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The EPA's New Lead Renovation, Repair, and Painting Program Rule

On April 22, 2008, the Environmental Protection Agency (EPA) announced the Lead Renovation, Repair, and Painting (RRP) program rule. Phased in over two years, this rule will require contractors and maintenance staff performing renovation, repair and painting projects that disturb lead-based paint to become certified. The certification applies to those firms conducting renovation and maintenance activities in pre-1978 homes, child care facilities, elementary schools, and some common areas of public and commercial buildings, such as restrooms and cafeterias. The rule requires renovators to follow specific work practices to prevent lead contamination. A renovator must complete an EPA-approved training course, and a firm must apply to the EPA to become certified.

Renovators must play active roles in preventing lead poisoning. The risk is greatest in buildings where lead-based paint is present, especially in those facilities that are regularly occupied by children. Contractors produce dust during renovations, repairs, and surface preparation for painting. Dust always has the potential to present problems indoors, and even outdoors. By working lead safe, workers prevent and/or control dust. Dust control is necessary to prevent contamination and lead poisoning.

In general, anyone who is paid to perform work that disturbs paint in facilities covered by this rule must follow the Lead RRP requirements. This includes, but is not limited to:

- Residential rental property owners and managers
- General contractors; maintenance staff in schools and childcare facilities
- Specialty trade contractors such as painters, plumbers, carpenters, electricians

As of October 1, 2010, firms that fail to comply with EPA's new RRP training rule may face civil fines up to \$32,500 per violation per day and an additional criminal fine of \$32,500 plus imprisonment for knowing and willful violations. The duration of the initial training is eight hours and includes hands-on exercises. Follow up refresher training is four hours in duration and will be required once within each five year re-certification period.

According to the EPA:

- Child-occupied facilities constructed prior to 1978 are the focus of the Lead RRP rule. Under this rule, child-occupied facilities include residential, public, and commercial buildings where children under age six are present on a regular basis. EPA defines "regular basis" by the same child, as combined weekly visits lasting at least 6 hours or combined annual visits lasting at least 60 hours.
- The rule applies to renovation contractors, maintenance workers in multi-family housing, painters, and other specialty trades. Activities covered under the rule include renovation, repair, maintenance, electrical work, plumbing, painting, carpentry, window replacement, and demolition of exterior painted components. The rule does not apply to minor repair and maintenance activities where less than six square feet of lead-based paint is disturbed in a room or exterior activities where less than 20 square feet of lead-based paint is disturbed. However, window replacement and exterior component demolition activities are not considered minor maintenance or minor repairs under this rule.

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- Renovation firms and renovators must be aware of the EPA and HUD lead rules. These rules are performance-based requirements that must be mastered to achieve compliance with the applicable regulations.
- Regardless of the size of a project, renovators should always plan ahead before starting any work. All dust must be captured and controlled in the work area. If dust must be produced, work activities should always be conducted in a manner that makes it easy to clean up.
- Traditional renovation work practices produce dust. In contrast, lead safe practices reduce dust, making the renovation, repair, or painting work much safer. Lead safe practices reduce worker and occupant exposures, protect equipment and contents, and reduce liability for general contractors, renovation companies, and Certified Renovators.
- Workers must always clean up correctly and use common sense to control dust. Traditional renovation cleanup methods, such as vacuuming with shop vacuums and dry sweeping, are unacceptable because they do not control dust, in fact, they disperse dust. Wet methods and HEPA-filtered vacuums must be used.
- Recordkeeping is important for those conducting renovation activities where lead-based paint is present. Records must be complete, accurate, legible, organized, and maintained. Good recordkeeping demonstrates that work was done with reasonable care.
- Lead RRP training is intended to give Certified Renovators the tools and skills necessary to conduct either on-site "toolbox" training or classroom training to noncertified renovation workers. Lead RRP training focuses on teaching students how to perform the tasks necessary to work as non-certified renovators on any job where lead-based paint is present. The EPA estimates that on average approximately 35% of all US housing stock has lead-based paint.

In general, the Lead RRP rules allow workers who become Certified Renovators to teach lead safe work practices to non-certified renovation workers within their own organization. However, Certified Renovators should confirm their organization's policies before providing any such training in-house.

EPA has set the following dates as milestones for implementation of the Lead RRP rule:

- April 22, 2009: Certified Renovator training begins.
- October 22, 2009: Contractors may apply to become Certified Firms.
- October 1, 2010: Full implementation of the Lead RRP Program.