

## EPA LAUNCHES NEW LEAD CERTIFICATION REQUIREMENT

By Peter Landau, Editor, Indoor Comfort News

The U.S. Environmental Protection Agency (EPA) announced that renovation, repair and painting of pre-1978 housing and child-occupied facilities for compensation must now be conducted using safe practices to protect children and pregnant women from exposure to lead-based paint.

EPA proposed the Lead Renovation, Repair and Painting Rule (RRP), which require contractors to be trained and certified in lead-safe work practices, in 2006. In 2008, EPA finalized the rule and set April 22, 2010 as the implementation date. To date, EPA has certified 204 training providers who have conducted more than 6,900 courses, training an estimated 160,000 people in the construction and remodeling industries to use lead-safe work practices.

According to the Federal Register, the opt-out provision that currently exempts a firm from the training and work-practice requirements of the rule where the firm obtains a certification from the owner of a residence he or she occupies that no child under age six or pregnant women resides in the home and the home is not a child-occupied facility is removed effective July 6, 2010.

Federal law requires that individuals receive certain information before renovating 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 or window replacement or demolition in housing, child care facilities and schools built before 1978.

- Contractors who perform renovation, repairs and painting jobs in pre-1978 housing and child-occupied facilities for compensation must, before beginning work, provide owners, tenants and child-care facilities with a copy of EPA's lead hazard information pamphlet "Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools," dated April 10, 2010, before starting work. It is available here: [www.epa.gov/lead/pubs/renovaterightbrochure.pdf](http://www.epa.gov/lead/pubs/renovaterightbrochure.pdf). The brochure is expected to be amended sometime in July.
- Child care facilities, including preschools and kindergarten classrooms, and the families of children under six years of age that attend those facilities; renovators must provide a copy of this pamphlet to child care facilities and general renovation information to families whose children attend those facilities.

Certification is a two-stage process, beginning with individual certification that requires one member of the contracting firm take an accredited eight-hour training course, pass an exam and be entered into an EPA Headquarters database in Washington, D.C. The individual will get a photo identification card and a Certificate of Course Completion.

To find a training provider that has been accredited by EPA to provide training for renovators under EPA's RRP Program, visit [http://cfpub.epa.gov/flpp/searchrrp\\_training.htm](http://cfpub.epa.gov/flpp/searchrrp_training.htm). Some trainers provide trainings off-site.

The second stage of certification is applying for firm certification, which requires completing, signing and dating EPA form 8500-27 (Rev 08/09). The form can be filled out by hand or by using a fill-able form on your computer ([www.epa.gov/lead/pubs/firmapp.pdf](http://www.epa.gov/lead/pubs/firmapp.pdf)). Calculate the appropriate fee using the fees schedule provided in these instructions. Print "Lead Program User Fees" on the check or money order for the fee and mail it with your application to the following address: U.S. EPA, Lead User Fees, P.O. Box 979072, St. Louis, MO 63197-9000.

The Agency has up to 90 days after receiving a complete request for certification to approve or disapprove the application. The individual and firm certification expires after five years and must be renewed to remain active. To do so, there is a four-hour refresher course. The certified individual must informally train his or her crew on lead-safe work practices when they are out in the field working on a job site.

There are already two amendments to the new rule: (a) Record-keeping requirements: Copies of records must be given within 30 days of the final invoice or completion of the project to the homeowner or resident. These records must demonstrate compliance with the training and work practices of the RRP rule, basically the checklist and the results of any testing. (b) The Opt-Out provision has been eliminated. Lead safe work practices will apply to all renovation, repair or painting projects in pre-1978 housing and childcare facilities.

Both of these amendments are final and will take effect 60 days after publication in the Federal Register. The Renovate Right brochure will be amended accordingly by the EPA. Responsibility for enforcing the RRP rule in California remains with the U.S. EPA and is not delegated to any state or local agency. EPA recognizes that there are more contractors seeking RRP training and certification than the training and certification system can adequately handle. Documents released recently outline how EPA will handle that challenge in the short-term. Those document links are:

[www.epa.gov/lead/pubs/owens20100420.pdf](http://www.epa.gov/lead/pubs/owens20100420.pdf)  
[www.epa.gov/lead/pubs/lead\\_rrpr\\_q\\_and\\_a.pdf](http://www.epa.gov/lead/pubs/lead_rrpr_q_and_a.pdf)

EPA will not take any enforcement action against firms who have applied for firm certification before April 22 and are just waiting for their paperwork. They expect these applications to be processed by June. EPA will still enforce rules about work practices and training requirements for these firms. Applications submitted for the first 60 days after April 22 will be reviewed soon thereafter.

