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NEW LEAD-SAFE REGULATIONS FOR CONTRACTORS TAKE EFFECT

THE EPA NOW REQUIRES

the use of lead-safe practices in the performance of virtually all renovation, repair, and painting projects that disturb lead-based paint in pre-1978 homes, child-care facilities and schools attended by children under six years of age. Projects affecting 6 square feet or more inside a building, or 20 square feet or more outside a building are required to comply with the EPA regulations that went into effect in April 2010. Projects as small as the replacement of a single window or door, or siding repair of an area just 5 feet by 4 feet, fall within the scope of these regulations. Prior to the new rule, while major renovations and repairs were conducted within EPA specifications, smaller projects and repairs did not need to be completed by certified workers. Now all contractors who perform such work are required to be lead-safe certified—i.e. to have taken a one-day certification course offered by EPA-accredited trainers—and all businesses must be certified. (A half-day refresher course is available for those with qualifying previous training.) Additionally, there are new regulations relating to building occupant notification, the imposition of lead-safe work practices, and specific recordkeeping requirements. Non-compliance can result in significant monetary penalties and increased liability.

WHO NEEDS TO COMPLY?

In general, anyone who is paid to perform work that disturbs paint in housing and child-occupied facilities built before 1978 must comply with this program. Among those affected are general contractors, specialty trades (painters, plumbers, electricians, carpenters), maintenance workers in multi-family housing, and owners and property managers of rental units and child-occupied facilities. It is important to note that these new regulations do not change or supplant the EPA regulations for certification of abatement professionals or the procedures mandated for abatement activities. The new rules make the applicability of lead-safe work practices reach to the levels of the smallest individual contractor, but the practices now being imposed on them are essentially the same ones that Adelaide and other abatement monitors have been specifying for years: Contain the work area, minimize dust, and clean up thoroughly.

The new regulations apply to all homes, even those where no children reside. However, homeowners who do their own work are exempt. Even so, the EPA encourages do-it-yourselfers to follow lead-safe work practices and to seek the assistance of trained professionals when

embarking on major renovations or repairs in older homes, rather than risk exposure to lead and other toxic materials for themselves and their families.

WHY NOW?

These federal regulations are part of the EPA's ongoing campaign to reduce the risk of lead poisoning in children. They were proposed two years ago as a consequence of EPA studies conducted to measure the lead-dust impact of standard renovation and repair activities such as demolition of walls, paint removal by various methods, sanding, sawing, drilling and the like. Even at low levels, lead poisoning can precipitate behavioral and learning problems in children that are difficult to link to their true cause. Children who appear to be healthy can have dangerous levels of lead in their bodies. Obvious symptoms are often absent and environmental factors are frequently the last thing to be considered when diagnosing childhood ailments. According to the US Centers for Disease Control and Prevention, about a quarter of a million children in the US between the ages of 1 and 5 have elevated blood lead levels.



While the number of lead-poisoned children has decreased significantly over the last forty years due to both increased awareness and regulatory control of lead-containing materials, the number of children still affected and still at risk warrants stringent oversight of those persisting circumstances that contribute to lead exposure. The most common exposure to this toxin comes from the dust of deteriorating lead-based paint and the lead-contaminated soil that we track into our living and learning spaces. Though lead-based paint has been off the market for many years, the likelihood that a home built between 1960 and 1978 will contain lead is still about one in four. Almost nine out of every ten occupied homes built

before 1940 will contain lead. Many thousands of schools across the country are pre-1978 vintage, so any repair or renovation there must be meticulously executed if we are to control our children's potential exposure to lead. And urban soil can still test positive for lead at well above acceptable levels even though leaded gasoline is a thing of the past; soil contamination with lead persists for many years in the absence of any remediation.

WHAT DO YOU NEED TO DO?

So what do the new regulations really mean to you? If you are a property owner or manager of rental housing or child-occupied facilities built before 1978, you must hire only lead-safe certified firms to renovate, repair or prepare surfaces for painting, unless your project disturbs less than 6 square feet indoors, or less than 20 square feet outside. Before work begins you must provide tenants/occupant families with a copy of the EPA brochure "Renovate Right," and you must document compliance with this requirement according to the guidelines for notification and recordkeeping stipulated by the EPA in the rule.

