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Compliance with New Federal Lead-Based Paint Requirements

Renovators must comply with new certification, training, pre-renovation notification and work practice standards

Are you a general contractor, renovation contractor, property manager, painter, plumber, carpenter, electrician? Are you paid to do work that disturbs painted surfaces? Do you work in homes, schools, day-care facilities or other buildings where children are present? Were these buildings or any houses, apartments and residences were you work constructed before 1978, when lead-based paint was still in use?

The new federal Lead-Based Paint Renovation, Repair and Painting requirements may be applicable to you. Now is the time to become an EPA-certified renovator and follow the specific work practices that prevent lead contamination.

The new requirements kick in starting in April 2010. Failure to comply with the new requirements is a violation of the law: it can cause exposure to lead and result in serious health consequences, especially for young children. Penalties can be significant.

The new requirements include notification to property owners and occupants before work begins of the potential hazards from lead-based paint disturbed during the project, certification of renovation companies, training and certification of workers, implementation of work practice standards for controlling lead-based paint dust, post-renovation cleanup requirements and post-renovation cleaning verification.

To assist you in understanding and complying with the lead-based paint rules for renovations, EPA has published the "Small Business Compliance Guide to Renovate Right." It presents simple steps to follow to comply with EPA's lead program. The Renovate Right compliance handbook is available at *www.epa.gov/lead/pubs/sbcomplianceguide.pdf* and from the National Lead Information Center at 800-424-5323.

The handbook provides more detailed information on certifications, training, work practice requirements, prohibited practices and recordkeeping provisions than is included in this Enforcement Alert. It also includes information on certain exemptions to the Rules and other useful information about the lead-based paint program.

Peeling Door Paint

Where Lead-Based Paint is Found

Approximately three-quarters of the homes built before 1978 contain some lead-based paint. It may be on any surface, but is most commonly found on exterior-painted surfaces, interior woodwork, doors, and windows. The use of lead-based paint in housing was banned in 1978 by the U.S. Consumer Product Safety Commission.

When properly maintained and managed, contaminated paint poses little risk, although friction surfaces (windows and window sills, doors and door frames, stairs and railings) are a concern. Lead-based paint that peels or deteriorates is especially risky. As a general rule, the older a home, the greater the risk of lead-based paint. Exposure to lead may occur through lead-based paint chips and flakes and through the fine dust that clings to carpets, floors, furniture, toys and other objects.

Dangers from Lead-Based Paint

Lead is a highly toxic metal. It is particularly dangerous to children, whose growing bodies absorb more of the metal and whose brains and nervous systems are more sensitive to its damaging effects. Even low levels of lead in children can reduce IQ, cause learning disabilities and behavioral problems, reduce attention span and retard physical development.

Childhood lead poisoning is a major health problem in this country. Young children are much more likely to put their hands or objects in their mouths that can have lead dust on them, or to eat paint chips that contain lead.

Lead poisoning in adults can increase blood pressure, cause irritability, poor muscle coordination, and damage the kidneys, nerves and brain. Fetal development can also be affected.

Deteriorating lead-based paint and lead contaminated dust are primary sources of lead exposure. Peeling, chipping, chalking or cracking lead-based paint may all be hazardous, particularly when found on surfaces that children can touch or that get a lot of wear-and-tear, such as windows sills, doors and door frames, stairs, railings and banisters. People who sand, scrape, burn or otherwise disturb lead based paint are at risk from inhalation of lead dust or fumes.

Paint Peeling on a House

Activities Subject to the Lead-Based Paint Requirements

In general, any activity that disturbs paint in housing and child-occupied facilities built before 1978, including remodeling, repair, maintenance, electrical work, plumbing, painting, carpentry and window replacement, is subject to the requirements.

Most minor repair and maintenance activities of less than six square feet per interior room of 20 square feet or exterior project are exempt from the work practice requirements. However, this exemption does not apply to window replacements, demolitions or the use of prohibited practices.

Requirements Effective Now

Pre-renovation education and notification requirements are now in effect. If you are a contractor, property manager or someone who performs renovations for compensation in pre-1978 residential housing, before you start any work you must distribute the lead information pamphlet entitled "Renovate Right: Important Lead Hazard Information for Families, Child Care Providers, and Families." The pamphlet is available at *www.epa.gov/lead/pubs/renovaterightbrochure.pdf.*

If the renovations are in pre-1978 facilities

occupied by children, you must first distribute the "Renovated Right" pamphlet to the owner of the building or the owner's representative.

