

# EPA LEAD PAINT RULES GO INTO EFFECT APRIL 22, 2010

The Environmental Protection Agency has published a new lead paint rule that will be affecting renovations conducted in pre-1978 property.

## Existing Regulations:

Currently there are many existing lead paint rules. These include:

- Worker protection requirements under OSHA
- Training and lead safe work practices on federally funded properties
- Proper disposal (check with your local & state regulatory agencies)
- Lead abatement is required in some situations
- EPA pamphlet "Protect Your Family from Lead in Your Home" must be handed out

## Brief Summary of Requirements of New Rule

- Applies to all pre-1978 residential property
- Requires a new pamphlet to be handed out
- Applies to renovations of 6 sq ft per room on the interior and 20 sq ft on the exterior
- Requires one day of training and certification of at least one person per crew
- Requires certification of companies
- Requires lead safe work practices
- Requires a cleaning verification after the renovation job
- Requires recordkeeping

## Types of Buildings the New Rule Applies to:

The new rule applies to pre-1978 residential property. This includes:

- Child-occupied facilities (including daycares and kindergartens with children under the age of 6)
- Pre-1978 residential rental property
- Pre-1978 owner occupied housing

## Certification Requirements

The new rule will now require at least one certified renovator to oversee each project. There are certain requirements for when the renovator will need to be onsite. These include: when warning signs are posted, when the containment is being established, while the work area is being cleaned and must regularly direct work being performed by other individuals. The certified renovator will be required to take a one day "Lead Safe Work Practices" course. If you have a person already trained in a HUD/EPA approved course, very likely that individual will only need to take a four hour refresher. This will be determined by the state or the EPA at a future date.

Firms will also need to become certified. Certified firms will need to keep records for three years. Records include but are not limited to recording training certificates, name of certified renovator, lead safe work practice documents, cleaning verification, and waste containment.

## Work Practice Requirements

Dust control and cleaning are very important parts to the new rule. Most of them are common sense and many of them you probably already use. The lead safe work practice requirements include: posting warning signs, containing the work area-including- remove moveable objects from work area and covering floors and windows with plastic, cleaning tools before leaving work area, containing waste and proper cleaning including use of a HEPA vacuum.

In addition, a cleaning verification is required to be performed by the certified renovator. This will include going over the cleaned work area with a cloth and comparing the level of grey dust with a verification card to see if it is clean enough.

Prohibited and restricted work practices include: open-flaming burning and torching. Specific dust creating activities including sanding, grinding and planning are prohibited unless used with HEPA exhaust control. Heat guns are only allowed if operated below 1100 degrees Fahrenheit.

## Exceptions

There are some exceptions to this new rule. They include: emergency renovations. The exceptions to emergency renovations include not having to do any of the following: distribute the pamphlet; use lead safe work practices; post warning signs; maintain containment; waste handling rules; training and certification. However, the requirements that still apply to emergency renovations include: cleaning requirements, cleaning verification overseen by certified renovator and the recordkeeping requirements.

Another exception applies to an owner-occupied house. The owners must be willing to sign a statement acknowledging that a child under the age of 6 does not reside there, no pregnant woman resides there, the property is not a child-occupied facility and the owner acknowledges that the renovation firm will not be using lead safe work practices. Issues to consider when looking at this exception include: liability and the potential for state rules to disallow the use of a certified renovator using "un-lead-safe work practices."

Also, if through approved testing, the paint is determined to be below EPA thresholds (or state thresholds if more stringent) many of the requirements of the rule would not apply. Documentation of the testing would need to be recorded.

## What should you do?

Use lead safe work practices. You already should be. Because of OSHA worker protection requirements, liability and common sense, your company should implement dust control work practices that are also lead safe. Use a HEPA vacuum. In addition, you don't want your workers bringing home lead dust on their clothes to their own families.

Get trained. This EPA rule requires only one person per crew to be a certified renovator and the rest of the crew can receive on the job training. OSHA, however requires that all workers are informed about lead when they are required to work with it. The OSHA rule has existed since 1993.

Start using the lead paint issue as a sales tool. You already have to hand out the EPA pamphlet. If you already are using dust control work practices, mention this when you promote your business. Use the lead issue as a sales tool to address deferred maintenance. Plumbing and electrical are easily able to be seen as a priority if there is pouring water or sparks. Peeling paint and dust haven't received as much attention. Windows are the biggest source of lead poisoning. Use the issue along with the great features of the new products to sell more windows.

## Effective Dates of the New Rule

December 22<sup>nd</sup>, 2008 – The new "[Renovate Right](#)" booklet must be handed out prior to renovations. The "Protect Your Family from Lead in Your Home" will be used only for disclosure to home sellers and rental property owners.

April 22<sup>nd</sup>, 2010 – Firms and individuals can become certified, lead safe work practices will be required on all work disturbing more than 6 sq ft (per room interior) and 20 sq ft on the exterior. Be sure to check with your local and state health departments. The new rule may be implemented by the EPA or your state health department.

More information, call 608-267-0928.