

Frequently Asked Questions about the US EPA Lead-Based Paint Renovation, Repair and Painting Program (RRP)

What Is the Lead-Based Paint Renovation, Repair and Painting Program (RRP)?

- It applies to residential houses, apartments, and child-occupied facilities such as schools and day-care centers built before 1978.
- It includes pre-renovation education requirements as well as training, certification, and work practice requirements.
- Pre-renovation education requirements are effective now:
- Contractors, property managers, and others who perform renovations for compensation in residential houses, apartments, and child-occupied facilities built before 1978 are required to distribute a lead pamphlet before starting renovation work.
- Training, certification, and work practice requirements become effective April 22, 2010:
- Firms are required to be certified, their employees must be trained in use of lead-safe work practices, and lead-safe work practices that minimize occupants' exposure to lead hazards must be followed.
- Renovation is broadly defined as any activity that disturbs painted surfaces and includes most repair, remodeling, and maintenance activities, including window replacement.
- The program includes requirements implementing both Section 402(c) and 406(b) of the Toxic Substances Control Act (TSCA). (www.epa.gov/lead/pubs/titleten.html)
- EPA's lead regulations can be found at 40 CFR Part 745, Subpart E.

Who Must Follow the 2008 Lead Rule's Requirements?

In general, anyone who is paid to perform work that disturbs paint in housing and child-occupied facilities built before 1978, this may include, but is not limited to:

- Residential rental property owners/managers
- General contractors
- Special trade contractors, including
 - Painters
 - Plumbers
 - Carpenters
 - Electricians

What Activities Are Subject to the Lead Renovation, Repair and Painting Program?

In general, any activity that disturbs paint in pre-1978 housing and child-occupied facilities, including:

- Remodeling and repair/maintenance
- Electrical work
- Plumbing
- Painting
- Carpentry
- Window replacement

What Housing or Activities Are Excluded and Not Subject to the Rule?

- Housing built in 1978 or later.
 - Housing for elderly or disabled persons, unless children under 6 reside or are expected to reside there.
 - Zero-bedroom dwellings (studio apartments, dormitories, etc.).
 - Housing or components declared lead-free by a certified inspector or risk assessor. •
- Minor repair and maintenance activities that disturb 6 square feet or less of paint per room inside, or 20 square feet or less on the exterior of a home or building.
- Note: minor repair and maintenance activities do not include window replacement and projects involving demolition or prohibited practices.

What Does the Program Require Me To Do?

Pre-renovation education requirements - **Effective now.**

- In housing, you must:
 - Distribute EPA's lead pamphlet to the owner and occupants before renovation starts.
- In a child-occupied facility, you must:
 - Distribute the lead pamphlet to the owner of the building or an adult representative of the child-occupied facility before the renovation starts.
 - For work in common areas of multi-family housing or child-occupied facilities, you must:
 - Distribute renovation notices to tenants or parents/guardians of the children attending the child-occupied facility. Or you must post informational signs about the renovation or repair job.
 - Informational signs must:
 - Be posted where they will be seen;
 - Describe the nature, locations, and dates of the renovation; and
 - Be accompanied by the lead pamphlet or by information on how parents and guardians can get a free copy (see page 31 for information on obtaining copies).
 - Obtain confirmation of receipt of the lead pamphlet (see page 23) from the owner, adult representative, or occupants (as applicable), or a certificate of mailing from the post office.
 - Retain records for three years.
- Note:* Pre-renovation education requirements do not apply to emergency renovations. Emergency renovations include interim controls performed in response to a resident child with an elevated blood-lead level.

Training, Certification, and Work Practice Requirements— **Effective after April 22, 2010.**

- Firms must be certified.
- Renovators must be trained.
- Lead-safe work practices must be followed. Examples of these practices include:
 - Work-area containment to prevent dust and debris from leaving the work area.
 - Prohibition of certain work practices like open-flame burning and the use of power tools without HEPA exhaust control.
 - Thorough clean up followed by a verification procedure to minimize exposure to leadbased paint hazards.
- The training, certification, and work practice requirements do not apply where the firm obtained a signed statement from the owner that all of the following are met:
 - The renovation will occur in the owner's residence;
 - No child under age 6 resides there;
 - No woman who is pregnant resides there;

- The housing is not a child-occupied facility; and
- The owner acknowledges that the renovation firm will not be required to use the work practices contained in the rule.