If the work is in common areas of pre-1978 multi-family housing or child-occupied facilities, you must distribute pamphlets to tenants or parents or guardians of children using these areas. In lieu of distributing pamphlets, you must post informational signs about the renovation or repair work. The informational signs must be posted in a conspicuous location, and describe the nature, location and dates that you will be doing the work. A copy of the pamphlet or information on how someone can get the pamphlet free must be posted with the sign.

Compliance Schedule

Requirements effective now:
- Distribution of EPA's lead pamphlet for families, child care providers and schools
- Post informational notices or signs
- Retention of records
- Training providers may apply for accreditation
- Accredited trainers may offer certification courses

As of October 2009:
- Renovation firms may apply to EPA for certification

As of April 2010
- Program fully effective: all requirements must be met
- Renovation businesses must be certified
- EPA will enforce all lead-based paint requirements

Certification and Training

All firms, regardless of number of employees, must be certified. You can do this by applying to EPA or to a state, if it has an EPA-authorized program, and paying a fee. To apply, your firm must submit to EPA a completed "Application for Firms" form, signed by an authorized agent of the firm and pay the correct amount of fees. The form is available from the National Lead Information Center at 800-424-5323 or at *www.epa.gov/lead/pubs/renovation.html*.

There must be at least one certified renovator assigned with oversight authority over each job where lead-based paint is disturbed.

To become a certified renovator, you must complete an EPA or authorized state-approved training course conducted by an EPA or state-accredited training provider. All workers must be trained on the work practices they will be using during the renovation.

Renovation workers can be trained on-the-job by a certified renovator to use prescribed lead-safe work practices or they can become certified renovators themselves. Certified renovators are responsible for ensuring overall compliance with the Lead-Based Paint Renovation, Repair and Painting Program's requirements for lead-safe work practices at renovations they are assigned.

Requirements of a Certified Renovator

A certified renovator must:
- Use an EPA approved lead test kit when testing for lead-based paint on painted surfaces and components being disturbed;
- Provide on-the-job training to other workers on the work practices they will be using, be physically present at the job site when warning signs are posted, while work-area containment is being established and while work-area cleaning is being performed;
- Regularly direct work being performed by others to ensure compliance with work practice standards, including containment requirements;
- Be available on-site or by telephone whenever renovations are being performed;
- Perform project cleaning verification;
- Have with them their initial and most recent (*i.e.,* refresher) course certificates; and
- Prepare required records.

Information on obtaining training as a certified renovator is available from the National Lead Information Center at 800-424-5323.

Lead-Safe Work Practices

All renovators must use work-area containment to prevent dust and debris from leaving the work area. All objects must be removed from the work area or covered to prevent contamination. All windows

and doors must be closed and doors covered. Floors must be covered to contain dust.

After renovation, all dust and debris must be collected and the walls cleaned by vacuuming or wiping. After cleaning, a certified inspector, risk assessor or dust sampling technician must verify the effectiveness of the cleaning. The renovator must re-clean the work area until it meets the applicable clearance standards. Cleaning verification is required to ensure that the work area is adequately cleaned and ready for re-occupancy. When cleanup standards are met, the renovator is done.

For exterior renovations, similar work practices must be followed. The work practice standards are summarized in the "Renovate Right" compliance handbook.

Work practices specifically prohibited include open-flame burning using heat guns at greater than 1,100 degrees Fahrenheit and the use of power tools without the use of high-efficiency particulate air (HEPA) vacuums to collect the dust.

Recordkeeping Requirements

All documents must be retained for at least three years following completion of a regulated renovation, repair or painting activity. This includes reports certifying that lead-based paint is not present, records relating to the distribution of the lead pamphlet ("Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools"), any signed and dated statements from owner-occupants that the requirements do not apply to their location, and documentation of compliance with the Lead-Based Paint Renovation, Repair and Painting Program rules.

Compliance Assistance

Additional information about the dangers from lead and lead-based paint, the statutory and regulatory requirements of the lead-based paint program, how to obtain copies of various forms, brochures and pamphlets and how to receive training and certification is available at *www.epa.gov/lead* or by calling the National Lead Information Center at 800-424-5323. A compendium of lead information and links for contractors on renovation, repair and painting can be found at *www.epa.gov/lead/pubs/renovation.htm#contractors*

Disclaimer: This document attempts to clarify in plain language some EPA regulatory provisions. Nothing in the Enforcement Alert revises or replaces any regulatory provisions in the cited part, any other part of the Code of Federal Regulations, the Federal Register, or the Toxic Substances Control Act. For more information go to: www.epa.gov/compliance

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Enforcement Alert

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