

# YOU NEED TO KNOW

On April 22, 2008, the Environmental Protection Agency (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. The rule requires contractors to adopt certain safety measures while performing general renovation work that disturbs lead-based paint in target housing and child-occupied facilities constructed before 1978. The rule will fully take effect on April 22, 2010, and renovators will be required to apply for certification from the EPA and to adopt specific work practices designed to prevent lead contamination. EPA Lead Renovation, Repair, and Painting Program, 40 C.F.R. § 745.1

It is important for all contractors and firms performing renovation work to be familiar with the provisions of the regulation, and to ensure that they fully comply with the EPA's requirements. The following information provides a general outline of the provisions of the lead renovation regulation, including timelines for its implementation, and the legal liabilities imposed on contractors and firms for non-compliance.

## Regulation and Provisions Contractor Compliance

### • *Scope of the Rule*

The rule defines a renovation as any modification of an existing structure that results in the disturbance of painted surfaces unless the work is part of an abatement. The rule applies to work done on target housing constructed before 1978 and "child-occupied facilities," except: (1) housing for the elderly or people with disabilities; or (2) any dwelling without a bedroom (unless a child is expected to reside there).

A child-occupied facility is defined as any building or portion of a building that was constructed prior to 1978, and is visited regularly by the same child who is under six years of age on

at least two different days within any week (provided that each day's visit lasts at least three hours, the combined weekly visits last at least six 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, and include kindergartens and daycare centers. The rule encompasses common areas that are routinely used by children under age six, such as restrooms and cafeterias, but does not apply to areas of buildings that children simply pass through.

Contractors performing renovation work on the exterior side of a building immediately adjacent to a child-occupied facility must also comply with the regulation.

### • *Pre-Renovation Education Requirement*

The EPA modified the existing pre-renovation education rule and developed a new renovation-specific lead hazard information pamphlet entitled *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers, and Schools* as part of the lead paint renovation regulation. The modified rule took effect on June 23, 2008. The final pre-renovation education rule requires that before beginning renovations, contractors and firms performing renovations in target housing and child-occupied facilities distribute the new pamphlet to the owners and occupants of target housing, the owners of public or commercial buildings that contain a child-occupied facility, and the proprietors of child-occupied facilities.

Contractors and firms are required to provide general information about the renovation and make the pamphlet available to parents or guardians of children under age six using the child occupied facilities. Compliance with this provision can be accomplished by mailing or hand-delivering the general information on the renovation and the pamphlet to the parents and guardians, or by posting informational signs containing general information on the renovation in areas where the signs can be seen by the parents or guardians of the children

frequenting the child occupied facility. The signs must be accompanied by a posted copy of the pamphlet or information on how interested parents or guardians can obtain a copy of the pamphlet from the renovation firm at no cost to the parents or guardians. For renovations in the common areas of multi-unit target housing, similar notification options are available to firms. They must provide tenants with general information regarding the nature of the renovation by mail, hand-delivery or by posting signs, and must also make this new pamphlet available upon request. Firms are required to maintain documentation of compliance with these requirements. [*Contractors in Colorado must follow the Colorado Pre-Renovation Education Requirement*] For details of Colorado's PRE rule visit our website at

[www.SafeObjectives.com](http://www.SafeObjectives.com) or visit [www.cdphe.state.co.us/ap/leadhome.html](http://www.cdphe.state.co.us/ap/leadhome.html)

### • *Components affected by the Rule*

*Component or building component* means specific design or structural elements or fixtures of a building or residential dwelling that are distinguished from each other by form, function, and location. These include, but are not limited to,

#### Interior components such as:

Ceilings, crown molding, walls, chair rails, doors, door trim, floors, fireplaces, radiators and other heating units, shelves, shelf supports, stair treads, stair risers, stair stringers, newel posts, railing caps, balustrades, windows and trim (including sashes, window heads, jambs, sills or stools and troughs), built in cabinets, columns, beams, bathroom vanities, counter tops, and air conditioners; and