When Do These Requirements Become Fully Applicable to Me?

– April 2009:

- Training providers may begin applying for accreditation.
- Once training providers are accredited, they may offer training courses that will allow renovators to become certified.
- October 2009** - Renovation firms may begin applying to EPA for certification.
- April 2010** - Program fully effective. Work practices must be followed.

How Will a Firm Become Certified?

Beginning in October 2009, firms may apply to EPA for certification to perform renovations or dust sampling. To apply, a firm must submit to EPA a completed “Application for Firms,” signed by an authorized agent of the firm, and pay the correct amount of fees. To obtain a copy of the “Application for Firms” contact the NLIC at 1-800-424-LEAD (5323) or visit www.epa.gov/lead/pubs/renovation.htm.

What Are the Responsibilities of a Certified Firm?

- Firms performing renovations must ensure that:
- All individuals performing activities that disturb painted surfaces on behalf of the firm 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 work practice standards of the Lead-Based Paint Renovation, Repair, and Painting Program (see the flowchart on page 9 for details about the work practice standards).
- Pre-renovation education requirements of the Lead-Based Paint Renovation, Repair, and Painting Program are performed.
- The program’s recordkeeping requirements are met.

How Will a Renovator Become Certified?

To become a certified renovator an individual must successfully complete an eight-hour initial renovator training course offered by an accredited training provider (training providers are accredited by EPA, or by an authorized state or tribal program). The course completion certificate serves as proof of certification. Training providers can apply for accreditation for renovator and dust sampling technician training beginning in April 2009. Once accredited, trainers can begin to provide certification training.

Are There Streamlined Requirements for Contractors with Previous Lead Training?

Yes. Individuals who have successfully completed an accredited lead abatement worker or supervisor course, or individuals who have successfully completed an EPA, Department of Housing and Urban Development (HUD), or EPA/HUD model renovation training course, need only take a four-hour refresher renovator training course instead of the eight-hour initial renovator training course to become certified.

What Are the Responsibilities of a Certified Renovator?

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. A certified renovator (see the flowchart on page 9 for details about the work practice standards):

- Must use a test kit acceptable to EPA, when requested by the party contracting for renovation services, to determine whether components to be affected by the renovation contain lead-based paint (EPA will announce which test kits are acceptable prior to April 2010. Please check our Web site at www.epa.gov/lead).
- Must provide on-the-job training to workers on the work practices they will be using in performing their assigned tasks.
- Must be physically present at the work site when warning signs are posted, while the work-area containment is being established, and while the work-area cleaning is performed. Must 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.
- Must be available, either on-site or by telephone, at all times renovations are being conducted.
- Must perform project cleaning verification.
- Must have with them at the work site copies of their initial course completion certificate and their most recent refresher course completion certificate.
- Must prepare required records.

How Long Will Firm and Renovator Certifications Last?

To maintain their certification, renovators and firms must be re-certified by EPA every five years. A firm must submit to EPA a completed "Application for Firms," signed by an authorized agent of the firm, and pay the correct amount of fees. Renovators must successfully complete a refresher training course provided by an accredited training provider.

What Are the Recordkeeping Requirements?

All documents must be retained for three years following the completion of a renovation.

Records that must be retained include:

- Reports certifying that lead-based paint is not present.
- Records relating to the distribution of the lead pamphlet.
- Any signed and dated statements received from owner-occupants documenting that the requirements do not apply (i.e., there is no child under age 6 or no pregnant woman who resides at the home, and it is not a child-occupied facility).
- Documentation of compliance with the requirements of the Lead-Based Paint Renovation, Repair, and Painting Program (EPA has prepared a sample form that is available at www.epa.gov/lead/pubs/samplechecklist.pdf).¹

ⁱ Source;;Dutchess County Department of Health