

HUD Lead Grantee Questions on the Environmental Protection Agency's (EPA's) Renovation, Repair, and Painting (RRP) Rule

HUD Office of Healthy Homes and Lead Hazard Control (OHHLHC)
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1. Would HUD consider allowing EPA-licensed renovators to complete some tasks currently considered "abatement" by definition, but which involve much less disturbance of paint than most stabilization activities?

No. EPA's portion of Title X requires that abatement work be conducted by certified abatement firms using certified abatement workers supervised by certified abatement supervisors. HUD's grantees are bound by that law and the EPA's implementing regulations.

2. The RRP Rule requires that only the supervisor be trained and then he is responsible for training his/her workers while HUD is still requiring that everyone present on the worksite completes an approved course. Why?

HUD's programmatic and financial involvement with the property is direct, so HUD has an additional responsibility to ensure the lead safety of the work beyond EPA's basic requirement.

3. Why is the EPA requiring certified lead abatement contractors to secure additional RRP certification?

Certified lead abatement contractors will not have to take the initial (8-hour) RRP certification training; they will have to take the (4-hour) RRP refresher training that will provide them information on the specific requirements of that rule, which differ from those of the EPA's lead abatement rule.

4. Why is the RRP Rule needed? In other words, what does it cover that existing Federal and state regulations do not?

EPA issued its lead in renovation rule because the Congress understood the need for renovations of all housing that may have lead-based paint to be done in a lead-safe manner. HUD's Lead Safe Housing Rule, in place since 2000, addresses HUD-assisted and HUD-owned housing; the EPA rule extends many of these protections to housing not receiving HUD assistance or not owned by HUD.

5. How will the RRP Rule be enforced? Specifically, as a citizen, whom do I call if I see a violation in my community?

Starting when the RRP Rule is in full effect, on April 22, 2010, the EPA will enforce the Rule in those States where it administers the RRP certification program. States that are authorized by EPA to administer the RRP certification program will enforce it there.

As of this writing, when people (whether citizens or not) detect a violation, they can call the National Lead Information Clearinghouse, 800-424-LEAD; hearing- or speech-challenged individuals may access this number through TTY by calling the toll-free Federal Relay Service at 800-877-8339. (The Clearinghouse is operated by the EPA and supported by HUD, the EPA, and the Centers for Disease Control and Prevention.) If the EPA later establishes a different hotline number for the RRP Rule, the OHHLHC will distribute that information.

6. What are the consequences for violations of the Rule?

A certified firm or a person may have their certification suspended, revoked, or modified. This would restrict their ability to legally perform activities covered by the Rule. Further violations could result in further penalties. Contact the Clearinghouse for further information on this subject.

7. How is the EPA notifying contractors (general contractors, painting, plumbing, electrical, cable contractors, etc.) of the RRP Rule?

The EPA has an RRP Rule outreach program under way; it will be working with professional and trade groups, State and local jurisdictions, and others to get the message out to the property owners, contractors and workers covered by the RRP Rule.

8. Some trainers believe that the RRP training course is not appropriate for the average contractor. What, if anything, will be done about this?

As with any new course, HUD and EPA will be monitoring how well the renovators learn the lead safety skills they need. In addition, trainers of RRP Rule courses with questions, comments or suggestions about the courses should contact the Clearinghouse, which will forward them to EPA. If course revisions are required, HUD and EPA will make them.

9. Are OHHLHC lead hazard control grant projects still subject to Title X and HUD Guidelines?

Yes; these requirement will continue to apply, as will the RRP Rule. The main new RRP Rule requirement (effective April 22, 2010) is that the lead hazard control firm on the project be a certified renovation firm and that at least one worker on the project be a certified renovator.

Already in effect is the RRP Rule requirement that the EPA's new *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools* (Renovate Right) pamphlet (or EPA-approved State alternative material) must be provided to housing owners and tenants before the work is done, instead of the *Protect Your Family From Lead In Your Home* pamphlet, which is now to be used just for lead disclosure, and not before renovation.

10. What certification, if any, will be required for contractors performing interim controls only?

For work in target housing (and HUD's lead hazard control grants are restricted to such housing), the contractor will have to be a certified renovation firm and that at least one worker on the project will have to be a certified renovator. The contractor will apply to the EPA if it wants to do renovations in target housing or pre-1978 child occupied facilities (e.g., child care centers) in those States where the EPA administers the RRP certification program; in States that are authorized by EPA to administer the RRP certification program, the contractor will apply to the State for certification.

11. Can an owner use his/her own employees with the 8 hours Lead Safe Work Practices training/certification to conduct lead abatement on a unit (property) cited by a local health department in a case that involves a child six years old or under?

Generally not. If the owner's business is not a certified lead abatement firm employing certified abatement workers, a different firm that is a certified abatement firm will need to be contracted to perform the work. However, if the owner's business is a certified lead abatement firm and if the workers are certified lead abatement workers, they may perform the lead abatement.

12. This rule will help highlight lead grantees more and help bring more attention to lead issues. Also, this rule should increase demand for training which HUD's lead grants can provide.

The OHHLHC agrees with both statements. RRP Rule training to support building capacity for firms to perform work in target housing having lead hazard control under our grants done is an allowable expense. These firms and workers may also do lead-safe renovation work in other target housing.