



Special Report: New Lead-based Paint Rules, March 2010

This *Special Report* explains new rules from the Environmental Protection Agency (EPA) that take effect April 22, 2010, relating to lead-based paint that may be encountered during renovation activity.

EPA notes renovation activities such as sanding, cutting and demolition have the potential to release hazardous lead dust from lead-based paint that harm adults and children.

Inside a home, dust inhalation is the most common lead exposure among children. Roofing contractors must be aware that lead paint chips or flakes from exterior building elements can contaminate the soil adjacent to homes or buildings and be inhaled or ingested by children playing near them. Young children are particularly vulnerable to the effects of lead because their bodies absorb it more readily than adults and their brains and nervous systems are more sensitive to its damaging effects. The Centers for Disease Control and Prevention (CDC) recommends that states test children at ages 1 and 2 years. Children age 3 to 6 also should be tested annually according to CDC if they:

- Have never been tested for lead
- Live in or frequently visit a building built before 1950
- Visit a building built before 1978 that has been recently remodeled
- Have a sibling or friend who has been diagnosed with lead poisoning

According to EPA, lead can cause hearing loss, slowed growth and brain damage in children. Adults may suffer memory loss, high blood pressure, nerve disorders and reproductive problems.

EPA originally issued these rules in 2008 under the authority of the Toxic Substances Control Act to address lead-based paint hazards created by renovation, repair and painting (RRP) activities in target housing and child-occupied facilities. Full implementation of the rule was deferred until April 22, 2010, to allow states to apply to administer and enforce their own RRP programs and training providers to apply for accreditation of their programs.

Target housing generally is defined as residences constructed before 1978 not including housing for the elderly or people with disabilities. Child-occupied facilities generally are considered buildings constructed before 1978 and visited regularly by a child under six years of age on two days of any week, such as some schools, daycare centers, preschools or kindergarten classrooms. EPA estimates about half of the homes built before 1978 contain lead-based paint and nine out of 10 built before 1940 contain lead-based paint. Under the new rules, a contractor must assume a home built before 1978 contains lead-based paint or, alternatively, a certified renovator can use an EPA-recognized chemical spot-test kit to determine the presence of lead-based paint.

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EPA's new lead rules call for the following:

- Certification of any company that performs RRP that disturbs lead-based paint
- Certification for renovators (workers who perform and direct renovation activities) and training by a certified renovator of other workers engaged in the renovation
- EPA accreditation of training providers
- Work practices for RRP projects

Certification and training already is required for those companies and workers performing lead-based paint activities—lead abatement, inspections and risk assessments—in target housing and child-occupied facilities. EPA regulations define renovation as “the modification of any existing structure, or portion of a structure, that results in the disturbance of painted surfaces.” EPA’s trigger for regulating renovation activities is the creation of lead-based paint hazards. This is distinguished from a lead-abatement project, which is designed at the outset to permanently eliminate lead-based paint and lead-based paint hazards from a building. Roofing contractors may fall under the RRP rules when doing siding work; installing gutters, soffits and fascia; or during roof tear-off when abutting painted wood surfaces can be disturbed.

Roofing contractors who expect to encounter lead-based paint during renovation work on target housing or child-occupied facilities must apply to EPA for certification of their companies to conduct renovations by completing the two-page EPA Form 8500-27 (available at www.epa.gov/opptintr/lead/pubs/firmapp.pdf) and submitting the proper fee (\$300 for a firm applying for RRP certification). The RRP certification is a national certification valid in all EPA jurisdictions where EPA administers the RRP program (currently all states except Iowa, North Carolina and Wisconsin). The completed form and check for the fee should be mailed to U.S. EPA, Lead User Fees, P.O. Box 979072, St. Louis, MO 63197-9000.

EPA must approve or deny a company’s application for certification within 90 days of receiving a completed application.

Before beginning work, contractors must provide building owners and tenants with the EPA pamphlet *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers, and Schools*, which can be accessed at www.epa.gov/opptintr/lead/pubs/renovaterightbrochure.pdf. Compliance with this pamphlet requirement must be documented by the contractor.

Individual states may establish their own RRP programs and fees to obtain certification. Requirements in those states will vary, and currently only North Carolina, Iowa and Wisconsin administer their own approved RRP programs.

A certified RRP firm must ensure each renovation project covered by the new RRP rule is performed and/or directed by a certified renovator responsible for ensuring compliance with the work practices standards of the regulation, according to EPA. This individual is responsible for “critical tasks” during a renovation, such as posting warning signs, establishing containment of the work area and post-renovation cleaning verification. A certified renovator under the RRP rules must be trained by an EPA-accredited training provider. (The training provider list is available by state at http://cfpub.epa.gov/flpp/searchrrp_training.htm). Certified renovators must take an initial eight-hour training program and complete refresher training every five years. The cost of the training varies with training providers but averages about \$250.

Renovation activities, including the critical tasks described, may be performed by other trained workers, not necessarily certified renovators, but only under the direction of a certified renovator. Such other workers may be provided with on-the-job training in renovation activities by a certified renovator. A certified renovator is not required to be on a job site at all times but must be present when critical tasks are performed. According to EPA, a certified renovator must regularly direct work performed by others to ensure EPA's work practices are followed.

EPA notes work practices established under the RRP rules must be followed to minimize lead-based paint exposures. These include prohibiting the use of power sanders, power planers and high-temperature (higher than 1,100 F) heat guns or torches, waste handling and cleaning requirements, and post-renovation cleaning verification.

In addition, windows and doors within 20 feet of the renovation must be closed and the ground under the renovation where paint debris might fall must be protected by plastic sheeting. Minor exterior renovations that disturb 20 square feet or less of painted surfaces are exempt from the RRP rules as long as prohibited work practices are not employed.

If you have questions about the new RRP rule or would like additional information, please contact Harry Dietz, NRCA's director of risk management at (847) 493-7502 or hdietz@nrca.net.

