

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

On April 22, 2010, a new federal regulation will be completely implemented. I'm talking specifically about the U.S. Environmental Protection Agency's Lead Renovation, Repair & Painting rule (40 CFR 745). One shouldn't be fooled by the "generic" title of this regulation because it covers more than just renovation, repair & painting. The new rule applies to every trade where lead based paint is disturbed. Carpenters, plumbers, wall covering contractors, electrical contractors, finish carpentry contractors, insulation contractors, tile & terrazzo contractors, glass and glazing contractors, handymen and many other trades, must comply with these new requirements. As a certified lead professional, I know that lead exposure can be caused by almost any disturbance of lead based paint, not just renovation, repair or painting. Even the most basic, seemingly benign disturbances of lead painted or glazed surfaces can cause lead exposures if the conditions are right.

The new rule requires specific lead safe work practices be followed by anyone disturbing more than six square feet of painted surface on the interior (twenty square feet on the exterior), demolition or window replacement on what the EPA refers to as "target housing" or "child occupied facilities" for "compensation".

Target housing is defined in the rule as any housing constructed before 1978, except housing for the elderly or persons with disabilities (unless a child under the age of 6 resides or is expected to reside there) or zero bedroom dwellings such as studio's etc.

Child occupied facility is defined in the rule as a building or a portion of a building constructed prior to 1978, visited regularly by the same child, under 6 years of age, on at least two different days within any week provided that each day's visit lasts at least 3 hours and the combined weekly visits last at least 6 hours and the combined annual visits last at least 60 hours. Child occupied facilities may be located in public or commercial buildings or in target housing.

The new rule requires contractors to comply with the pre-renovation education requirements, training, certification & accreditation requirements, work practice standards, post renovation cleaning verification & recordkeeping requirements. In a nutshell, contractors will have to complete an EPA accredited 8 hour training course that teaches contractors how to comply with the provisions of the regulation I mentioned above. In addition to the training, contractors will be required to apply for their firms' certification through the EPA and adopt the specific work practices taught in the 8 hour course.

The EPA is authorized to impose fines (\$37,500 per violation, per day) and penalties upon contractors and firms that do not comply with this rule. Knowing or willful violations of the rule by contractors of firms can even result in imprisonment.

With the scarcity of accredited training providers and April 22, 2010 just months away, contractors & firms wanting a competitive edge are already enrolling their workers in the required course. Classes are filling up and the closer we get to April, the more we will see what some predict being a "mad rush" to get their firms EPA certification which could take up to 90 days once EPA receives their application.

For some, in today's economic climate, that competitive edge may mean the difference between financial stability and downfall. Most cities, counties, school districts and local governments have taken notice of this new federal requirement and will inevitably require EPA certification of their vendors.

By Santiago Concepcion

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