

EPA's Renovation, Repair and Painting Rule

Lead Basics for Childcare Providers
Indiana Lead-Safe and Healthy Homes Conference
November 2010

New Rule

- EPA issued a final rule on April 22, 2008 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.”

Statutory Authority

- For abatement:
 - Certify contractors
 - Accredit training providers
 - Develop work practice standards
 - Allow state program authorization
 - Final rule published on August 29, 1996
- For renovation, repair and painting activities:
 - Establish guidelines for the conduct of renovation
 - Study hazards from renovation tasks
 - Revise the abatement regulations to apply to renovation activities that create lead hazards

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, mostly 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.

Renovation Study Findings

- Renovation Studies (2000)
 - Typical renovation activities that disturb lead-based paint produce hazardous quantities of lead dust.
 - Typical clean-up methods (broom and shop vacuum) do not eliminate lead dust hazards.
 - There is a relationship between renovation and elevations in children's blood lead levels.
- Dust Study (2007)
 - Confirmed that control methods in the final rule were effective in reducing lead hazards.

Final Rule (Published April 22, 2008)

- Purpose:
 - Persons performing renovations and dust sampling are properly trained;
 - Renovations, 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.

Scope of the Rule

- Renovation is defined as the 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.

Scope of the Rule

- Excludes:
 - Renovations that affect only components that have been determined to be free of lead-based paint.
 - Activities that disturb under 6ft² interior or 20 ft² exterior. This excludes window replacement, demolition and projects involving prohibited practices
 - Work done by individuals in housing they own or 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 the age of 6 or a pregnant woman resides there.
 - Homeowner may still request lead-safe work practices.

Lead-based Paint Determination

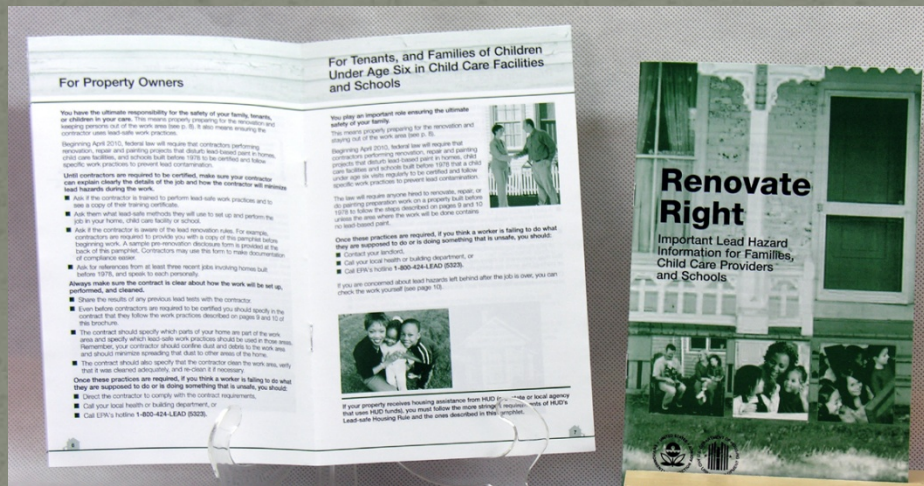
- Written determination by certified inspector or risk assessor, or
- Written determination by certified renovator using an EPA approved lead test kit
 - LeadCheck swabs®



Pre-Renovation Education

- Changes to the Pre-Renovation Education Rule
 - Renovations in commons areas
 - Firms may post information signs in lieu of delivering information directly to each dwelling.
 - Before renovating a COF, renovation firms must:
 - Provide “Renovate Right” to building owner and adult representative of COF
 - Provide information about the renovation to parents and guardians of children under age 6 using facility by mail, hand-deliver or informational signs.
 - Informational signs must:
 - Be posted where they will be seen
 - Describe nature, locations and dates of renovation
 - Be accompanied by “Renovate Right” or by info on how parents & guardians can get a free copy

Pre-Renovation Education



- New brochure “Renovate Right” developed for all covered renovations
- Now only new brochure may be used
- “Protect Your Family” brochure will still be available for other purposes like general outreach and real estate disclosure

Certification (Firms)

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

Certification (Individuals)

- Must take an 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 every five 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
- 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.
- Training providers must notify EPA of individuals who complete training.
- Accreditation allows the trainer to conduct training in any non-authorized state or Indiana tribal area.

Work Practice Standards

Firm Responsibilities

- Firms performing renovations must ensure that:
 - All individuals performing renovation activities are either certified renovators or have been trained by a certified renovator.
 - A certified renovator is assigned to each renovation and performs all of the certified renovator responsibilities.
 - All renovations performed by the firm are performed in accordance with the lead-safe work practice standards.
 - The firm supplies lead hazard information pamphlets to owners or manager of the home or building to be renovated prior to starting the work.
 - The Lead RRP rule's recordkeeping requirements are met

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

Renovator Responsibilities

- Be physically present at the work site:
 - When warning signs are posted.
 - While containment is being established.
 - While work area cleaning is performed.
- Be available, either on-site or by telephone, at all times that renovations are being conducted.
- When requested, use a recognized test kit to determine if lead-based paint is present.
- Carry copies of their initial course completion certificate and most refresher course completion certificate.
- Must prepare required records.

