additional lead-based paint permitting requirements when performing lead paint RRP activities?**
A: No.