



## **Complying with EPA's New Lead-based Paint Regulation Renovation, Repair and Painting (RRP)**

If you are managing multifamily housing constructed before 1978 that has NOT been certified free of lead-based paint (LBP) under a full lead-based paint inspection conducted according to the HUD inspection protocol, then the following regulatory changes are important to your management of those properties. These rules are in addition to existing HUD Lead Safe Housing Rules (LSHR).

On April 22, 2008, the EPA published new lead laws in the form of modifications to the Toxic Substances Control Act (TSCA) Sections 402 and 406(b) rules previously published.

It specifies who must be notified in housing when LBP is disturbed and the accreditations and training required for those firms (including property managers) doing work that disturbs known or suspect LBP. These new laws are currently being phased in and the full requirements go into effect in April 2010.

### **1. December 2008 requirements under RRP:**

[Brochure "Renovate Right"](#) must be used to notify owners and occupants before renovations rather than "Protect Your Family from Lead in Your Home". "Protect Your Family from Lead in Your Home" will still be used for lease notifications under Section 1018 of Title X.

### **2. April 2009 requirements under RRP:**

Training providers may begin applying for accreditation from EPA. Once accredited they will begin offering courses in safe work practices for "Certified Renovators".

### **3. October 2009 requirements under RRP:**

Renovation firms (including property management firms) may begin applying to EPA to become "Certified Firms" to perform renovations or dust sampling. In their applications they must prove they have a "Certified Renovator" on their staff to oversee renovation projects and/or dust tests.

#### **4. April 2010 requirements under RRP:**

Firms conducting renovations must be certified by EPA.

Renovation work disturbing known or suspect LBP above de minimis levels must be done by Certified Firms employing a Certified Renovator.

Both Certified Firms and Certified Renovators must be re-certified every 5 years.

#### **5. Certified Firm Responsibilities:**

All workers disturbing painted surfaces are either Certified Renovators or have been trained by a Certified Renovator.

A Certified Renovator is assigned to each renovation and performs all certified renovator responsibilities (see below for those).

All renovations are performed in accordance with work practice standards of the RRP program.

Pre-renovation education requirements are met.

Recordkeeping requirements are met.

#### **6. Certified Renovator Responsibilities:**

Use EPA approved test kits to confirm presence of LBP.

Must provide on-the-job training on safe work practices to workers.

Must be physically present when warning signs are posted, while containments are set and while work-area cleaning is performed.

Must direct work performed by others to insure work practices are followed, containments are functional and dust/debris does not spread beyond the work area.

Must perform project cleaning verification.

Must have applicable certificates and records at the work site.

## **7. Recordkeeping Requirements:**

All documents must be retained for three years after a renovation, including:

Reports certifying LBP is not present.

Confirmations of lead brochure distribution.

Completed Compliance Checklists from EPA.

All of these requirements apply to certain renovation projects that disturb paint above the previously mentioned “de minimis” levels of paint. Under RRP, “de minimis” levels are 6 square feet of paint on an interior surface or 20 square feet of paint on an exterior surface. Also, window replacement work is automatically subject to RRP regardless of square footage as historically it has been one of the largest generators of lead dust. Work that disturbs less than these amounts of paint is not subject to the law.

Note that the “de minimis” levels under the RRP rule are different than those previously established under HUD regulations for lead safe housing.

Under the RRP rules, the following types of work (along with any others that disturb painted surfaces) are potentially subject to the law:

- Remodeling or repair/maintenance work;
- Electrical work;
- Plumbing work;
- Carpentry work; and
- Painting.

As with several other lead-based paint regulations, the RRP rule does not apply to the following types of properties:

- Housing built in 1978 or later;
- Housing for the elderly or disabled unless children under the age of 6 reside there or are expected to reside there;
- Zero bedroom dwellings (such as dorms and studio apartments); and
- Housing certified free of lead-based paint by a lead inspector or risk assessor.

The EPA approved training course for “Certified Renovators” is a mandatory 8-hr class with 2-hrs of hands-on work. Similarly, the “Dust Sampling Technician” class is a mandatory 8-hr class with 2-hrs of hands-on work.

Lead dust sampling is done either before renovation work begins to determine if components to be disturbed do in fact contain lead or it can be done after the work is

complete to insure that remaining dust levels meet federal guidelines. Lead dust sampling is not mandatory in either situation under the RRP rules.

Project cleaning verification of work areas renovated under the RRP rule must be done visually if clearance dust testing is not conducted. Under cleaning verification of RRP work areas, dust is wiped using a clean wipe in a specified manner and the amount of dust is compared to a visual standard card. If the wipe is cleaner than the visual standard card, the work area passes. If not, the work area fails and must be re-cleaned and re-assessed.

HUD-assisted properties conducting lead-based paint activities involving the disturbance of paint in quantities above the LSHR de minimis levels (2 square feet interior, 10% or greater of small components, or 20 square feet exterior) must have clearance dust testing completed by either a lead inspector, lead risk assessor, or certified dust sampling technician. If clearance dust testing is conducted by an in-house dust sampling technician, it has to be someone who was not involved with the repair being cleared. For example, the person who conducted the work that disturbed the lead-based paint cannot be the person who conducts the clearance dust testing.

RRP empowers property managers to conduct normal maintenance in a lead safe manner and allows them to clear their own work areas, either through dust testing or visual clearance inspections. RRP protects residents by insuring that excess lead dust is not generated or left behind by standard maintenance practices. RRP protects your employees by creating a safe framework for them to conduct necessary maintenance without exposing themselves to toxic lead dust.



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