

Home-Buyers Should Determine Asbestos and Lead Paint Risks

Identifying certain potential environmental risks or concerns before purchasing a home can alleviate future stress and expense. Two common concerns for home-buyers are associated with lead-based paints and asbestos.

Q: What is asbestos and where might I find it in a home?

A: Asbestos is a fibrous inorganic material that is found in some rock formations. It has been used as insulation on pipes and boilers, in floor tile, and in certain plasters.

Q: When is asbestos considered a health risk?

A: When asbestos is in poor condition and you can crumble it in your hand, it can be inhaled, posing a health risk. Asbestos is a known carcinogen and asbestos exposure may increase the risk of lung cancer, mesothelioma and asbestosis. Insulation or plaster containing asbestos that is not damaged and will not be disturbed does not need to be an immediate concern.

Q: What should I do if I suspect that there may be some deteriorating asbestos in the home I'd like to buy?

A: A good home inspector can point out any areas of a home where potential asbestos problems might arise. However, without sampling, it is impossible to be sure that the material in question contains enough asbestos to be considered a problem. Asbestos removal was advocated when health hazards were first determined. However, asbestos containment (sealing or covering asbestos-containing material that may be damaged or disturbed) is more commonly suggested now due to health risks related to the removal process itself, which can cause asbestos dust to get into vents or onto furniture, etc.

Q: What should I do if I have determined that the home I wish to buy has potential asbestos problems?

A: You should factor in the cost of sampling to determine asbestos levels as well as the cost of professional asbestos removal or methods and costs of asbestos management if it is found that the asbestos-containing materials are likely to deteriorate over time or if you plan to do any remodeling or renovation that would disturb the material containing asbestos. You should be aware that, although asbestos-removal contractors may need licenses from the state and be subject to state regulations, federal Environmental Protection Agency (EPA) asbestos-removal regulations do not generally apply to single-family homes.

Q: Why should I be concerned about lead-based paint?

A: Lead exposure can cause health problems in adults and in children. Young children are the most susceptible to the effects of lead. Children may eat bits of flaking paint, breathe in paint dust, or ingest paint dust from household surfaces or their hands, which could lead to lead poisoning.

Q: Does a seller have to tell a buyer about any lead-based paint in the home?

A: Yes. The seller must tell the buyer about any known lead-based paint, and must give the buyer 10 days to conduct a risk assessment or inspection for the presence of lead-based paint. Also, according to federal regulations, a seller must give the purchaser of a house built before 1978 an EPA-approved lead hazard abatement pamphlet.

Q: What can be done to minimize any health hazards in a home that has been painted with lead-based paint?

A: Like asbestos, containing any risk of lead poisoning is now a more common approach to dealing with the problem, as the removal process itself can cause problems. A wall that was once painted with lead-based paint poses little danger if it has been painted over with several coats of non-lead-based paint and is maintained in good condition. Keep in mind that, as of the spring of 2010, any company conducting home improvement activities must be certified by the USEPA and must use lead-safe work practices to minimize the potential for lead exposure. This includes window replacement companies, painters, remodelers and the like. It is a good idea to ask for proof that they have been properly certified.

Most homeowners will not know if lead-based paint was used in their homes, and few have actually tested for it. If you buy a home that was built before 1978 and find areas where the paint is in poor condition, have it tested. Problems can be corrected by repainting or by removing the lead-based paint.

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This "Law You Can Use" consumer legal information column was provided by the Ohio State Bar Association. It was originally prepared by Cincinnati attorney Bill Hayes, and updated by Chris Kahn, a Cincinnati attorney with Frost Brown Todd LLC.

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