EPA also understands that some contractors have not sought RRP training and certification. EPA is interested in learning more about instances when such contractors perform work regulated by the RRP rule and encourages individuals with such information to send an email to [weintraub.max@epa.gov](mailto:weintraub.max@epa.gov) to receive a Tip & Complaint

form. EPA reviews the Tip & Complaint forms and, based on the information provided, determines appropriate next steps.

EPA also published two additional proposed amendments to the RRP that are now open for comment. Clearance and Clearance Testing Requirements for RRP will require dust wipe testing after completing the existing cleaning verification procedures for some/most renovations. EPA will be accepting comments on this proposal for 60 days and expects to finalize the amendment by July 2011.

RRP for Public and Commercial Buildings will apply lead-safe work practices and training requirements to public and commercial buildings. The EPA has set deadlines to issue a proposal by December 15, 2011 and take final action by July 15, 2013.

### **Procedure**

First, provide owners, tenants and child-care facilities with the brochure from EPA specified on page 22, if performing renovation in pre-1978 housing and child-occupied facilities

After certification and training, contractors should provide their photo identification and a copy of their Certificate of Course Completion of renovation training to their client. Tell the client what lead-safe methods you will use to perform the job.

Ask your client to share the results of any previously conducted lead tests. Provide your client with references from at least three recent jobs involving homes built before 1978. Keep records to demonstrate that you and your workers have been trained in lead-safe work practices and that you followed lead-safe work practices on the job. To make recordkeeping easier, you may use the sample recordkeeping checklist ([www.epa.gov/lead/pubs/samplechecklist.pdf](http://www.epa.gov/lead/pubs/samplechecklist.pdf)) that EPA has developed to help contractors comply with the renovation recordkeeping requirements that took effect in April 2010.

### **General Practice**

Even before contractors are required to be certified and follow specific work practices, the contractor should follow these three simple procedures, described below:

1. Contain the work area. The area should be contained so that dust and debris do not escape from that area. Warning signs should be put up and heavy-duty plastic and tape should be used as appropriate to:

- Cover the floors and any furniture that cannot be moved.
- Seal off doors and heating and cooling system vents.

These will help prevent dust or debris from getting outside the work area.

2. Minimize dust. There is no way to eliminate dust, but some methods make less dust than others. For example, using water to mist areas before sanding or scraping; scoring paint before separating components; and prying and pulling apart components instead of

breaking them are techniques that generate less dust than alternatives. Some methods generate large amounts of lead-contaminated dust and should not be used. They are:

- Open flame burning or torching.
- Sanding, grinding, planing, needle gunning, or blasting with power tools and equipment not equipped with a shroud and HEPA vacuum attachment.
- Using a heat gun at temperatures greater than 1100°F.

3. Clean up thoroughly. The work area should be cleaned up daily to keep it as clean as possible. When all the work is done, the area should be cleaned up using special cleaning methods before taking down any plastic that isolates the work area from the rest of the home. The special cleaning methods should include:

- Using a HEPA vacuum to clean up dust and debris on all surfaces, followed by
- Wet mopping with plenty of rinse water.

When the final cleaning is done, look around. There should be no dust, paint chips or debris in the work area. If you see any dust, paint chips or debris, the area should be re-cleaned.

EPA will continue to provide support and assistance to states, industry and communities on all aspects of implementing this rule. Recognizing the large number of contractors and homes subject to the rule, EPA is increasing its outreach efforts and providing guidance to facilitate compliance and ease the transition period following the rule's effective date.

This guidance can be obtained at [www.epa.gov/lead](http://www.epa.gov/lead). Inquiries about the new requirements can be made by calling (800) 424-5323.