

Rule Establishes Requirements To Protect Children During Renovation, Repair and Painting Activities that Disturb Lead-Based Paint

The Agency issued a new rule aimed at protecting children from lead-based paint hazards in places they frequent. The rule applies to renovators and maintenance professionals that work in housing, child-care facilities and schools built prior to 1978. The rule, [Lead: Renovation, Repair and Painting Program \(PDF\)](#) (79 pp, 847K), requires that contractors and maintenance professionals be certified; that their employees be trained; and that they follow protective work practice standards. These standards prohibit certain dangerous practices, such as open flame burning or torching of lead-based paint. The required work practices also include posting warning signs, restricting occupants from work areas, containing work areas to prevent dust and debris from spreading, conducting a thorough cleanup, and verifying that cleanup was effective. The rule will be fully effective by April 2010.

This rule is one component of a comprehensive program that will also include an education and outreach campaign to promote lead-safe work practices. This program will help to meet the goal of eliminating childhood lead poisoning as a major public health concern by the year 2010. While the Consumer Product Safety Commission banned lead-based paint for residential use in 1978, almost 38 million U.S. homes still contain some lead-based paint, with two-thirds of the houses built before 1960 containing lead-based paint. Renovation activities that disturb lead-based paint can create lead hazards. The rule and additional information can be accessed at www.epa.gov/lead.

What is covered by the rule?

The rule applies to paid contractors working in pre-1978 housing, child care facilities and schools with lead-based paint. Contractors include home improvement contractors, maintenance workers in multi-family housing, painters and other specialty trades. The covered facilities include residential, public or commercial buildings where children under age six are present on a regular basis as well as all rental housing. The rule applies to renovation, repair or painting activities. It does not apply to minor maintenance or repair activities affecting less than six square feet of lead-based paint in a room or less than 20 square feet of lead-based paint on the exterior. Window replacement is not minor maintenance or repair.

What does the rule require?

The rule, issued under the authority of section 402(c)(3) of the Toxic Substances Control Act (TSCA), requires that renovators are trained in the use of lead safe work practices, that renovators and firms be certified, that providers of renovation training be accredited, and that renovators follow specific work practice standards.

What work practices are required?

Certain dangerous work practices are prohibited for every renovation, including minor maintenance or repair jobs. These prohibited practices are: open flame burning or torching; sanding, grinding, needle gunning, or blasting with power tools and equipment not equipped with a shroud and High Efficiency Particulate Air (HEPA) vacuum attachment; and using a heat gun at temperatures greater than 1100° F.

These are examples of work practices described in the rule:

- Renovations must be performed by certified firms.
- Certified firms must use certified renovators to perform certain activities and will provide on-the-job-training for uncertified workers.
- Firms must post signs clearly defining the work area and warning occupants and other persons not involved in renovation activities to remain outside of the work area.
- Before beginning the renovation, the firm must isolate the work area so that no dust or debris leaves the work area while the renovation is being performed.
- Waste from renovation activities must be contained to prevent releases of dust and debris.
- After the renovation is complete, the firm must clean the work area. The certified renovator must verify the cleanliness of the work area using a procedure involving disposable cleaning cloths.

What are the responsibilities of the firm?

Firms performing renovations must ensure that:

- All persons performing renovation activities are certified renovators or have received on-the-job training by a certified renovator;
- A certified renovator is assigned to each renovation performed by the firm; and
- All renovations are performed in accordance with applicable work practice standards.

How does a firm become certified?

Firms that perform renovations for compensation will apply to EPA or a state that has an approved program for certification to perform renovations. Firms will have to apply for re-certification every five years.

How do renovators and dust sampling technicians become certified?

A person can become:

1. A certified renovator by either
 1. successfully completing an accredited renovator training course, or
 2. successfully completing an accredited refresher renovator training course, if the individual previously completed an accredited abatement worker or supervisor

course, or has completed an EPA, HUD, or EPA/HUD model renovation training course.

2. A certified dust sampling technician by either
 1. successfully completing an accredited sampling technician course, or
 2. successfully completing an accredited refresher dust sampling technician course, if the individual previously completed an accredited lead-based paint inspector or risk assessor course.

To maintain certification, a person must complete an accredited refresher course every five years.

What is the role of the certified renovator?

A certified renovator:

- Performs or directs uncertified workers performing regulated renovation activities;
- Provides training to uncertified workers on lead safe work practices;
- Is required to be at the work site during key stages of a renovation, and at other times be available on-site or by telephone; and
- May use an acceptable test kit to determine whether lead-based paint is present in affected areas.

How do training programs become accredited?

Training programs that wish to provide accredited renovation training must apply to EPA for accreditation to provide renovation or dust sampling training. To maintain accreditation, a training program must apply for re-accreditation every four years.

When is this rule effective?

The training, certification, and work practice standards apply in any state or Indian Tribal area that does not have an authorized renovation program and will become effective as follows:

- Training programs may apply for accreditation beginning April 2009.
- Firms may apply for certification beginning October 2009 and must be certified by April 2010.
- After April 2010, all renovations must be performed by certified firms in accordance with the work practice standards and associated recordkeeping requirements.

What role do the States have in this regulation?

States and tribes may become authorized to implement this rule. The rule contains procedures for the authorization of states, territories, and tribes to administer and enforce these standards and regulations in lieu of a federal program.

What is not covered by the rule?

The rule does not apply to:

- Minor repair and maintenance activities that disrupt six square feet or less of painted surface per room for interior projects, and twenty square feet or less of painted surface for exterior projects; and
- Renovations where it is determined the renovation will not involve lead-based paint. The determination that the components affected by the renovation are free of lead-based paint can be made by a certified inspector or risk assessor, or by a certified renovator, using an EPA recognized test kit.
- Owner-occupied housing where the owner is performing his/her own renovation work.

How do I access the docket for this rule?

Publicly available docket materials are available either electronically at www.regulations.gov (Docket EPA-HQ-OPPT-2005-0049) or in hard copy at the OPPT Document Control Office (DCO), EPA East Bldg., Rm. 6428, 1201 Constitution Ave., NW., Washington, DC. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone

number for the DCO is (202) 564-8930 .

Where can I get more information?

For general information contact the [National Lead Information Center](http://www.epa.gov/lead) at 1-800-424-LEAD. Information is also available at www.epa.gov/lead. For technical information regarding this rule,

contact Mike Wilson at (202) 566-0521 or by e-mail at wilson.mike@epa.gov.