

EPA RRP Lead Based Paint Regulation Summary & Overview

What is it?

On April 22, 2008, the EPA issued a rule requiring the use of lead-safe practices and other actions aimed at preventing lead poisoning. Under the rule, beginning in April 2010, contractors performing renovation, repair and painting projects for compensation that disturb lead-based paint in homes, child care facilities, and schools built before 1978 must be certified and must follow specific work practices to prevent lead contamination. The EPA has issued the Lead Renovation, Repair & Painting Program rule (RRP) designed to minimize the lead hazards during repair, renovation and painting activities which disturb lead based paint. It specifies that the firm must be certified, workers trained and lead-safe work practices must be used in all homes, child care facilities and schools built before 1978 to prevent lead contamination.

Why?

Lead is hazardous and children under the age of six are the most vulnerable. The damaging health effects of lead are well documented and include reduced IQ, learning disabilities and behavioral problems. The most common source of exposure is lead in dust, which is often invisible. Lead based paint was used in more than 38 million homes until it was banned for residential use in 1978.

Who is affected by the RRP Lead Based Paint Rules?

In general, anyone who is paid to perform work that disturbs paint in housing and child-occupied facilities built before 1978, including, but not limited to: general contractors, rental property owners and/or managers, specialty trade contractors including painters, plumbers, carpenters, electricians, etc. and maintenance personnel.

When do the RRP Rules go into effect?

They already have. The rules went into effect as of April 22, 2010. Firms must be certified, one Certified Renovator must be present on every job and all workers must be trained. Proper notification must be given to tenants, residents and affected persons and appropriate records must be kept for 3 ½ years.

Effective June 18, 2010 the EPA has revised the rule to delay enforcement (fines) until October 1, 2010 to give firms more time to complete the training and get certified. For more details see our downloads page for the revised rules.

What are the penalties for non-compliance?

The maximum fines are \$32,500 per day/per occurrence for non-compliance with the RRP Rules with jail time an option for willful disregard.

What can we do about it?

The EPA has delayed enforcement until October 1, 2010, but not the obligation of all parties to follow the guidelines. Every firm and individual must make a decision whether or not to work in affected pre-1978 facilities. If you choose to do the work, you must be

certified and your business and employees must be prepared. If you choose not to do the work, you must be prepared to adjust your business as well. If you choose to do the work illegally, the EPA has been very clear that they will fine and/or send to jail those who blatantly violate the rules.

How do I / We get Certified?

Every firm offering or performing renovations in pre-1978 homes must be certified by the EPA. A link to the application can be found on our Forms page. Some states require certification as well. A minimum of one employee must be certified as a Certified Renovator. This employee will be responsible for on-site job supervision, training of other employees, overseeing work practices, cleaning and cleaning verification. Certified Firm certifications are valid for five years.

RRP Training

All personnel performing renovations or disturbing lead based paint must be Certified Renovators or trained and supervised by Certified Renovators. The training class for EPA RRP Certified Renovators is an eight-hour class which includes two hours of hands-on training and a 25 question final exam. Certified Renovator certifications are valid for five years. A Certified Renovator must take a four-hour refresher course before his certification expires to be recertified or retake the initial certification training if the certification has already expired.

What does the RRP Certified Renovator Course Include?

The course prepares you to comply with the EPA RRP Rule. The following topics will be covered:

1. Why should I be concerned about lead paint?
2. Regulations
3. Before Beginning Work
4. Contain Dust During Work
5. During the Work
6. Cleaning Activities and Checking Your Work
7. Record Keeping
8. Training Non-Certified Renovation Workers

To sign up for the

Certified Renovator Responsibilities

The Certified Renovator is responsible to provide on-the-job training for non-certified workers in the work practices required by the rule. The Certified Renovator must document the specific work practices each employee working under him/her has completed before allowing employees to work unsupervised. Certain activities require the on-job-site presence of the Certified Renovator to verify that all procedures are followed.

What are the Notification Requirements?

Federal law requires that individuals receive certain information before performing renovations of six square feet or more of painted surfaces in a room for interior projects or more than twenty square feet of painted surfaces for exterior projects. Documentation

must be maintained proving that notification was given. Renovators must give both homeowners and tenants the EPA brochure "*Renovate Right: Important Lead Hazard Information for Families, Child Care Provider and Schools*" before starting work. There are specific delivery requirements, sign posting requirements and notification prior to starting any work in either living or common areas.

What are the required EPA RRP Work Practices?

Once work is ready to start on a pre-1978 renovation, the Certified Renovator has a number of important and required responsibilities:

1. Before the work starts, the Certified Renovator must post warning signs outside the work area and perform and/or supervise setting up specific containment barriers to prevent additional contamination.
2. The Certified Renovator must supervise and/or train employees to perform the required work practices they are allowed to perform if not certified themselves.
3. Specific procedures to prevent cross contamination must be followed and appropriate PPE (Personal Protective Equipment) must be worn.
4. Specific procedures must be followed in the handling and storage of debris, inside and outside of the work area, as well as transportation of the debris off the site.
5. Certain work practices are forbidden including open flame or torch burning, use of a heat gun that exceeds 1100°F, and high-speed sanding and grinding unless the tool is equipped with a HEPA exhaust control.
6. The Certified Renovator is responsible to ensure that all lead-safe work practices are followed completely and must be available when not physically at the job site.
7. Upon completion of the work, specific cleaning and waste disposal requirements must be followed and supervised by the Certified Renovator.
8. Cleaning Verification must be performed by the Certified Renovator following specific guidelines and repeated if necessary.

What are the Record Keeping Requirements?

A complete file of records on the project must be kept by the Certified Firm, and certain records must be kept by the Certified Renovator if not an employee of the firm. These records must be kept for a minimum of 3 ½ years. These records include, but aren't limited to:

1. Delivery verification of the Renovate Right brochure and/or documentation of delivery attempts.
2. Documentation of the scope of work.
3. Documentation of lead-safe work practices used to complete the work.
4. Proof of valid certification of the Certified Renovator.
5. Proof of worker training in the required work practices

What are the Costs to Comply?

Very simply, it depends. The EPA estimates that compliance will cost as little as \$35-65 per job, however many contractors estimate \$1200-1600 per job. Though that is a substantial range it depends on the type of renovations being performed. Window replacement in an entire pre-1978 home, for example will require more extensive containment barriers, safety precautions and cleaning verification than repainting one

room. In addition to the cost of training, there will be the time required to set-up the containment, perform lead check tests, daily clean-up, Personal Protection Equipment, cleaning verification and additional and specialized equipment including HEPA vacuums and shrouded power tools.

There is no question that the new rules are a whole new ball game for many renovation contractors, rental owners/managers and maintenance personnel. However, these rules are not going away. How you do business may fundamentally change, including who you hire, how you train, how you manage and how the work is performed. Specific work processes will have to be learned, but all of these changes are manageable. Business owners and managers can use the RRP rules to differentiate their companies and gain a productive and profitable edge over the competition.