

Where do you fall with the EPA's new compliance?

Having worked extensively with hazardous materials for the past 27 years, I can not think of a time where so much has happened so quickly. Usually changes to environmental regulations take years of political bickering and bureaucratic red tape to push through. Not so with EPA's new Lead-based paint regulation, 40 CFR Part 745. Promulgated in April of 2008, and taking full effect in April of 2010, this rule has caught most affected by it completely by surprise. For most, that surprise was not a pleasant one. Because of the strict provisions of the rule, contractors and maintenance workers are now required to pay for and take an 8 hour certification course, fork over \$300 to Uncle Sam for their "Firm Certification", purchase special vacuums equipped with High Efficiency Particulate Air (HEPA) filters, plastic sheeting and other implements needed to comply with this regulation and use what the EPA calls "lead safe work practices". For some it will be the proverbial "straw that broke the camels back". Having taught the 8 hour certification course myself to thousands of students from California, Tennessee, Delaware, and New Jersey and being face to face with my students for 8 hours, I have heard and seen varying reactions to this rule directly from those it affects the most. Some view the glass as "*half empty*". They feel their government is regulating them into financial ruin. In some cases the added expense compliance brings is just too much of a financial burden to bear. But where some see a storm on the horizon, others see opportunity and a glass that is "*half full*". Marketing their firms as "EPA Certified", some business owners dive head first into the challenges compliance to the rule brings. As news of this rule travels, more property owners have sat up and taken notice of the new requirements and look specifically for Certified Firms that employ Certified Renovators to handle work involving paint disturbance in their pre 1978 homes or child occupied facilities. Although the EPA has fallen far short of its commitment to initiate a meaningful awareness campaign on a national level, the message *is* getting out there. Recent changes in the rule have added to the confusion and frustration on both sides of the fence. A delay in the firm certification deadline requirements has angered advocates of the rule. Opponents of the rule argued that on a national level, too few accredited training providers existed to realistically meet the April 22, 2010 certification goals the EPA anticipated. Meanwhile, advocates of the rule consider the removal of the "Opt Out Provision" a considerable victory. Property owners are no longer able to "Opt Out" of what advocates consider the right thing to do, use lead safe work practices. Other issues, such as disposal of lead tainted waste, remains a hot topic, especially in California. As an instructor, I explain that EPA emphasizes that students should check their states disposal requirements for lead contaminated waste. Some states, such as California, have disposal regulations which are much more stringent than EPA's. While most struggle to keep up with the regulations already in place, EPA is proposing to require dust wipe testing after many renovations covered by the RRP rule. Under the current standard, Certified Renovators are required to conduct what is called "*cleaning verification*" after most renovations. Often referred to as the "*white glove test*", the cleaning verification process is only a visual verification of how clean the work area is and is subject to a wide range of interpretation. Dust wipe testing however is a process in which a Certified Lead Inspector/Assessor collects a wipe sample from the work area, submits the wipe sample to an accredited laboratory for lead analysis. If the analysis indicates the lead level on the

dust wipe exceeds regulatory limits, the work area is considered contaminated and must be re-cleaned by the Certified Firm using Certified Renovators and retested by the Certified Lead Inspector/Assessor. This will inevitably drive up the cost of these renovations, more so if the initial dust wipe tests fail. In the end though, we must consider the benefits of the implementation of these regulations; A safer environment for our children and a dramatic reduction in lead poisoning for children and adults alike. We will probably see more changes in the rule as time goes on. To be successful, or for some to survive, firms covered under this rule will have to learn to adapt to the new requirements and keep abreast of the regulatory changes that affect their industry.

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