Exterior components such as: Painted roofing, chimneys, flashing, gutters and downspouts, ceilings, soffits, fascias, rake boards, cornerboards, bulkheads, doors and door trim, fences, floors, joists, lattice work, railings and railing caps, siding, handrails, stair risers and treads, stair stringers, columns, balustrades, windowsills or stools and troughs, casings, sashes and wells, and air conditioners

## Training and Certification Requirements

The rule includes training and certification requirements for firms and contractors performing renovation work. Each renovation project covered by the final rule must be performed and/or directed by a certified renovator who has undergone training in an EPA-accredited training program or course that lasts a minimum of eight hours. The certified renovator is responsible for ensuring compliance with the work practice standards contained in the regulation, and must perform or direct the performance of certain critical tasks during the renovation such as posting warning signs, containing the work area and cleaning the work area after the renovation is completed. These activities may also be performed by workers who have received on-the-job training by a certified renovator. The certified renovator, however, must be present at the site while the tasks are performed to ensure that they are done correctly under the regulation's work practice standards, and must perform a post-renovation cleaning verification.

### **Deadlines to Remember:**

- ☑ **August 5, 2009:** Individuals could begin taking training from Safe Objectives, Inc. Colorado's first accredited training course provider
- ☑ **October 22, 2009:** Firms can begin applying to EPA for Firm Certification [*Note:* EPA may take up to 90 days to approve firm certifications. Firms applying for firm certification after January 22, 2009 may not be certified by April 22, 2009]
- ☑ **On or after April 22, 2010:** no firm may perform, offer, or claim to perform renovations without certification from EPA under §745.89 in target housing or child-occupied facilities, unless the renovation qualifies for one of the exceptions identified in §745.82(a) or (c).
- ☑ **On or after April 22, 2010:** all renovations must be directed by renovators certified in accordance with §745.90(a) and performed by certified renovators or individuals trained in accordance with §745.90(b)(2) in target housing or child-occupied facilities, unless the renovation qualifies for one of the exceptions identified in §745.82(a) or (c).

## **CLASS REGISTRATION INFORMATION**

**Register Now at:**  
[www.SafeObjectives.com](http://www.SafeObjectives.com)

*Group Discounts Available*

**Safe Objectives, Inc. in Colorado Springs, CO is one of the few training providers in the nation that has been accredited by EPA and that may offer the Certified Renovator course in any State or Indian Tribal area that does not have a renovation program.**

**Safe Objectives, Inc.**

**719-459-0507**

[www.SafeObjectives.com](http://www.SafeObjectives.com)

**Colorado's**

**Renovation, Repair and Painting**

**Training Experts**

**EPA's Lead Paint Disturbance Reg:**

**What You Need To Know!**

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### **THE RULE APPLIES TO Specialty Trade Contractors:**

- ☑ Plumbing Contractors
- ☑ Heating & Air-Conditioning
- ☑ Painting And Wall Covering
- ☑ Electrical Contractors
- ☑ Carpenters & Finish Carpentry
- ☑ Drywall & Insulation
- ☑ Siding & Stucco Contractors
- ☑ Tile & Terrazzo Contractors
- ☑ Glass & Glazing Contractors.
- ☑ Home Improvement Contractors

### **It Also Applies To:**

- ☑ Landlords
- ☑ Apartment Maintenance Staffs
- ☑ Renovators
- ☑ Remodeling Contractors
- ☑ Restoration Companies
- ☑ Lessors of Residential Buildings & Dwellings
- ☑ Residential Property Managers
- ☑ *Anyone whose work disturbs painted or varnished surfaces!*

**EPA's new rule imposes stringent requirements. The EPA is authorized to impose harsh fines and penalties. Those firms found to be non-compliant may be liable for civil penalties up to \$37,500 for each violation. Those firms who knowingly or willfully violate this regulation may be subject to fines up to an additional \$37,500 per violation, or imprisonment, or both.**