Work Practice Standards

General

- Post signs defining the work area
- Isolate the work area so that no visible 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 100 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

Waste

- During renovation, waste must be contained to prevent releases of dust and debris.
- At the end of each work day and at the end of the job, waste must be contained or enclosed to prevent release of dust and debris and prevent access.
- When the firm transports waste, it must be contained to prevent releases of dust and 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.
The sheeting cannot be re-used.

Work Practice Standards

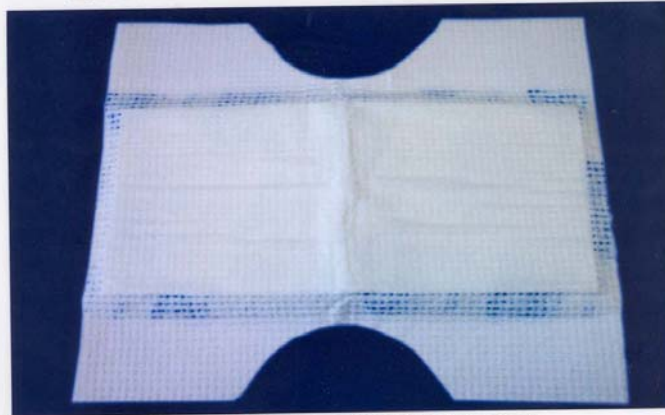
Cleaning

- 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.

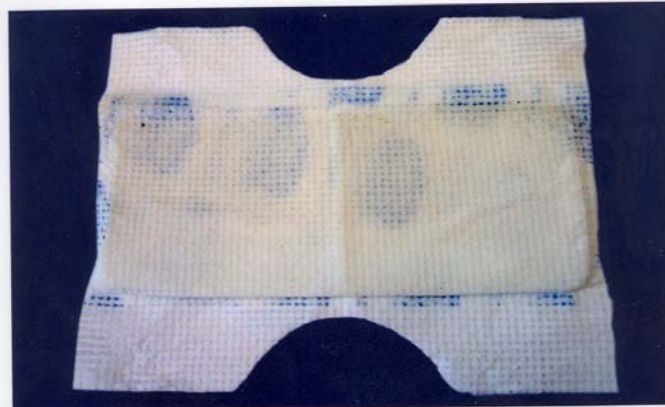
Cleaning Verification

- Wipe floors 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 verification card, allow the surface to dry completely and wipe with a dry cleaning cloth.
- Another option is dust sampling and laboratory analysis.

EPA Post-Renovation Cleaning Verification Card



Unused Wet Disposable Cleaning Cloth



Marginally Passing Wet Disposable Cleaning Cloth



This card is good until last day of the month and year indicated below.

Month	1	2	3	4	5	6	7	8	9	10	11	12
Year 20xx	10	11	12	13	14	15	16	17	18	19	20	21

Recordkeeping Requirements

- All documents must be retained for 3 years following the completion of a renovation.
- Records to be retained include:
 - Reports certifying that lead-based paint is not present
 - Records required by the Pre-renovation Education Rule
 - Any signed and dated statements received from owner-occupants documenting that the requirements do not apply
 - Documentation of compliance with the requirements fo the RRP Rule

Fees

- EPA will cover fees to recover the cost of the program
- Fees will apply to all firm certifications and training provider accreditation applications
 - Exception is some state authorized programs are charging a fee for certified renovators and certified firms
 - The fee for a firm is currently \$300 payable to the U.S. Treasury.

Fines

- EPA may fine up to \$37,500 per violation
- Additional \$25,000 fine for willful neglect
- States that have an authorized program may have a different fine schedule

State Authorization

- The following states have their own RRP program:
 - Wisconsin
 - Iowa
 - North Carolina
 - Utah
 - Mississippi
 - Kansas
 - Rhode Island

States with rules regarding RRP

- The following states have rules regarding renovation but do not have an authorized RRP program:
 - Illinois
 - Maryland
 - Massachusetts
 - New Jersey
 - Ohio

Possible changes

- Future proposed rulemaking may:
 - Remove the opt-out provision
 - Require clearance testing
 - Expand the scope of the rule to include all structures – not just child occupied facilities

Contact Information

Dave McCormick, Director

Indiana Lead and Healthy Homes Program

Indiana State Department of Health

2 N. Meridian Street, Fifth Floor

Indianapolis, Indiana 46204

317.233.1293

317.233.1630 fax

dmccormick@isdh.in.gov