

New ruling takes affect April 2010

EPA's Regulations on Residential Property Renovation at 40 CFR 745.80, Subpart E

This subpart contains regulations developed under sections 402 and 406 of the Toxic Substances Control Act (15 U.S.C. 2682 and 2686) and applies to all renovations performed for compensation in target housing and child-occupied facilities. The purpose of this subpart is to ensure the following:

(a) Owners and occupants of target housing and child-occupied facilities receive information on lead-based paint hazards before these renovations begin; and

(b) Individuals performing renovations regulated in accordance with §745.82 are properly trained; renovators and firms performing these renovations are certified; and the work practices in §745.85 are followed during these renovations.

[73 FR 21758, Apr. 22, 2008]

NAHB (<http://www.nahb.org/generic.aspx?genericContentID=118467>)

The rule addresses remodeling and renovation projects disturbing more than six square feet of potentially contaminated painted surfaces for all residential and multifamily structures built prior to 1978 that are inhabited or frequented by pregnant women and children under the age of six.

Exemptions: It is important to note that these work practices may be waived under these conditions:

- The home or child occupied facility was built after 1978.
- The repairs are minor, with interior work disturbing less than six square feet or exteriors disturbing less than 20 square feet being exempt.
- The homeowner may also opt out by signing a waiver if there are no children under age six frequently visiting the property, no one in the home is pregnant, or the property is not a child-occupied facility. EPA has proposed removing this opt-out from the rule.
- If the house or components test lead free by a Certified Risk Assessor, Lead Inspector or Certified Renovator.

Important Deadlines

December 2008:

Remodelers must start distributing the new EPA pamphlet [Renovate Right](#) when working in pre-1978 houses.

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.

Cont.

April 2010:

New rule becomes fully effective. Work practices must be followed.

From Alan Hoying 1/27/2010

Following is my understanding of the EPA Ruling.

The EPA's Lead-Based Paint Renovation, Repair and Painting rule is aimed to protect against lead-base paint hazards associated with renovation, repair, and painting activities. The rule requires workers to be trained to use lead-safe work practices and requires renovation firms to be EPA-certified.

Projects that are excluded include:

- 1) Housing built in 1978 or later.
- 2) Housing for elderly or disabled persons.
- 3) Housing declared lead-free by a certified inspector.
- 4) Minor repair of 20 square feet or less on the exterior.

To become a certified installer (renovator), an individual must successfully complete an 8-hour training course offered by an accredited training provider recognized by the EPA. The training/certification does not apply when the contractor can obtain a signed statement from the owner that all of the following are met:

- 1) The renovation will occur in the owner's residence.
- 2) No child under the age of 6 lives there.
- 3) No woman who is pregnant lives there.
- 4) The housing is not a child occupied facility.

Manufacturers should be aware of these rules, although this issue is a labor issue and has nothing to do with the manufacturing or installation of our products. These rules apply to all types of renovations and are about containment, clean-up and consumer education. These rules are similar to the rules surrounding renovations of existing asbestos siding.

Upon review, should there be any questions or need for clarification, please let me know.

Alan Hoying

Code & Regulatory Manager
Ply Gem Siding Group

January 29, 2010 VSI Note on Lead Abatement

§ **New EPA Lead Rules Take Effect in April** – The EPA's Lead-Based Paint Renovation, Repair and Painting Program was developed to protect against lead-based paint hazards associated with renovation, repair and painting activities. The rules apply to all remodeling/renovation (including re-siding) on homes, child-care facilities and schools built before 1978 that contain lead paint and go into effect on April 22, 2010. Manufacturers should be aware of these rules, but the program is related to on-site work practices. It is not specific to the installation of vinyl and other polymeric siding. The rules relate to containment, clean-up and consumer education and awareness. Several vinyl siding manufacturers are having their employees certified so that they can assist their customers. VSI has completed a review of these rules; for a copy of the review please contact [Matt Dobson](#).

