

Lead-Based Paint Renovation, Repair, and Painting

Overview of Final Rule
April 2008



News!

- EPA issued a final rule under the authority of § 402(c)(3) of the Toxic Substances Control Act (TSCA) to address lead-based paint hazards created by renovation, repair, and painting activities that disturb lead-based paint in “target housing” and “child-occupied facilities.”

Abatement vs. Renovation

- Abatements are intended to permanently eliminate existing lead hazards, and are generally performed in three circumstances:
 - A child with an elevated blood lead level
 - In housing receiving HUD financial assistance
 - State and local laws and regulations may require abatements in certain situations associated with rental housing.
- Abatements are not covered by this rule.

Abatement vs. Renovation

- Renovations are performed for many reasons, most having nothing to do with lead-based paint.
- Renovations involve activities designed to update, maintain, or modify all or part of a building.
- Renovations are covered by this rule.
- The rule is designed to prevent the introduction of new lead hazards created by a renovation, not to address existing lead hazards.

Final Rule (Published April 22, 2008)

- Purpose:
 - Persons performing renovations and dust sampling are properly trained;
 - Renovators, dust sampling technicians and firms performing these renovations are certified;
 - Lead-safe work practices are followed during renovations;
 - Providers of renovation and dust sampling technician training are accredited; and
 - Update Pre-renovation Education Rule to include child occupied facilities.

Rule Scope

- Renovation is defined as modification of any existing structure that results in the disturbance of painted surfaces, unless performed as part of an abatement.
- Applies to renovations of target housing and child occupied facilities performed for compensation.
- Child-occupied facilities may be located in public or commercial buildings or in target housing. Includes kindergarten classrooms and daycare facilities.

Rule Scope

- Excludes:
 - Renovations that affect only components that have been determined to be free of lead-based paint.
 - Activities that disturb under 6 ft² interior or 20 ft² exterior. This excludes window replacement and projects involving prohibited practices.
 - Work done by individuals in housing they own and occupy.
- Opt-out provision:
 - Homeowners may opt out of rule requirements if:
 - they occupy the housing to be renovated,
 - the housing is not a child-occupied facility, and
 - no child under age 6 or pregnant woman resides there.
 - Homeowner may still request lead-safe work practices.

Pre-Renovation Education

- New brochure “Renovate Right” developed for all covered renovations
- From June until December 2008, either new or old brochure may be used
- After December 2008, only new brochure may be used
- “Protect Your Family” brochure will still be available for other purposes like real estate disclosure and general outreach



Certification

Firms

- To be certified to perform renovation or dust sampling firms must submit an application and fee to EPA (fee to be determined)
- Certifications are good for 5 years.
- Certification allows the firm to perform renovations in any non-authorized state or Indian tribal area.

Certification

Individuals

- Must take 8-hour accredited training course:
 - Certified Renovators - perform & direct renovation activities
 - Dust sampling technicians - perform dust sampling *not* for an abatement
- Course certificate serves as certification (no application to EPA required)
- Refresher training is required every 5 years
- Other workers do not need certification
- Certification allows the renovator to perform renovations in any non-authorized state or Indian tribal area.

Certification

Individuals

- Grandfathering
 - Individuals with certain previous training can take an accredited 4 hour refresher renovator course instead of the 8 hour initial course to become a certified renovator.
 - Acceptable training includes:
 - an accredited abatement worker or supervisor course, or
 - an EPA, HUD, or EPA/HUD model renovation training course

Accredited Training

- To be accredited to provide renovator or dust sampling technician training, trainers must submit an application and fee to EPA (fee to be determined)
- Trainers must be re-accredited every 4 years.
- Accreditation procedures are the same as established abatement training.
- Course must last a minimum of 8 hours, with 2 hours devoted to hands-on training.
- EPA is updating model courses.
- Training providers must notify EPA of individuals who complete training.
- Accreditation allows the trainer to conduct training in any non-authorized state or Indian tribal area.

Work Practice Standards

Renovator Responsibilities

- Perform project cleaning verification, and perform or direct workers who perform all other required tasks.
- Provide training to workers on the work practices they will be using in performing their assigned tasks.
- Regularly direct work being performed by other individuals to ensure that the work practices are being followed, including:
 - maintaining the integrity of the containment barriers, and
 - ensuring that dust or debris does not spread beyond the work area.

Work Practice Standards

General

- Post signs defining the work area.
- Isolate the work area so that no dust or debris can leave the work area.
- Certain practices are prohibited
 - open-flame burning or torching
 - machines that remove lead-based paint through high speed operation such as sanding, grinding, power planing, needle gun, abrasive blasting, or sandblasting, unless such machines are used with HEPA exhaust control
 - operating a heat gun above 1100 degrees Fahrenheit

Work Practice Standards

Interiors

- Remove or cover all objects from the work area.
- Close and cover all ducts in the work area.
- Close or cover all windows and doors in the work area.
- Cover the floor surface of the work area with plastic sheeting.
- Ensure that all personnel, tools, and other items including waste are free of dust and debris when leaving the work area.

Work Practice Standards

Exteriors

- Close all doors and windows within 20 feet of the renovation.
- Cover the ground with plastic sheeting extending out from the edge of the structure a sufficient distance to collect falling paint debris.

Work Practice Standards

Cleaning

- After the renovation has been completed, the firm must clean the work area until no visible dust, debris or residue remains.
- Pick up all paint chips and debris.
- Remove all protective sheeting.
- Dispose of paint chips, debris and sheeting as waste.

Work Practice Standards

Cleaning

- Clean all objects and surfaces in and around the work area.
 - Clean walls with a HEPA-equipped vacuum or with a damp cloth.
 - Vacuum all remaining surfaces and objects in the work area, including furniture and fixtures, with a HEPA-equipped vacuum.
 - Wipe all remaining surfaces and objects in the work area with a damp cloth.
 - Mop uncarpeted floors.

Cleaning Verification

- Wipe floors, countertops and windowsills with wet cleaning cloth.
 - Use one cloth for each 40ft² section of floor.
- If the cloth does not match the verification card, re-clean that surface and then re-wipe with a wet cleaning cloth.
- If this cloth does not match the cleaning verification card, allow the surface to dry completely and wipe with a dry cleaning cloth.
- Alternatively, laboratory dust sampling is an option where the contract or another Federal, State, or local regulation requires dust sampling by a certified professional and requires the renovation firm to clean the work area until it passes clearance.

Enforcement and Penalties

- EPA may suspend, revoke, or modify a firm's certification if firm is found to be in non-compliance.
- Non-compliant contractors may be liable for civil penalties of up to \$32,500 for each violation.
- Contractors who knowingly or willfully violate this regulation may be subject to fines of up to an additional \$32,500 per violation, or imprisonment, or both.

State and Tribal Program Authorization

- States and Tribes may
 - Begin developing programs now
 - Apply beginning in June 2008
- Programs must be at least “as protective as” EPA requirements, and have “adequate enforcement”
- Reciprocity will be encouraged

Important Dates

- June 2008:
 - States and tribes may begin applying for authorization
 - 406(b) applies to COFs
 - Some restrictions apply to unaccredited training programs
- December 2008:
 - “Renovate Right” brochure must be used for 406(b)
- April 2009:
 - EPA begins administering program in unauthorized states
 - Training providers may begin applying for accreditation
- October 2009:
 - Renovation firms may begin applying for certification
- April 2010:
 - Training providers must be accredited
 - Renovation firms must be certified
 - Renovators and dust sampling technicians must be certified
 - Workers must be trained
 - Work practices must be followed

For More Information:

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www.epa.gov/lead/pubs/renovation.htm