

New Lead Law Affects Contractors

In 2008, the Environmental Protection Agency (EPA) promulgated a new lead-in-paint law titled the **Renovation, Repair and Painting (RRP) Rule**. This stringent new Federal regulation will have a direct impact on both residential and public/commercial building contractors. This law may be best summarized by addressing the basic “Ws”; Who, What & When.

WHO:

The RRP Rule will affect work in Target Housing, (home or residential units built on or before December 31st, 1977) and Child Occupied Facilities, (any pre-1978 building or portion of a building that is regularly visited by children under 6 years old, such as schools, child care centers and daycare centers). Therefore, for those contractors who conduct renovation activities in older schools, the most commonly affected spaces within these buildings would be the kindergarten rooms and child care rooms, such as head start and latchkey programs. This new rule will not affect buildings or facilities outside of the ones noted above. Therefore, public and commercial buildings that do not have child occupied areas within them would not fall under this law.

It should be noted that there is an “opt-out” provision to the RRP Rule. Simply put, it states that certain homeowners may opt out of the requirements of this law if they certify in writing the following:

- The homeowner and their family reside in the home;
- There is no child under 6 years residing in the home;
- There is no pregnant female residing in the home;
- There is no child-occupied facility in the home;
- The owner and residents have been educated on the dangers of lead during renovations and have received the Renovate Right pamphlet.

WHAT:

The primary components of the RRP Rule include, but are not limited to the following:

- Training and certification of the Renovator
- Contracting firm certification
- Use of safe lead work practices
- Clean up and testing
- Recordkeeping

The RRP Rule requires that all contractors who will disturb lead-based paint within target housing or child occupied facilities provide training and certification to a portion of their staff as Certified Lead Renovators. The training program, conducted by an EPA approved training firm shall be 8 hours in duration with portions of the class devoted to hands-on exercises. How many staff at a given firm must be Certified Lead Renovators? It depends on your firm’s size and scope of work within affected residences and buildings. The Certified Lead Renovator must be on-site at each impacted building on a daily basis. Specifically, they must be at the jobsite during paint testing, sign posting, work area set-up and cleanup phases of the work. The law also requires that the Certified Lead Renovator provide training to the non-Certified work staff that will be working on buildings affected by this regulation.

The Rule also requires that the Contracting firm or company be certified by the EPA. This certification will entail the submittal of an application and, of course, a fee. If the paint on a given building component is assumed to contain lead or tests positive for lead, the firm must use safe lead work practices as outlined within the regulation. This includes, but is not limited to, area containment, proper dust reduction work practices, specialized cleanup activities and clean verification testing.

It should be noted that this law is only in effect in applicable buildings if lead paint disturbance is greater than six square feet per room on the interior or greater than 20 square feet per side on the exterior. However, these exclusions do not include window replacement or demolition activities. In other words, regardless of the quantities, if lead-based paint is present, window replacement and demolition activities fall under the RRP Rule.

It is not surprising that the cleanup practices stipulated with the RRP Rule are very strict. There are also stringent cleaning verification procedures associated with this law. It is the responsibility of the Certified Renovator to conduct cleaning verification by wiping surfaces with a wet disposable wipe and comparing discoloration with a cleaning verification card.

As one may expect, there is a wide range of recordkeeping requirements within the RRP Rule. They range from on-the-job records to post renovation reporting documents. All project records must be retained for at least 3 years after the completion of the renovation.

WHEN:

Firms may begin to apply for certification (as Certified Renovation Firms) beginning October 22, 2009. On or after **April 22, 2010**, no firm may perform, offer or claim to perform renovations under this law without applicable EPA certification.

On or after **April 22, 2010**, all renovations under this law must be directed by a Certified Lead Renovator, (one who has successfully completed the 8 hour training program).

On or after April 22, 2010, all renovations under this law must be performed in accordance with the regulatory stated work practices.

For more information regarding the RRP Rule, visit www.epa.gov/lead/pubs/renovation.htm.