If you are a contractor or specialty trade firm, your business must be certified and your workers must be trained. All individuals performing activities that disturb painted surfaces on behalf of the firm must be either certified renovators or have been trained by a certified renovator. You and your workers must follow the lead-safe work practices defined by the EPA rule, and you must document that you have done so according to specific guidelines.

The EPA has posted an abundance of information and tools on its web site to assist you. At present the agency has authorized seven states (New York is not among them) to administer their own Renovation, Repair and Painting programs, but more states may be added to that short list in the coming months. To ensure that you understand your role and responsibilities, read the "Small Entity Compliance Guide to Renovate Right--EPA's Lead-Based Paint Renovation, Repair, and Painting Program" (download at www.epa.gov/lead/pubs/renovation.htm#requirements along with other useful publications on the new regulations).

WHAT'S NEXT?

The regulations are new and the ability of the construction trades to comply with them is evolving in real time. Recent changes to the regulations include the EPA's action to eliminate the current opt-out clause that exempts contractors from rule requirements if the owner certifies that no child or pregnant woman resides at the work site and that it is not a child-

occupied facility. Other recent EPA actions include additional new requirements that the contracting firm provide rule-compliance records to owners and occupants. Next on the EPA's to-do list is the extension of lead-safe work practice requirements to public and commercial buildings, and the enactment of new requirements for dust-wipe testing after most renovations and the provision of these test results to owners and occupants of the building.

Issues that are still emerging include:

- ♦ which states will ultimately be authorized by the EPA to administer their own programs,
- ♦ whether demand for training and certification will outpace the availability of such programs for those now required to be certified,
- ♦ what the true impact of these regulations on the cost of renovation and repair will be,
- ♦ whether the need to provide such specialized training to the workforce will serve to elevate the quality of workmanship, or will the cost of the program incentivize employers to revert to lower-paid, less-skilled workers, and
- ♦ what test kits will prove effective in the implementation of the EPA's requirements. (The EPA is commencing a program of evaluation for commercially available lead test kits, but there is no list yet of approved or recommended kits for contractors to use.)

ADELAIDE ENVIRONMENTAL'S ROLE

For Adelaide it is pretty much business as usual through all of this. For more than 25 years we have been staffed with lead specialists certified by the EPA as risk assessors and lead inspectors, far deeper training than the new rule requires. Our team is not only trained, but skilled and experienced in bulk and air sampling at a wide variety of venues that includes schools, child-care facilities, and residential buildings. We employ XRF technology in the field to test lead-based paint with immediate results, and rely only on NVLAP-accredited labs for testing our air samples, bulk samples, and lead wipes. The recordkeeping and notification requirements that are new to some in this scenario have been our SOP throughout our history. Monitoring the handling of hazmats by contractors has been our business for many years. As always, we stand ready to assist and advise our clients as the situation progresses, and ensure that their needs and the safety of their building occupants are provided for.



More Information

See *Adelaide Environmental Bulletins # 3 and 4* for basic information on lead contamination, prevention strategies, and additional resources. (To download these documents go to www.adelaidellc.com/resources)

To learn more about the new lead-safe certification rules go to www.epa.gov/lead

There you can find:

- ♦ assistance in locating an accredited trainer near you
- ♦ information on lead-safe requirements as they pertain to
 - property owners of rental housing and child-occupied facilities
 - tenants and families of children under age 6 in child-care facilities and schools
 - contractors
 - training providers
 - realtors and property managers
- ♦ a database of FAQs where you can both search topics and submit your questions

Go to www.epa.gov/lead/pubs/renovation.htm#requirements to download:

- ♦ *Renovate Right, Important Lead Hazard Information for Families, Child Care Providers and Schools*
- ♦ *Small Entity Compliance Guide to Renovate Right--EPA's Lead-Based Paint Renovation, Repair, and Painting Program* (A handbook for contractors, property managers and maintenance personnel working in homes, child-care facilities and schools built before 1978)

Additional Contacts:

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