

# New EPA Lead Regs Com

*By Tom Neltner, J.D., CHMM*



# Coming to a Job Near You

**A**pril 22, 2010. By that date, you need to be in full compliance with the U.S. Environmental Protection Agency's (EPA) Renovation, Repair and Painting (RRP) Rule for Lead-based paint if you are disturbing paint on housing or child-occupied facilities built before 1978. Like it or not, restoration work usually meets the definition of renovation since you are doing it for compensation and you are likely to disturb more than six square feet inside or 20 square feet outside.

The rule may not involve major changes in work practices for the restoration industry, especially if you routinely handle mold or asbestos. However, it will require that you take significant steps to prepare for compliance, including having your firm certified by the EPA to conduct lead renovations and having a certified lead renovator on every job covered by the rule.

Since restoration work will often qualify as emergency renovation, this treatment gives you flexibility in your work, but it does not relieve you of your most significant responsibilities under the rule.

David Governo's article in the April 2009 issue of *Cleaning & Restoration* walked you through the requirements of the rule. If you want to read the rule or get the details from the EPA, go to [www.epa.gov/lead/pubs/renovation.htm](http://www.epa.gov/lead/pubs/renovation.htm). EPA published the rule in the April 22, 2008 edition of the *Federal Register*.

This article will provide restoration firms with practical steps to begin preparing now to comply with the new regulation.

1. **Use Renovator Right! Now:** As of December 22, 2008, companies must distribute EPA's new *Renovate Right!* pamphlet to owners and occupants unless it is an emergency.
2. **Get Training:** Your crew chiefs and supervisors who may work on housing or child-occupied facilities should get trained as certified renovators. Training should be available in mid- to late-summer in most metropolitan areas.
3. **Get Certified:** After October 22, 2009, apply to EPA to become a Certified Lead Renovation Firm. There is a one-page application and has a fee associated with it. You do not need to name a certified renovator to apply.
4. **Phase-in Work Practices:** Review the required work practices and begin to phase them in during the next year,

especially the emergency renovation options. There is no penalty for early adoption. And by moving methodically, you can avoid disruptions.

5. **Update Information Management Systems:** Plan to incorporate the new recordkeeping and reporting requirements into the next revisions to your information management system.
6. **Stay tuned.** Several organizations have challenged the rule including the National Association of Home Builders and Sierra Club. EPA may end up changing the rule as April 22 approaches.

We will take a closer look at each of these steps, but first you need to understand the special requirements for emergency renovations and EPA's new "cleaning verification" test.

**Emergency Renovations:** Emergency renovations are renovation activities that are "not planned but result from a sudden, unexpected event (such as non-routine failures of equipment) that, if not immediately attended to, present a safety or public health hazard, or threatens equipment and/or property with significant damage." See 40 CFR 745.82(b). In restoration, contractors are likely to be involved in emergency renovations.

In emergency renovations, a company is exempt from warning sign, containment, waste handling, training and certification requirements in §§ 745.85, 745.89, and 745.90 to the extent necessary to respond to the emergency. Companies also do not have to comply with the pre-renovation information distribution requirements for owners and occupants.

However, emergency renovations are not exempt from the:

- Cleaning requirements which must be performed by certified renovators or individuals trained by certified renovators.
- Cleaning verification requirements which must be performed by certified renovators; and
- Recordkeeping requirements.

While this helps, companies still need to prepare for the new regulation.

**Cleaning Verification:** EPA has created a new method to determine whether the worksite was effectively cleaned. EPA rejected the traditional method of dust clearance testing where, a certified dust sampling technician, lead risk assessor or lead