Gary Lenhart/Denver: Jan 2010

Here is the information that the training people are using. The EPA folks in Denver and the training instructors are telling dealers the following;

1. That siding installation is included and that plastic has to be put out 10 feet around the perimeter, plastic is to be placed on doors and windows remain closed. If one can not lay out a 10' perimeter than plastic must be stretched upward 10'.
2. Forms must be filed and certification is required. Certification is cheap but most will need to be trained in lead paint testing and file forms etc.
3. Many contractors are using Kachina Lead Paint Solutions which is an organization specializing in training and handling forms and filings. They seem to know more than most and be a valuable asset..
4. The EPA interprets vinyl siding as disturbing more than 20 sq feet.
5. According to the EPA...they plan to "eliminate the opt out program". Some data shows it still will be possible and some does not. Not sure what is fact here. The EPA guy I talked to on the phone said the "opt out loophole was being closed". No discussion.
6. Big issue is that according to the EPA contractors working in lead paint areas need liability insurance policies (I've heard these can run \$10,000 per year) Plus the EPA is policing this by having other contractors turn contractors that aren't following the procedures in.

Please look at the Kachina Lead Paint Solutions website.

As long as homeowners can "opt out" this won't affect that many houses but if this changes...this will be a major issue. Most of the houses we work on are older and probably have some form of lead paint. The required forms and reports, additional things required such as wrapping perimeter 10 feet, and extra labor will hurt business by driving up costs.

April 29, 2010 from NARI regarding lead abatement rule updates

Last Friday the EPA announced several amendments to the RRP rule that will affect your business. For full details visit the EPA website at <http://www.epa.gov/lead/new.htm>

The record keeping requirements have been changed. We now must give copies of our records within 30 days of the final invoice or completion of the project to the home owner or resident. The records that we turn over must demonstrate compliance with the training and work practices of the RRP rule, basically the checklist and the results of any testing.

The Opt-Out provision has been eliminated and lead safe work practices will apply to all pre 1978 houses. This is something we have been expecting and most of us were informed during our training this provision would be removed.

Both of these amendments are final and will take effect 60 days after publication in the Federal Register. The Renovate Right brochure will be amended accordingly by the EPA and NARI will alert its members when the new brochure is available.

The EPA also issued a guidance letter on April 20, 2010 to its Enforcement Division Directors in all regions announcing the rule would be fully effective on April 22, 2010. EPA will not take any enforcement action against firms who have applied for firm certification before April 22 and are just waiting for their paperwork, they expect these applications to be processed by June. EPA will still enforce rules about work practices and training requirements for these firms. This letter makes no mention of firms that apply after April 22 for firm certification so they are telling their enforcement people to go to work and begin enforcement.

If your firm is not certified and you do not have trained renovators on staff you will be breaking the law!

The EPA also published two proposed amendments to the RRP that are now open for comment.

Lead: Clearance and Clearance Testing Requirements for RRP will require dust wipe testing after completing the existing cleaning verification procedures for some/most renovations. The EPA will be accepting comments on this proposal for 60 days and expects to finalize the amendment by July 2011.

Lead: RRP for Public and Commercial Buildings will apply lead-safe work practices and training requirements to public and commercial buildings. The EPA has set deadlines to issue a proposal by December 15, 2011 and take final action by July 15, 2013.

NARI will be actively involved during the comment period for both of these amendments. The changes to the clearance procedures are a huge change and will make the renovation process much more expensive with required dust wipe samples sent to an independent testing lab for verification that lead levels are below prescribed levels. The current text is very confusing about the types of projects that this will effect, but it seems to be most projects!

In the publications made on the 23rd the EPA asks for specific comments on proposals made in these amendments. While anyone is free to make comments directly to the EPA, comments that come from an association, grouped together will carry more weight so we ask that you forward any comments directly to NARI so that we may compile an educated response to these amendments.

Look for more information about the proposed clearance testing from NARI in the immediate future.

Sincerely,

David Merrick, UDCR, MCR

**Chairman, Government Affairs Committee
National Association of the Remodeling Industry (NARI)**

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